

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Revisions to) DOCKET NO. 950400-TP
Rule 25-24.4701, F.A.C.,) ORDER NO. PSC-96-0366-NOR-TP
Provision of Regulated) ISSUED: March 14, 1996
Telecommunications Service To)
Uncertificated Resellers)
Prohibited and Proposed)
Revisions to Rule 25-4.118,)
F.A.C., Interexchange Carrier)
Selection)

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 RULEMAKING

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 24-24.4701, Florida Administrative Code, relating to provision of regulated telecommunications service to uncertificated resellers prohibited and Rule 25-4.118 relating to interexchange carrier selection.

The attached Notice of Rulemaking will appear in the March 22, 1996 edition of the Florida Administrative Weekly.

If timely requested, a hearing will be held at the following time and place:

Florida Public Service Commission
9:30 a.m., April 29, 1996
Betty Easley Conference Center
Room 152, 4075 Esplanade Way
Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rule must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than April 12, 1996.

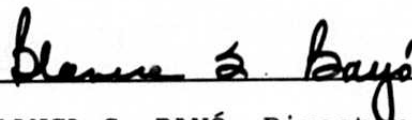
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FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 14th
day of March, 1996.

A handwritten signature in cursive script, reading "Blanca S. Bayó", is written over a horizontal line.

BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 950400-TI

RULE TITLE:

RULE NO.:

Provision of Regulated Telecommunications Service 25-24.4701
to Uncertificated Resellers Prohibited

PURPOSE AND EFFECT: The purpose and effect of the rule amendment is to aid the Commission in its enforcement efforts against unauthorized changes of customers' preferred interexchange carriers (PICs), a practice known as "slamming".

SUMMARY: The rule amendment requires that prior to making any changes of preferred interexchange carrier, whether with a local exchange telecommunications company or in the underlying interexchange carrier's own billing system, the underlying interexchange carrier must have on file the certificate number of the entity claiming to be the new preferred interexchange carrier (PIC).

RULEMAKING AUTHORITY 350.127(2) FS.

LAW IMPLEMENTED 364.183(1), 364.19, 364.27 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

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TIME AND DATE: 9:30 A.M., April 29, 1996.

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399.

THE FULL TEXT OF THE RULE IS:

25-24.4701 Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited.

(1) Each certificated interexchange company shall, within the general section of its intrastate tariff, or in the sections applicable to services that it expects may be resold or rebilled, include language which states that customers reselling or rebilling such services must have a Certificate of Public Convenience and Necessity as an interexchange carrier from the Florida Public Service Commission.

(2) Prior to activating any primary interexchange carrier changes with a provider of local exchange telecommunications services or within its own billing system, such interexchange company shall require and maintain on file a valid certificate number of the entity claiming to be the subscriber's new primary interexchange carrier.

~~(3)~~ Each certificated interexchange company shall implement procedures to identify and report those customers whom it believes

are reselling or rebilling interexchange telecommunications service on an intrastate basis in Florida. Each certificated interexchange company shall, within thirty days of a written request by the Commission staff, submit a complete list of such customers' names and addresses to the Commission.

(43) The Commission, upon making a determination that a customer of an interexchange company is unlawfully reselling or rebilling intrastate interexchange service may issue an order that directs the customer to cease and desist reselling or rebilling such service and simultaneously directs the interexchange company to discontinue providing such service to such customer and/or to cease providing service to such customer at additional locations within Florida, provided that such discontinuance or limitation of service is technically feasible within the context of existing facilities and technology.

Specific Authority 350.127(2), FS.

Law Implemented 364.183(1), 364.19, 364.27, FS.

History New 1-12-92, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Moses.

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: February 20, 1996.

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if

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held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 413-6770 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 950400-TI

RULE TITLE:	RULE NO.:
Interexchange Carrier Selection	25-4.4118

PURPOSE AND EFFECT: The purpose and effect of this amendment is to delete unnecessary language in subpart (2), add clarifying language in subpart (2)(d), and extend in subpart (3), the requirements of subparts (2)(a) through (d) to changes of preferred interexchange carrier (PIC) made within the underlying carrier's own billing system.

SUMMARY: Two unnecessary phrases are deleted from subpart (2) because the rules are applicable regardless of whether the interexchange carrier is "billing in its own name" or not. Subpart (2)(d) specifies that verification is achieved when, within 3 days of the date the customer request for PIC change is received, the underlying carrier mails the specified package and 14 additional days have passed before the change is effected. Subpart (3) applies subpart (2)(a)-(d) to PIC changes made within the underlying carrier's billing system.

RULEMAKING AUTHORITY 350.127(2) FS.

LAW IMPLEMENTED 364.01, 364.19, 364.285 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21

DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

HEARING: IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 A.M., April 29, 1996.

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399.

THE FULL TEXT OF THE RULE IS:

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 from the date the request is received by mailing of an information package that includes a prepaid, returnable postcard and an additional 14 days from the date the package is mailed have passed ~~past~~ before the IXC submits the PIC change to the LEC or changes the PIC code in its billing system. The information package should contain any information required by Rule 25-4.118~~(4)~~~~(3)~~.

(3) An IXC may implement a service provider change within its billing system only when at least one of the actions listed under (2) (a)-(d) above has occurred prior to the change.

~~(4)~~~~(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 (4)(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.

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

(6)~~(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.

~~(7)(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), FS.

Law Implemented 364.01, 364.19, 364.285, FS.

History: 3-4-92, Amended 5-31-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Moses.

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULE:
Florida Public Service Commission.

DATE PROPOSED RULE APPROVED: February 20, 1996.

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