

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: 010774-TP

IN RE: PETITION OF THE CITIZENS OF THE STATE OF FLORIDA
TO INITIATE RULEMAKING WHICH WILL REQUIRE TELEPHONE
COMPANIES TO GIVE CUSTOMERS REASONABLE NOTICE BEFORE
CUSTOMERS INCUR HIGHER CHARGES OR CHANGE IN SERVICES, AND
ALLOW THEM TO EVALUATE OFFERS FOR SERVICE FROM COMPETING
ALTERNATIVE PROVIDERS

NOTICE OF PROPOSED RULE DEVELOPMENT

TO

ALL INTERESTED PERSONS

ISSUED: July 2, 2001

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission has initiated the development of a rule proposed by the Office of Public Counsel that would require telephone companies to give customers actual notice before implementing any change in rates or other terms and conditions of service.

A Notice of Proposed Rule Development will appear in the July 6, 2001, edition of the Florida Administrative Weekly. A rule development workshop will be held at the following time and place:

Florida Public Service Commission
9:30 a.m., Thursday, September 13, 2001
Betty Easley Conference Center
Room 152, 4075 Esplanade Way
Tallahassee, Florida

A copy of the questions to which Commission staff requests written responses is attached. Please submit your written responses with the Division of Commission Clerk and Administrative Services, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, on or before August 30, 2001, specifically referencing Docket No. 010774-TP.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Commission Clerk and Administrative Services at (850) 413-6770 at

DOCUMENT NUMBER-DATE

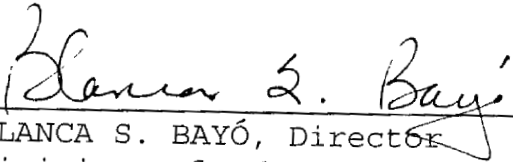
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least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

By Direction of the Florida Public Service Commission, this 2nd day of July, 2001.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk and
Administrative Services

(S E A L)

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THE FOLLOWING IS THE RULE PROPOSED BY THE OFFICE OF PUBLIC COUNSEL:

All telecommunications companies furnishing service within this state shall provide notice of any change in rates or other terms and conditions of service directly to each customer that may be affected by the change. If the change may increase the cost of service for a customer, notice shall be provided at least 30 days in advance of any change in rates or terms and conditions of service. Notice of price increase shall be sent via first class mail. Service by mail of the notice of price increase shall be complete upon mailing. No change in tariffs, price lists, or terms and conditions that may increase the cost of service for a customer will be effective unless notice of the change is provided to customers as required by this rule. In the case of a rate decrease, telecommunications companies shall notify each affected customer no later than the first bill following implementation of the rate change. Any notice required by this sub-section shall be printed in a 12-point type or larger, and shall be clear, conspicuous, and legible. The notice shall include, at a minimum, the name and nature of any and all services to be changed, the past rates and the anticipated new rates. Notice of price increase shall include as a heading "NOTICE OF PRICE INCREASE" in uppercase, bold print. The envelope containing the notice of price increase shall contain a notice on the front thereof: "NOTICE OF PRICE INCREASE ENCLOSED" in uppercase, bold print. That telecommunications companies have tariffs or price lists for services on file with the commission is not a defense to any action brought for failure to disclose prices for which disclosure is required under this rule.

A RULE DEVELOPMENT WORKSHOP IS SCHEDULED FOR SEPTEMBER 13, 2001. BELOW IS A LIST OF QUESTIONS STAFF HAS DEVELOPED TO ASSIST YOU IN PREPARING FOR THE WORKSHOP. PLEASE PROVIDE ANY WRITTEN RESPONSES TO THESE QUESTIONS BY AUGUST 30, 2001, ALONG WITH ANY ADDITIONAL COMMENTS YOU MAY HAVE.

1. What is the problem that this rule is intended to correct?
2. Does this rule accomplish what it is intended to accomplish?

3. Are there any other Commission rules that already address the problems this rule is intended to address?
4. Are there any other laws (i.e. federal rules, statutes, etc.) which already address the problems this rule is intended to address?
5. What are the costs involved if this rule is adopted?
6. Are there other noticing mechanisms that would accomplish the same goal at less cost?
7. Are companies already providing notice to customers in regard to changes in rates? If so, how?
8. Should customers be notified of a rate decrease?
9. How many complaints has your company received from customers when rates are changed without notice?
10. What changes in "terms and conditions" should be subject to the noticing requirement?
11. Does "customer" include wholesale customers?
12. What is meant by "cost of service" and why is that phrase used when the rest of the rule refers to a "price increase"?
13. Should companies be required to provide a copy of their notices to the Commission?