

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Adoption of Rule 25-24.490(1),	)	DOCKET NO. 910479-TP
F.A.C., Customer Relations; Rules	)	ORDER NO. 25746
Incorporated.	)	ISSUED: 2/17/92
_____		

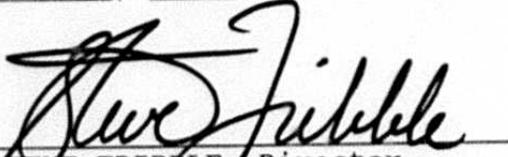
NOTICE OF ADOPTION OF RULE AND RULE AMENDMENTS

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has adopted Rule 25-24.490, F.A.C., relating to customer relations; rules incorporated, 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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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

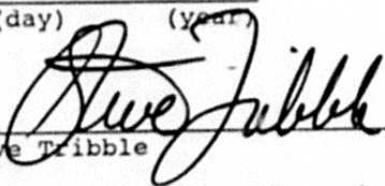
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undersigned agency by and upon their filing with the Department of State.

<u>Rule No.</u>	<u>Rulemaking Authority</u>	<u>Specific Law Being Implemented, Interpreted or Made Specific</u>
25-24.490	350.127(2)	364.03, 364.14, 364.15, 364.337

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)

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1 25-24.490 Customer Relations; Rules Incorporated.

2 The following rules are incorporated herein by reference and  
3 apply to interexchange companies. In the following rules, the word  
4 'local' should be omitted or interpreted as 'toll', as they shall  
5 apply only to interexchange and not local service.

6 (1) The following rules apply to all companies:

			Portions not
	<u>Section</u>	<u>Title</u>	<u>Applicable</u>
7			
8			
9	25-4.111	Customer Complaint and	Subsection (2)
10		Service Requests	
11	25-4.112	Termination of Service	None
12		by Customer	
13	25-4.113	Refusal or Discontinuance	None
14		of Service by Company	
15	25-4.114	Refunds	None
16	25-4.117	800 Service	None
17	<u>25-4.118</u>	<u>Interexchange Carrier</u>	<u>None</u>
18		<u>Selection</u>	

19 (2) The following rules apply to major interexchange  
20 companies only:

			Portions not
	<u>Section</u>	<u>Title</u>	<u>Applicable</u>
21			
22			
23	25-4.109	Customer Deposits	None
24	25-4.110	Customer Billing	Subsection (4)
25	25-4.111(2)	Customer Complaints	

CODING: Words underlined are additions; words in  
~~struck-through~~ type are deletions from existing law.

1 & Service Reports None

2 (3) A minor interexchange company may require a deposit as a

3 condition of service and may collect advance payments for more than

4 one month of service if it maintains on file with the Commission a

5 bond covering its current balance of deposits and advance payments

6 (for more than one month's service). A company may apply to the

7 Commission for a waiver of the bond requirement by demonstrating

8 that it possesses the financial resources and income to provide

9 assurance of continued operation under its certificate over the

10 long term. This subsection applies to all minor interexchange

11 companies that apply for a certificate of public convenience and

12 necessity on or after the effective date of this rule and will

13 become applicable to all other minor interexchange companies 90

14 days after the effective date of this rule.

15 (4) Upon request, each company shall provide verbally or in

16 writing to any person inquiring about the company's service:

17 (a) any nonrecurring charge,

18 (b) any monthly service charge or minimum usage charge,

19 (c) company deposit practices,

20 (d) any charges applicable to call attempts not answered,

21 (e) a statement of when charging for a call begins and ends,

22 (f) a statement of billing adjustment practices for wrong

23 numbers or incorrect bills.

24 In addition, the above information shall be included in the first

25 bill, or in a separate mailing no later than the first bill, to all

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1 | new customers and to all customers presubscribing on or after the  
2 | effective date of this rule, and in any information sheet or  
3 | brochure distributed by the company for the purpose of providing  
4 | information about the company's services. The above information  
5 | shall be clearly expressed in simple words, sentences and  
6 | paragraphs. It must avoid unnecessarily long, complicated or  
7 | obscure phrases or acronyms.

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

9 | Law Implemented: 364.03, 364.14, 364.15, 364.337, F.S.

10 | History: New 2/23/87, Amended 10/31/89, 3/5/90, \_\_\_\_\_.

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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.

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.