

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Revisions to) DOCKET NO. 941190-TP
Rule 25-4.118, F.A.C.,) ORDER NO. PSC-95-0599-FOF-TP
Interexchange Carrier Selection) ISSUED: May 12, 1995
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

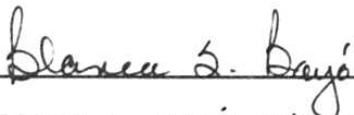
NOTICE OF ADOPTION OF RULE

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted amendments to Rule 25-4.118, Florida Administrative Code, relating to interexchange carrier selection, with changes.

The rule was filed with the Department of State on May 11, 1995 and will be effective on May 31, 1995. A copy of the rule as filed with the Secretary of State is attached to this Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission, this 12th day of May, 1995.



BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

25-4.118 Interexchange Carrier Selection

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

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

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

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

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

(d) the IXC has received a customer request to change his PIC and has responded within three days by mailing of an information package that includes a prepaid, returnable postcard and an additional 14 days have past before the IXC submits the PIC change

to the LEC. The information package should contain any information required by Rule 25-4.118(3).

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

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

(b) Every written document by means of which a customer can request a PIC change shall clearly identify the certificated telecommunications company to which the service is being changed, whether or not that company uses the facilities of another carrier. The page of the document containing the customer's signature shall contain a statement that the customer's signature or endorsement on the document will result in a change of the customer's long distance service provider and explain that only one long distance service provider may be designated for the telephone number listed; that the customer's selection will apply only to that number, and that the customer's local exchange company may charge a fee to switch service providers. Such statement shall be clearly legible and printed in type at least as large as any other text on the

page. If any such document is not used solely for the purpose of requesting a PIC change, then the document as a whole must not be misleading or deceptive. For purposes of this rule, the terms "misleading or deceptive" mean that, because of the style, format or content of the document, it would not be readily apparent to the person signing the document that the purpose of the signature was to authorize a PIC change, or it would be unclear to the customer who the new long distance service provider would be; that the customer's selection would apply only to the number listed and there could only be one long distance service provider for that number; or that the customer's local exchange company might charge a fee to switch service providers. If any part of the document is written in a language other than English, then the document must contain all relevant information in the same language.

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

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

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

(5) Charges for unauthorized PIC changes and higher usage rates, if any, over the rates of the preferred company shall be

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

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

(a) Identification of the IXC;

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

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

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

Specific Authority 350.127(2), F.S.

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

History: 3/4/92, 5/31/95.