

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Adoption of Rule 25-4.118,)	
F.A.C., Interexchange Carrier)	DOCKET NO. 910479-TP
Selection; and Amendment of Rule)	
25-4.003, F.A.C., Definitions.)	ORDER NO. 25745
)	
)	ISSUED: 2/17/92

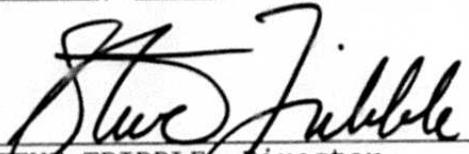
NOTICE OF ADOPTION OF RULE AND RULE AMENDMENTS

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted Rule 25-4.118, F.A.C., relating to interexchange carrier selection, with change; and the amendments to Rule 25-4.003, F.A.C., relating to definitions, without change.

The rule and rule amendments were filed with the Department of State on February 13, 1992, and will be effective on March 4, 1992. A copy of the relevant portions of the certification filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By Direction of the Florida Public Service Commission, this
17th day of FEBRUARY, 1992.


 STEVE TRIBBLE, Director
 Division of Records & Reporting

(S E A L)

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FPSC-RECORDS/REPORTING

CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination under section 120.54(4), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;

(a) And are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(e) Are filed within 21 days after the date the transcript was received by this agency.

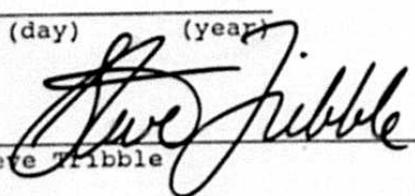
Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the

undersigned agency by and upon their filing with the Department of State.

<u>Rule No.</u>	<u>Rulemaking Authority</u>	<u>Specific Law Being Implemented, Interpreted or Made Specific</u>
25-4.003	350.127(2)	364.01, 364.02, 364.32, 364.335, 364.337
25-4.118	350.127(2)	364.01, 364.19, 364.285

Under the provision of paragraph 120.54(13)(a), F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)



Steve Tribble

Director, Division of Records & Reporting
Title

Number of Pages Certified

(S E A L)

1 25-4.003 Definitions.

2 For the purpose of these rules, the following definitions apply:

3 (1) "Average Busy Season-Busy Hour Traffic." The average
4 traffic volume for the busy season busy hours.

5 (2) "Base Rate Area." That well-developed and contiguous
6 territory within the exchange service area in which local exchange
7 service, except rural multi-party line service, is furnished at
8 rates common to all subscribers and without extra exchange line
9 mileage or zone charges. A base rate area shall include all
10 well-developed and contiguous territory within the exchange service
11 area whether such territory is within or outside of an incorporated
12 city or town. The term "well-developed" as used in this rule shall
13 be construed to mean all land area suitable for either residential
14 or business usage which is generally developed to a level of fifty
15 percent (50%) or more.

16 (3) "Busy Hour." The continuous one-hour period of the day
17 during which the greatest volume of traffic is handled in the
18 office.

19 (4) "Busy Season." The calendar month or period of the year
20 (preferably thirty (30) days but not to exceed sixty (60) days)
21 during which the greatest volume of traffic is handled in the
22 office.

23 (5) "Call." An attempted telephone message.

24 (6) "Central Office." A local operating unit by means of
25 which connections are established between subscribers' lines and

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1 | trunk or toll lines to other central offices within the same
2 | exchange or other exchanges. Each three (3) digit central office
3 | code (NNX) used shall be considered a separate central office unit.

4 | (a) "Central Office Unit." Automatic telephone switching
5 | equipment whose maximum capacity is 10,000 terminals.

6 | (b) "Central Office Entity." A facility comprised of two (2)
7 | or more central office units which are located on the same premises
8 | and which may or may not utilize common equipment.

9 | (7) "Class of Service." A description of main station
10 | service furnished a subscriber in terms of grade of line, type of
11 | rate and location use.

12 | (8) "Commission." The Florida Public Service Commission.

13 | (9) "Company" "Telephone Company." "Utility." These terms
14 | may be used interchangeably herein and shall mean any person, firm,
15 | partnership or corporation engaged in the business of furnishing
16 | communication service to the public under the jurisdiction of the
17 | Commission.

18 | (10) "Exchange." The entire telephone plant and facilities
19 | used in providing telephone service to subscribers located in an
20 | exchange area. An exchange may include more than one central
21 | office unit.

22 | (11) "Exchange (Service) Area." The territory, including the
23 | base rate suburban and rural areas served by an exchange, within
24 | which local telephone service is furnished at the exchange rates
25 | applicable within that area.

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1 (12) "Extended Area Service." A type of telephone service
2 furnished under tariff provisions whereby subscribers of a given
3 exchange or area may complete calls to, and receive messages from,
4 one or more other contiguous exchanges without toll charges, or
5 complete calls to one or more other exchanges without toll message
6 charges.

7 (13) "Extension Station." An additional station connected on
8 the same circuit as the main station and subsidiary thereto.

9 (14) "Foreign Exchange Service." A classification of
10 exchange service furnished under tariff provisions whereby a
11 subscriber may be provided telephone service from an exchange other
12 than the one from which he would normally be served.

13 (15) "Grade of Line." The number of subscribers which may be
14 served on a telephone line such as one-party, two-party,
15 four-party.

16 (16) "Individual Line Service." A classification of exchange
17 service which provides that only one main station shall be served
18 by the circuit connecting such station with the central office
19 equipment.

20 (17) "Intercept Service." A service arrangement provided by
21 the telephone company whereby calls placed to an unequipped
22 non-working, a disconnected or discontinued telephone number are
23 intercepted by operator, recorder, or audio response computer and
24 the calling party informed that the called telephone number is not
25 in service, has been disconnected, discontinued or changed to

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1 | another number, or that calls are received by another telephone.
2 | This service is also provided in certain central offices and
3 | switching centers to inform the calling party of system blockages,
4 | inability of the system to complete a call as dialed, no such
5 | office code, all circuits busy, etc.

6 | (18) "Interexchange Company" means any telephone company, as
7 | defined in Section 364.02(4), F.S., which provides
8 | telecommunication service between exchange areas as those areas are
9 | described in the approved tariffs of individual local exchange
10 | companies.

11 | (19) "Inter-office Call." A telephone call originating in
12 | one central office unit or entity but terminating in another
13 | central office unit or entity both of which are in the same
14 | designated exchange area.

15 | (20) "Interstate Toll Message." Those toll messages which do
16 | not originate and terminate within the same state.

17 | (21) "Intertoll Trunk." A line or circuit between toll
18 | offices over which toll calls are passed. (Can also be between two
19 | end offices or between end offices and distant toll offices.)

20 | (22) "Intra-office Call." A telephone call originating and
21 | terminating within the same central office unit or entity.

22 | (23) "Intra-state Toll Message." Those toll messages which
23 | originate and terminate within the same state.

24 | (24) "Invalid Number." A number comprised of an unassigned
25 | area code number, a non-working central office code, or a connector

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1 | terminal number which has no equipment installed to connect to such
2 | a number.

3 | (25) "Line Fill." The ratio of the number of main stations
4 | for a specific grade of service divided by the number of lines in
5 | use furnishing that grade of service.

6 | (26) "Local Exchange Company" means any telephone company, as
7 | defined in Section 364.02(4), F.S., which, in addition to any other
8 | telephonic communication service, provides telecommunication
9 | service within exchange areas as those areas are described in the
10 | approved tariffs of the telephone company.

11 | (27) "Local Service Area." "Local Calling Area." The area
12 | within which telephone service is furnished subscribers under a
13 | specific schedule of exchange rates and without toll charges. A
14 | local service area may include one or more exchange areas or
15 | portions of exchange areas.

16 | (28) "Main Station." The principal telephone associated with
17 | each service to which a telephone number is assigned and which is
18 | connected to the central office equipment by an individual or party
19 | line circuit or channel.

20 | (29) "Message." A completed telephone call.

21 | (30) "Mileage Charge." A tariff charge, generally expressed
22 | in one-quarter (1/4) mile increments, assessed on individual line
23 | and two-party line service to defray additional costs incurred in
24 | providing local exchange service beyond the base rate and suburban
25 | rate area boundaries and tariff charges for circuits and channels

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1 | connecting other services that are auxiliary to local exchange
2 | service such as off premise extensions, foreign exchange, foreign
3 | central office and private line services, tie lines, etc. (Also
4 | see "Zone Charge.")

5 | (31) "Multi-party (Line) Service." A classification of
6 | exchange service which provides that more than two (2) main
7 | stations may be served by the same central office circuit.
8 | Although two-party lines might be considered as multi-party, they
9 | are excluded from this classification. (See Party-Line Service.)

10 | (32) "Normal Working Days." The normal working days for
11 | installation and construction will be all days except Saturdays,
12 | Sundays and holidays. The normal working days for repair service
13 | will be all days except Sundays and holidays. Holidays will be the
14 | days which are observed by each individual telephone utility.

15 | (33) "Optional Calling Plan." An optional service furnished
16 | under tariff provisions which recognizes the need of some
17 | subscribers for extended area calling without imposing the cost on
18 | the entire body of subscribers.

19 | (34) "Outside Plant." The telephone equipment and facilities
20 | installed on, along, or under streets, alleys, highways, or on
21 | private rights-of-way between the central office and subscribers'
22 | locations or between central offices of the same or different
23 | exchanges.

24 | (35) "Party Line Service." A classification of exchange
25 | service which provides that two or more main stations may be served

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1 | by the same central office circuit.

2 | (36) "Pay Telephone Service Company" means any telephone
3 | company, as defined in Section 364.02(4), F.S., other than a Local
4 | Exchange Company, which provides pay telephone service as defined
5 | in Section 364.335(4), F.S.

6 | (37) "Preferred Classes of Service." The classes of service
7 | (as specified in approved tariffs) which the company undertakes to
8 | furnish at any point within the base rate area at a rate common to
9 | all subscribers for the same class. Preferred classes of service
10 | may be furnished at points outside the base rate area at base rates
11 | plus applicable zone or mileage charges, except as provided by Rule
12 | 4.68(2)(b).

13 | (38) "Primary Interexchange Company." The pre-subscribed
14 | interexchange company for a given customer/subscriber.

15 | ~~(39)~~-38 "Primary Service." Individual line service or party
16 | line service.

17 | ~~(40)~~-39 "Rural (service) Area." That area within the
18 | exchange service area which is sparsely developed and lies beyond
19 | the base rate and suburban rate areas.

20 | ~~(41)~~ 40 "Service Interruption." The term "service
21 | interruption" shall mean the inability to complete calls over the
22 | subscriber's line either incoming or outgoing or both due to
23 | facility malfunctions or human errors; except that the term as used
24 | in these rules shall not include service difficulties such as slow
25 | dial tone, circuits busy or other network and/or switching capacity

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1 | shortages, nor shall it be construed to apply where service is
2 | interrupted by the negligence or willful act of the subscriber,
3 | emergency situations, unavoidable casualties and acts of God, or
4 | nonservice affecting reports, or where the company, pursuant to
5 | approved provisions of its tariff, suspends or terminates service
6 | because of non-payment of bills due to the company, unlawful or
7 | improper use of the facilities or service or any other proper
8 | reason covered by filed and approved tariffs or rules of the
9 | Commission.

10 | (42)-41 "Service Objective." The term "service objective" as
11 | used in these rules represents a quality of service which is
12 | desirable to be achieved under normal conditions, but failure to
13 | fully meet such objectives should not be considered to be a
14 | governing factor in determining whether a company is providing
15 | adequate service for ratemaking purposes.

16 | (43)-42 "Service Standard." The term "service standard" as
17 | used in these rules and regulations represents a level of service
18 | which a telephone utility, under normal conditions, is expected to
19 | meet in its certificated territory as representative of adequate
20 | services.

21 | (44) 43 "Station." A telephone instrument consisting of a
22 | transmitter, receiver, and associated apparatus so connected as to
23 | permit sending and/or receiving telephone messages.

24 | (45) 44 "Subscriber." "Customer." These terms may be used
25 | interchangeably herein and shall mean any person, firm,

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1 partnership, corporation, municipality, cooperative organization,
2 or governmental agency supplied with communication service by a
3 telephone company.

4 (46) 45 "Subscriber Line." The circuit or channel used to
5 connect the subscriber station with the central office equipment.

6 (47) 46 "Suburban (Service) Area." That area within the
7 exchange service area which is partially developed and lies
8 immediately beyond the base rate area.

9 (48) 47 "Switching Center." Location at which telephone
10 traffic, either local or toll, is switched or connected from one
11 circuit or line to another. A local switching center may be
12 comprised of several central office units.

13 (49) 48 "Toll Connecting Trunk." A trunk which connects a
14 local central office with its toll operating office.

15 (50) 49 "Toll Message." A completed telephone call between
16 stations in different exchanges for which message toll charges are
17 applicable.

18 (51) 50 "Toll Station." A telephone station connected
19 directly to the toll switchboard installed for the convenience of
20 the public or of a subscriber in a location where the company does
21 not generally furnish exchange service and from which established
22 toll rates are charged for all messages sent over company lines.

23 (52) 51—"Traffic Study." The process of recording usage
24 measurements which can be translated into required quantities of
25 equipment.

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1 | (53) 52 "Trouble Report." Any oral or written report from a
2 | subscriber or user of telephone service to the telephone company
3 | indicating improper function or defective conditions with respect
4 | to the operation of telephone facilities over which the telephone
5 | company has control.

6 | (54) 53 "Trunk." A communication channel between central
7 | office units or entities, or private branch exchanges.

8 | (55) 54 "Valid Number." A number for a specific telephone
9 | terminal in an assigned area code and working central office which
10 | is equipped to ring and connect a calling party to such terminal
11 | number.

12 | (56) 55 "Zone Charge." Similar to mileage charge except that
13 | the portion of exchanges service area located beyond the base rate
14 | area is divided into zones or bands within which rates common to
15 | all subscribers for the same class are provided for individual line
16 | and two-party line service.

17 | Specific Authority: 350.127(2), F.S.

18 | Law Implemented: 364.01, 364.02, 364.32, 364.335, 364.337, F.S.

19 | History: Revised 12/1/68, Amended 3/31/76, formerly 25-4.03,
20 | Amended 2/23/87, _____.

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1 25-4.118 Interexchange Carrier Selection

2 (1) The primary interexchange company (PIC) of a customer
3 shall not be changed without the customer's authorization. The
4 customer's local exchange company (LEC) shall accept PIC change
5 requests by telephone call or letter directly from customers.

6 (2) The LEC shall also accept PIC change requests from a
7 certificated IXC on behalf of the customer. A certificated
8 interexchange company (IXC) may submit requests for PIC changes to
9 a LEC only if it has certified to the LEC that at least one of the
10 following actions has occurred prior to the PIC change request:

11 (a) the IXC has on hand a ballot or letter from the
12 customer requesting such change;

13 (b) the customer initiates a call to an automated 800
14 number and through a sequence of prompts, confirms the customer's
15 requested change;

16 (c) the customer's requested change is verified through
17 a qualified, independent firm which is unaffiliated with any IXC.

18 (3) The Commission may require additional constraints on
19 interexchange company requests for PIC changes if the interexchange
20 company's PIC change activities result in excessive complaints of
21 unauthorized changes or are otherwise found to be inappropriate.
22 These constraints may include, but are not limited to, prior to any
23 customers being changed, a requirement that signed documentation
24 designating each PIC change must be received by the LEC from the
25 interexchange company.

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- 1 (4)(a) The ballot or letter submitted to the interexchange
2 company requesting a PIC change shall include, but not be limited
3 to, the following information (Each shall be separately stated):
4 1. Customer name, phone/account number and address;
5 2. Company and the service to which the customer wishes
6 to subscribe;
7 3. Statement that the customer is responsible for the
8 household or the business phone bill;
9 4. Customer signature.
10 (b) If a PIC change request results from either a customer
11 initiated call or a request verified by an independent third party,
12 the information set forth in (4)(a) 1-3 above shall be obtained
13 from the customer.
14 (c) Ballots or letters will be maintained by the IXC for a
15 period of one year.
16 (5) There shall be separate ballots for individual services
17 such as presubscription and travel card service. Ballots shall
18 contain, in addition to items listed in 25-4.118 (4-a) through (4-
19 d), the following information:
20 (a) Any charges associated with the change;
21 (b) Any monthly service charge or minimum usage charge;
22 (c) Statement that submission of more than one selection
23 may invalidate all selections.
24 (6) Charges for unauthorized PIC changes and higher usage
25 rates, if any, over the rates of the preferred company shall be

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1 credited to the customer by the IXC responsible for the error
2 within 45 days of notification. Upon notice from the customer of
3 an unauthorized PIC change, the LEC shall change the customer back
4 to the prior IXC, or another of the customer's choice. The change
5 must be made within 24 hours excepting Saturday, Sunday and
6 holidays, in which case the change shall be made by the end of the
7 next business day. In the case where the customer disputes the
8 ballot or letter, the IXC appearing on the ballot/letter will be
9 responsible for any charges incurred to change the PIC of the
10 customer.

11 (7) The IXC shall provide the following disclosures when
12 soliciting a change in service from a customer:

13 (a) Identification of the IXC;

14 (b) The purpose of visit or call is to solicit a change
15 of the PIC of the customer;

16 (c) The PIC can not be changed unless the customer
17 authorizes the change;

18 (d) Any additional information as referenced in Rule 25-
19 24.490(4).

20 Specific Authority: 350.127(2), F.S.

21 Law Implemented: 364.01, 364.19, 364.285, F.S.

22 History: New _____.

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Rule 25-4.003
Rule 25-4.118
Rule 25-24.490
Docket No. 910479-TP

SUMMARY OF RULE

Rule 25-4.118, F.A.C., would: 1) Require customer authorization prior to any change to a customer's PIC; 2) Require certain information be included in the ballots issued by IXCs; 3) Require IXCs to maintain written documentation of customers' choices of presubscribed carriers for a period of one year; 4) Require LECs to change the customers back to the preferred carriers within 24 hours whenever the PIC was changed in error; 5) Require that IXC marketing practices disclose to customers the identity of the IXC, that the purpose of the visit or call is to solicit PIC changes, and that PIC changes cannot be made without the customer's authorization.

Rule 25-4.118, F.A.C., would allow IXCs to submit PIC changes directly to LECs, including electronically, only if at least one of the following has occurred prior to the changes request: 1) The IXC has on hand a ballot or letter from the customer requesting such change; 2) The customer initiates a call to an automated 800 number and, through a sequence of prompts, confirms the customer's requested change; 3) The customer's requested change is verified through a qualified, independent firm which is unaffiliated with any IXC; 4) The IXC allows the customer 14 days to confirm or deny the PIC change.

Rule 25-4.003, F.A.C., is amended to define Primary Interexchange Carrier.

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Rule 25-24.490, F.A.C., is amended to incorporate by reference Rule 25-4.118 into Chapter 25-24, pertaining to interexchange carriers.

SUMMARY OF HEARINGS ON THE RULE

On January 8, 1992, a hearing was held before a panel of Commissioners. The Commission adopted the rules with changes in a bench decision at the hearing.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

Unauthorized changes to a customers' Primary Interexchange Carriers have become more prevalent with increased competition in the long distance telephone market. In Order No. 24403, dated April 22, 1991, the Commission directed that rulemaking be initiated to address the problems of unauthorized changes, commonly referred to as "slamming." This rulemaking docket is an effort to reduce slamming for the benefit of customers in the State of Florida.

314-A

State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: February 21, 1992
TO: Recipients of Order No. 25745
FROM: Steve Tribble, Director of Records and Reporting
RE: Docket No. 910479-TP - Proposed Rule 25-4.118, F.A.C., pertaining to unauthorized Primary Interexchange Company (PIC) changes

Order No. 25745, issued February 17, 1992 in the above-referenced docket, had attached to it an incorrect version of Rule 25-4.118, F.A.C. I am forwarding, by copy of this memorandum, the correct version of the rule, and it will replace the version attached to the order.

Please call me if you have any questions regarding this matter.

ST:kf
Attachment

314-B

1 25-4.118 Interexchange Carrier Selection

2 (1) The primary interexchange company (PIC) of a customer
3 shall not be changed without the customer's authorization. A local
4 exchange company (LEC) shall accept PIC change requests by
5 telephone call or letter directly from its customers.

6 (2) A LEC shall also accept PIC change requests from a
7 certificated interexchange company (IXC) acting on behalf of the
8 customer. A certified IXC that will be billing customers in its
9 name may submit a PIC change request, other than a customer-
10 initiated PIC change, directly or through another IXC, to a LEC
11 only if it has certified to the LEC that at least one of the
12 following actions has occurred prior to the PIC change request:

13 (a) the IXC has on hand a ballot or letter from the
14 customer requesting such change; or

15 (b) the customer initiates a call to an automated 800
16 number and through a sequence of prompts, confirms the customer's
17 requested change; or

18 (c) the customer's requested change is verified through
19 a qualified, independent firm which is unaffiliated with any IXC;
20 or

21 (d) the IXC has received a customer request to change
22 his PIC and has responded within three days by mailing of an
23 information package that includes a prepaid, returnable postcard
24 and an additional 14 days have past before the IXC submits the PIC
25 change to the LEC. The information package should contain any

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1 information required by Rule 25-4.118(3).

2 (3)(a) The ballot or letter submitted to the interexchange
3 company requesting a PIC change shall include, but not be limited
4 to, the following information (Each shall be separately stated):

- 5 1. Customer name, phone/account number and address;
- 6 2. Company and the service to which the customer wishes
7 to subscribe;
- 8 3. Statement that the person requesting the change is
9 authorized to request the PIC change; and
- 10 4. Customer signature.

11 (b) If a PIC change request results from either a customer
12 initiated call or a request verified by an independent third party,
13 the information set forth in (3)(a) 1-3 above shall be obtained
14 from the customer.

15 (c) Ballots or letters will be maintained by the IXC for a
16 period of one year.

17 (4) Customer requests for other services, such as travel card
18 service, do not constitute a change in PIC.

19 (5) Charges for unauthorized PIC changes and higher usage
20 rates, if any, over the rates of the preferred company shall be
21 credited to the customer by the IXC responsible for the error
22 within 45 days of notification. Upon notice from the customer of
23 an unauthorized PIC change, the LEC shall change the customer back
24 to the prior IXC, or another of the customer's choice. The change
25 must be made within 24 hours excepting Saturday, Sunday and

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1 holidays, in which case the change shall be made by the end of the
2 next business day. In the case where the customer disputes the
3 ballot or letter, the IXC appearing on the ballot/letter will be
4 responsible for any charges incurred to change the PIC of the
5 customer.

6 (6) The IXC shall provide the following disclosures when
7 soliciting a change in service from a customer:

8 (a) Identification of the IXC;

9 (b) That the purpose of visit or call is to solicit a
10 change of the PIC of the customer;

11 (c) That the PIC can not be changed unless the customer
12 authorizes the change; and

13 (d) Any additional information as referenced in Rule 25-
14 24.490(4).

15 Specific Authority: 350.127(2), F.S.

16 Law Implemented: 364.01, 364.19, 364.285, F.S.

17 History: New _____.

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