

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

RECEIVED FPSC

APR 21 AM 11:53

COMMISSION  
CLERK

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

**DATE:** April 21, 2004

**TO:** Director, Division of the Commission Clerk & Administrative Services (Bayó)

**FROM:** Division of Competitive Markets & Enforcement (Curry) *FCC*  
Office of the General Counsel (Rojas) *AR*

**RE:** Docket No. 040129-TX – Compliance investigation of FLATEL, Inc. d/b/a Florida Telephone Company d/b/a Oscatel d/b/a Telephone USA for apparent violation of Rule 25-4.110(16), F.A.C., Customer Billing for Local Exchange Telecommunications Companies. *MM*

**AGENDA:** 05/03/04 – Regular Agenda – Proposed Agency Action – Interested Persons May Participate

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\040129.RCM.DOC

## Discussion of Issues

**Issue 1:** Should the Commission accept the settlement offer (Attachment A) proposed by FLATEL, Inc. d/b/a Florida Telephone Company d/b/a Oscatel d/b/a Telephone USA to resolve the apparent violation of Rule 25-4.110(16), Florida Administrative Code, Customer Billing of Local Exchange Telecommunications Companies?

**Recommendation:** Yes. (Curry, Rojas)

**Staff Analysis:** Staff interprets Section 364.603, Florida Statutes, and Rule 25-4.110 (16), Florida Administrative Code, to mean that a PC freeze is the customers' option, not the service providers' option. Section 364.603, Florida Statutes, Methodology for Changing Telecommunications Provider, states in part:

DOCUMENT NUMBER-DATE

04733 APR 21 03

FPSC-COMMISSION CLERK

...provide for the notification to subscribers of the ability to freeze the subscriber's choice of carriers at no charge...

Rule 25-4.110 (16), Florida Administrative Code (Attachment B), which implements the Section 364.603, Florida Statutes, identified above, states:

(16) Companies that bill for local service must provide notification with the customer's first bill or via letter, and annually thereafter that a PC Freeze is available. Existing customers must be notified annually that a PC Freeze is available.

FLATEL, Inc. is a certificated competitive local exchange telecommunications company (CLEC) based in West Palm Beach, Florida that provides local exchange telecommunications services in Florida. On March 29, 2002, staff advised FLATEL, Inc. d/b/a Florida Telephone Company d/b/a Oscatel d/b/a Telephone USA (FLATEL), that the company's practice of placing freezes on its customers' phone lines as a condition of service was in apparent violation of Rule 25-4.110(16), Florida Administrative Code. Staff also informed the company that it should only place a freeze on its customer's line when the customer specifically requests and authorizes a freeze and it should not be a condition of service. Staff advised the company to remove the freezes on its customers' lines and to send notification to its customers that a freeze was available upon their request. After further communication with the company, in April of 2002, staff was ultimately led to believe that FLATEL would comply with the Commission's rule on PC freezes and would only place a freeze on its customers' lines at the request and authorization of the customer. However, several months later, staff began receiving complaints regarding FLATEL's continued practice of reportedly placing freezes on its customers' lines as a condition of service. From January 1, 2003, to February 17, 2004, staff received twenty-eight complaints from customers and two complaints from other certificated CLECs. Therefore, staff opened this docket to investigate FLATEL's apparent violation of Rule 25-4.110(16), Florida Administrative Code.

After this docket was opened, FLATEL initiated negotiations with staff to identify measures to resolve the apparent violations of Rule 25-4.110(16), Florida Administrative Code. As a result, FLATEL has proposed to notify each of its customers, in the form of a billing insert, that a local service freeze may be in place on their line. The customer will then have the option of keeping the freeze in place or having it removed from their line. The notice will be mailed to FLATEL's customers during the first billing cycle immediately following the Commission's approval of the company's proposed settlement. The customers will then have 30 days from the date of the notification to request that the freeze remain on their line or to request that the freeze be removed from their line. The customers may request to have the freezes remain on their lines by returning the insert signed and dated or by contacting FLATEL's customer service department. If the customer fails to return the insert signed and dated or contact customer service to request that the freeze remain on their line, then the freeze will automatically be removed. FLATEL will also submit to the Commission a detailed report within 60 days from the date of the notification summarizing the corrective measures taken by the company to resolve the issues of this docket.

If the Commission approves FLATEL's proposed settlement, the company will be required to notify all active customers no later than May 10, 2004, that a freeze may have been placed on the customer's line. No later than August 9, 2004, FLATEL will submit a detailed report to the Commission stating the actions that were taken to resolve the apparent violation. The report should include the following information:

1. The number of notifications that were sent out to FLATEL's customers.
2. The number of customers who responded and requested to keep the freeze.
3. The number of customers who responded and requested to have the freeze removed.
4. The number of customers who did not respond.
5. The total number of customers who had the freezes removed from their lines and a list of the telephone numbers for each of those customers.
6. A copy of the company's current letter of authorization.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.285, 364.337, and 364.603, Florida Statutes. Staff believes that the corrective measures proposed by FLATEL will adequately resolve the issues in this docket. Staff also believes that the report FLATEL proposes to submit to the Commission by August 9, 2004, will provide staff with the necessary data needed to verify that the company has complied with the terms and conditions of its settlement proposal.

Further, FLATEL's proposed settlement is consistent with similar settlement proposals that have been approved by the Commission in previous dockets. Therefore, staff recommends that the Commission accept the settlement offer proposed by FLATEL to resolve the apparent violation of Rule 25-4.110(16), Florida Administrative Code, Customer Billing of Local Exchange Telecommunications Companies

**Issue 2:** Should this docket be closed?

**Recommendation:** The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. If the Commission's Order is not protested, FLATEL will have until August 9, 2004, to submit a written report to the Commission demonstrating that it has complied with the provisions of its settlement proposal. If staff determines that FLATEL has complied with the provisions of the Commission's Order, then this docket will be closed administratively. If FLATEL fails to demonstrate that it has complied with the provisions of the Commission's Order, then this docket should remain open pending further proceedings before the Commission.  
**(Rojas)**

**Staff Analysis:** The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. If the Commission's Order is not protested, FLATEL will have until August 9, 2004, to submit a written report to the Commission demonstrating that it has complied with the provisions of its settlement proposal. If staff determines that FLATEL has complied with the provisions of the Commission's Order, then this docket will be closed administratively. If FLATEL fails to demonstrate that it has complied with the provisions of the Commission's Order, then this docket should remain open pending further proceedings before the Commission.

April 5, 2004

Ray Kennedy  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
Phone: 850-413-6584  
Fax: 850-413-6585  
E-Mail: rkennedy@psc.state.fl.us

RE: Docket No. 040129-TX

FLATEL proposes the following settlement offer and wishes to proceed in compliance with the Florida Public Service Commission, reference Docket No. 040129-TX End User Local Service Freeze and detail order.

FLATEL will deliver to its End Users a bill mail insert to notify them of a Local Service Freeze that may be in place to protect their account from any unauthorized transfer by a competing carrier or unauthorized agents.

The End User will have the option to return the insert signed and dated or call our customer service representative to keep the Local Service Freeze in place or removed at their consent.

FLATEL will send the notice immediately upon the commissions approval to proceed in the very next billing cycle, which runs weekly. The End User will have 30 days from the notification date to respond and a final report to the Commission 60 days after the deadline date identified in the notification.

If you have any questions or concerns regarding this letter, please do not hesitate to contact our office at the information provided in the letterhead.

Best Regards,



Mr. Abby Matari  
CEO / Corporate Development

**FLATEL, Inc.**  
**Florida Telephone Co.**  
**Telephone USA**  
E: [AMatari@Flatel.net](mailto:AMatari@Flatel.net)

---

2300 Palm Beach Lakes Blvd., Executive Center Suite 210 West Palm Beach, FL 33409  
P 561.688.2525 F 561.688.7334  
[www.Flatel.net](http://www.Flatel.net)

This is to notify you that a local service freeze may be in place to protect your account from an unauthorized transfer by a competing carrier or unauthorized agents. While FLATEL believes this freeze is in your best interest, the Florida Public Service Commission's rules require that the customer must request a freeze prior to it being imposed. Therefore, you are being given the opportunity to have the freeze removed at no cost to you. If you do not desire to have the freeze in place, simply do not respond and on April 27, 2004 the freeze will be automatically removed. If you desire to remove it sooner, please contact our customer service representatives at 1-888-777-6561 and request its removal. Should you want to retain this valuable protection, please call our Customer Service Department at 1-888-777-6561 or sign and return this portion of your bill with your payment to FLATEL and we will keep the freeze in place until further notice from you. If you have any questions about the freeze or any other services provided by FLATEL, please contact our customer service representatives at 1-888-777-6561.

Name \_\_\_\_\_ Signature \_\_\_\_\_  
Date \_\_\_\_\_ Phone Number \_\_\_\_\_

Esto es para notificarle que la congelación del servicio local puede estar en su cuenta para protegerla de una transferencia no autorizada de un proveedor o agentes no autorizados. Mientras FLATEL crea que la congelación es para su beneficio, las reglas de la Comisión Pública requieren que el cliente tiene que requerirla antes de ser puesta. Por lo tanto, a usted se le ha dado la oportunidad de que ésta sea removida sin ningún costo. Si usted no desea tener la congelación en su servicio, simplemente no responda y el 27 de Abril del 2004 la congelación será removida. Si usted desea removerla antes por favor contacte a nuestra compañía al 1-888-777-6561 y pida que sea removida. Si desea retener esta valiosa protección, favor llamar a nuestro departamento del Servicio al Cliente o firme y devuelva esta solicitud con su pago a FLATEL y le mantendremos la congelación hasta un aviso suyo. Si tiene alguna pregunta a cerca de la congelación o de cualquier otro servicio, por favor contactar nuestros representantes del Servicio al Cliente al 1-888-777-6561.

Nombre \_\_\_\_\_ Firma \_\_\_\_\_  
Fecha \_\_\_\_\_ Número De Teléfono \_\_\_\_\_

**25-4.110 Customer Billing for Local Exchange Telecommunications Companies.**

(1) Each company shall issue bills monthly or may offer customers a choice of billing intervals that includes a monthly billing interval.

(2) Each billing party shall set forth on the bill all charges, fees, and taxes which are due and payable.

(a) There shall be a heading for each originating party which is billing to that customer account for that billing period. The heading shall clearly and conspicuously indicate the originating party's name. If the originating party is a certificated telecommunications company, the certificated name must be shown. If the originating party has more than one certificated name, the name appearing in the heading must be the name used to market the service.

(b) The toll-free customer service number for the service provider or its customer service agent must be conspicuously displayed in the heading, immediately below the heading, or immediately following the list of charges for the service provider. For purposes of this subparagraph, the service provider is defined as the company which provided the service to the end user. If the service provider has a customer service agent, the toll-free number must be that of the customer service agent and must be displayed with the service provider's heading or with the customer service agent's heading, if any. For purposes of this subparagraph, a customer service agent is a person or entity that acts for any originating party pursuant to the terms of a written agreement. The scope of such agency shall be limited to the terms of such written agreement.

(c) Each charge shall be described under the applicable originating party heading.

(d) 1. Taxes, fees, and surcharges related to an originating party heading shall be shown immediately below the charges described under that heading. The terminology for Federal Regulated Service Taxes, Fees, and Surcharges must be consistent with all FCC required terminology.

2. The billing party shall either:

a. Identify Florida taxes and fees applicable to charges on the customer's bill and identify the assessment base and rate for each percentage based tax, fee, and surcharge, or

b.(i) Provide a plain language explanation of any line item and applicable tax, fee, and surcharge to any customer who contacts the billing party or customer service agent with a billing question and expresses difficulty in understanding the bill after discussion with a service representative.

(ii) If the customer requests or continues to express difficulty in understanding the explanation of the authority, assessment base or rate of any tax, fee or surcharge, the billing party shall provide an explanation of the state, federal, or local authority for each tax, fee, and surcharge; the line items which comprise the assessment base for each percentage based tax, fee, and surcharge; or the rate of each state, federal, or local tax, fee, and surcharge consistent with the customer's concern. The billing party or customer service agent shall provide this information to the customer in writing upon the customer's request.

(e) If each recurring charge due and payable is not itemized, each bill shall contain the following statement: "Further written itemization of local billing available upon request."

(3) Each LEC shall provide an itemized bill for local service:

(a) With the first bill rendered after local exchange service to a customer is initiated or changed; and

(b) To every customer at least once each twelve months.

(4) The annual itemized bill shall be accompanied by a bill stuffer which explains the itemization and advises the customer to verify the items and charges on the itemized bill. This bill stuffer shall be submitted to the Commission's Division of Competitive Markets and Enforcement for prior approval. The itemized bill provided to residential customers and to business customers with less than ten access lines per service location shall be in easily understood language. The itemized bill provided to business customers with ten or more access lines per service location may be stated in service order code, provided that it contains a statement that, upon request, an easily understood translation is available in written form without charge. An itemized bill shall include, but not be limited to the following information, separately stated:

- (a) Number and types of access lines;
- (b) Charges for access to the system, by type of line;
- (c) Touch tone service charges;
- (d) Charges for custom calling features, separated by feature;
- (e) Unlisted number charges;
- (f) Local directory assistance charges;
- (g) Other tariff charges; and
- (h) Other nontariffed, regulated charges contained in the bill.

(5) All bills rendered by a local exchange company shall clearly state the following items:

- (a) Any discount or penalty. The originating party is responsible for informing the billing party of all such penalties or discounts to appear on the bill, in a form usable by the billing party;
- (b) Past due balance;
- (c) Items for which nonpayment will result in disconnection of the customer's basic local service, including a statement of the consequences of nonpayment;
- (d) Long-distance monthly or minimum charges, if included in the bill;
- (e) Long-distance usage charges, if included in the bill;
- (f) Usage-based local charges, if included in the bill;
- (g) Telecommunications Access System Surcharge, per subsection 25-4.160(3), F.A.C.;
- (h) "911" fee per Section 365.171(13), Florida Statutes; and
- (i) Delinquent date.

(6) Each company shall make appropriate adjustments or refunds where the subscriber's service is interrupted by other than the subscriber's negligent or willful act, and remains out of order in excess of 24 hours after the subscriber notifies the company of the interruption. The refund to the subscriber shall be the pro rata part of the month's charge for the period of days and that portion of the service and facilities rendered useless or inoperative; except that the refund shall not be applicable for the time that the company stands ready to repair the service and the subscriber does not provide access to the company for such restoration work. The refund may be accomplished by a credit on a subsequent bill for telephone service.

(7)(a) Bills shall not be considered delinquent prior to the expiration of 15 days from the date of mailing or delivery by the company. However, the company may demand immediate payment under the following circumstances:

1. Where service is terminated or abandoned;
2. Where toll service is two times greater than the subscriber's average usage as reflected on the monthly bills for the three months prior to the current bill, or, in the case of a new customer who has been receiving service for less than four months, where the toll service is twice the estimated monthly toll service; or

3. Where the company has reason to believe that a business subscriber is about to go out of business or that bankruptcy is imminent for that subscriber.

(b) The demand for immediate payment shall be accompanied by a bill which itemizes the charges for which payment is demanded, or, if the demand is made orally, an itemized bill shall be mailed or delivered to the customer within three days after the demand is made.

(c) If the company cannot present an itemized bill, it may present a summarized bill which includes the customer's name and address and the total amount due. However, a customer may refuse to make payment until an itemized bill is presented. The company shall inform the customer that he may refuse payment until an itemized bill is presented.

(8) Each telephone company shall include a bill insert advising each subscriber of the directory closing date and the subscriber's opportunity to correct any error or make changes as the subscriber deems necessary in advance of the closing date. It shall also state that at no additional charge and upon the request of any residential subscriber, the exchange company shall list an additional first name or initial under the same address, telephone number, and surname of the subscriber. The notice shall be included in the billing cycle closest to 60 days preceding the directory closing date.

(9) Annually, each telephone company shall include a bill insert advising each residential subscriber of the option to have the subscriber's name placed on the "No Sales Solicitation" list maintained by the Department of Agriculture and Consumer Services, Division of Consumer Services, and the 800 number to contact to receive more information.

(10) Where any undercharge in billing of a customer is the result of a company mistake, the company may not backbill in excess of 12 months. Nor may the company recover in a ratemaking proceeding any lost revenue which inures to the company's detriment on account of this provision.

(11) Local Communications Services Tax.

(a) The Local Communications Services Tax is comprised of the discretionary communications services tax levied by the governing authority of each municipality and county authorized by Chapter 202, Florida Statutes.

(b) When a municipality or county levies the Local Communications Services Tax authorized by Chapter 202, Florida Statutes, the local exchange company may collect that tax only from its subscribers receiving service within that municipality or county.

(c) A local exchange company may not incorporate any portion of the Local Communications Services Tax into its other rates for service.

(12) State Communications Services Tax.

(a) The State Communications Services Tax is comprised of the Gross Receipts Tax imposed by Chapter 203, Florida Statutes, the communications services sales tax imposed by Chapter 202, Florida Statutes, and any local option sales tax.

(b) A local exchange company may not incorporate any portion of the State Communications Services Tax into its other rates for service.

(13) Each LEC shall apply partial payment of an end user/customer bill first towards satisfying any unpaid regulated charges.

The remaining portion of the payment, if any, shall be applied to nonregulated charges.

(14) All bills produced shall clearly and conspicuously display the following information for each service billed in regard to each company claiming to be the customer's presubscribed provider for local, local toll, or toll service:

(a) The name of the certificated company;

- (b) Type of service provided, i.e., local, local toll, or toll; and
- (c) A toll-free customer service number.

(15) This section applies to LECs that provide transmission services or bill and collect on behalf of Pay Per Call providers. Pay

Per Call services are defined as switched telecommunications services between locations within the State of Florida which permit communications between an end use customer and an information provider's program at a per call charge to the end user/customer.

Pay Per Call services include 976 services provided by the LECs and 900 services provided by interexchange carriers.

(a) Charges for Pay Per Call service (900 or 976) shall be segregated from charges for regular long distance or local charges by appearing separately under a heading that reads as follows: "Pay Per Call (900 or 976) nonregulated charges." The following information shall be clearly and conspicuously disclosed on each section of the bill containing Pay Per Call service (900 or 976) charges:

1. Nonpayment of Pay Per Call service (900 or 976) charges will not result in disconnection of local service;

- 41

2. End users/customers can obtain free blocking of Pay Per Call service (900 or 976) from the LEC;

3. The local or toll-free number the end user/customer can call to dispute charges;

4. The name of the IXC providing 900 service; and

5. The Pay Per Call service (900 or 976) program name.

(b) Pay Per Call Service (900 and 976) Billing. LECs and IXCs who have a tariff or contractual relationship with a Pay Per

Call (900 or 976) provider shall not provide Pay Per Call transmission service or billing services, unless the provider does each of the following:

1. Provides a preamble to the program which states the per minute and total minimum charges for the Pay Per Call service (900 and 976); child's parental notification requirement is announced on preambles for all programs where there is a potential for minors to be attracted to the program; child's parental notification requirement in any preamble to a program targeted to children must be in language easily understandable to children; and programs that do not exceed \$3.00 in total charges may omit the preamble, except as provided in subparagraph (11)(b)3.;

2. Provides an 18 second billing grace period in which the end user/customer can disconnect the call without incurring a charge; from the time the call is answered at the Pay Per Call provider's premises, the preamble message must be no longer than 15 seconds. The program may allow an end user/customer to affirmatively bypass a preamble;

3. Provides on each program promotion targeted at children (defined as younger than 18 years of age) clear and conspicuous notification, in language understandable to children, of the requirement to obtain parental permission before placing or continuing with the call. The parental consent notification shall appear prominently in all advertising and promotional materials, and in the program preamble. Children's programs shall not have rates in excess of \$5.00 per call, and shall not include the enticement of a gift or premium;

4. Promotes its services without the use of an autodialer or broadcasting of tones that dial a Pay Per Call (900 or 976) number;

5. Prominently discloses the additional cost per minute or per call for any other telephone number that an end user/customer is referred to either directly or indirectly;

6. In all advertising and promotional materials, displays charges immediately above, below, or next to the Pay Per Call number, in type size that can be seen as clearly and conspicuously at a glance as the Pay Per Call number. Broadcast television advertising charges, in Arabic numerals, must be shown on the screen for the same duration as the Pay Per Call number is shown, each time the Pay Per Call number is shown. Oral representations shall be equally as clear;

7. Provides on Pay Per Call services that involve sales of products or merchandise clear preamble notification of the price that will be incurred if the end user/customer stays on the line, and a local or toll free number for consumer complaints; and

8. Meets internal standards established by the LEC or IXC as defined in the applicable tariffs or contractual agreement between the LEC and the IXC; or between the LEC/IXC and the Pay Per Call (900 or 976) provider which when violated, would result in the termination of a transmission or billing arrangement.

(c) Pay Per Call (900 and 976) Blocking. Each LEC shall provide blocking where technically feasible of Pay Per Call service (900 and 976), at the request of the end user/customer at no charge. Each LEC or IXC must implement a bill adjustment tracking system to aid its efforts in adjusting and sustaining Pay Per Call charges. The LEC or IXC will adjust the first bill containing Pay

Per Call charges upon the end user's/customer's stated lack of knowledge that Pay Per Call service (900 and 976) has a charge. A second adjustment will be made if necessary to reflect calls billed in the following month which were placed prior to the Pay Per

Call service inquiry. At the time the charge is removed, the end user/customer may agree to free blocking of Pay Per Call service (900 and 976).

(d) Dispute resolution for Pay Per Call service (900 and 976). Charges for Pay Per Call service (900 and 976) shall be automatically adjusted upon complaint that:

1. The end user/customer did not receive a price advertisement, the price of the call was misrepresented to the consumer, or the price advertisement received by the consumer was false, misleading, or deceptive;

2. The end user/customer was misled, deceived, or confused by the Pay Per Call (900 or 976) advertisement;

3. The Pay Per Call (900 or 976) program was incomplete, garbled, or of such quality as to render it inaudible or unintelligible, or the end user/customer was disconnected or cut off from the service;

4. The Pay Per Call (900 and/or 976) service provided out-of-date information; or

5. The end user/customer terminated the call during the preamble described in subparagraph 25-4.110(11)(b)2., F.A.C., but was charged for the Pay Per Call service (900 or 976).

(e) If the end user/customer refuses to pay a disputed Pay Per Call service (900 or 976) charge which is subsequently determined by the LEC to be valid, the LEC or IXC may implement Pay Per Call (900 and 976) blocking on that line.

(f) Credit and Collection. LECs and IXCs billing Pay Per Call (900 and 976) charges to an end user/customer in Florida shall not:

1. Collect or attempt to collect Pay Per Call service (900 or 976) charges which are being disputed or which have been removed from an end user's/customer's bill; or

2. Report the end user/customer to a credit bureau or collection agency solely for non-payment of Pay Per Call (900 or 976) charges.

(g) LECs and IXC's billing Pay Per Call service (900 and 976) charges to end users/customers in Florida shall implement safeguards to prevent the disconnection of phone service for non-payment of Pay Per Call (900 or 976) charges.

(16) Companies that bill for local service must provide notification with the customer's first bill or via letter, and annually thereafter that a PC Freeze is available. Existing customers must be notified annually that a PC Freeze is available.

(17) The customer must be given notice on the first or second page of the customer's next bill in conspicuous bold face type when the customer's presubscribed provider of local, local toll, or toll service has changed.

(18) If a customer notifies a billing party that they did not order an item appearing on their bill or that they were not provided a service appearing on their bill, the billing party shall promptly provide the customer a credit for the item and remove the item from the customer's bill, with the exception of the following:

(a) Charges that originate from:

1. Billing party or its affiliates;
2. A governmental agency;
3. A customer's presubscribed intraLATA or interLATA interexchange carrier; and

(b) Charges associated with the following types of calls:

1. Collect calls;
2. Third party calls;
3. Customer dialed calls for; and
4. Calls using a 10-10-xxx calling pattern.

(19)(a) Upon request from any customer, a billing party must restrict charges in its bills to only:

1. Those charges that originate from the following:

- a. Billing party or its affiliates;
- b. A governmental agency;
- c. A customer's presubscribed intraLATA or interLATA interexchange carrier; and

2. Those charges associated with the following types of calls:

- a. Collect calls;
- b. Third party calls;
- c. Customer dialed calls; and
- d. Calls using a 10-10-xxx calling pattern.

(b) Customers must be notified of this right by billing parties annually and at each time a customer notifies a billing party that the customer's bill contained charges for products or services that the customer did not order or that were not provided to the customer.

(c) Small local exchange telecommunications companies as defined in Section 364.052(1), Florida Statutes, are exempted from this subsection.

(20) Nothing prohibits originating parties from billing customers directly, even if a charge has been blocked from a billing party's bill at the request of a customer.

*Specific Authority 350.127, 364.604(5) FS. Law Implemented 350.113, 364.03, 364.04, 364.05, 364.052, 364.17, 364.19, 364.602, 364.604 FS.*

*History—New 12-1-68, Amended 3-31-76, 12-31-78, 1-17-79, 7-28-81, 9-8-81, 5-3-82, 11-21-82, 4-13-86, 10-30-86, 11-28-89, 3-31-91, 11-11-91, 3-10-96, 12-28-98, 7-5-00, 11-16-03.*