

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

UNDOCKETED

IN RE: RULE DEVELOPMENT FOR PROPOSED ADOPTION OF RULES 25-4.082,  
25-4.083, AND PROPOSED AMENDMENT OF RULES 25-4.003, 25-24.490,  
AND 25-24.845, F.A.C.

NOTICE OF PROPOSED RULE DEVELOPMENT

TO

ALL INTERESTED PERSONS

ISSUED: April 16, 2003

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated the development of Rules 25-4.003, 25-4.082, 25-4.083, 25-24.490, and 25-24.845, Florida Administrative Code, to adopt and amend rules addressing number portability and preferred carrier freezes.

The attached Notice of Proposed Rule Development will appear in the April 25, 2003, edition of the Florida Administrative Weekly. If timely requested and not deemed unnecessary by the Commission, a rule development workshop will be held at a time and place that will be announced.

The request must be submitted in writing to Samantha Cibula, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. If you would like to provide comments on the rules, please submit your comments in writing to Samantha Cibula at the above address by May 30, 2003.

DOCUMENT NUMBER DATE

03495 APR 16 8

FPSO-COMMISSION CLERK

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By DIRECTION of the Florida Public Service Commission, this  
16th day of April, 2003.

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

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

( S E A L )

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: Undocketed

RULE TITLE:	RULE NO.:
Definitions	25-4.003
Number Portability	25-4.082
Preferred Carrier Freeze	25-4.083

PURPOSE AND EFFECT: To codify the requirements that a company must release a subscriber's telephone number when the subscriber elects to switch providers and that a company may only put a preferred carrier freeze on a subscriber's service when one is requested by the subscriber.

SUBJECT AREA TO BE ADDRESSED: Number Portability and Preferred Carrier Freezes.

SPECIFIC AUTHORITY: 350.127, 364.16(4), 364.337, 364.603, 364.604(5), F.S.

LAW IMPLEMENTED: 350.113, 364.16, 364.03, 364.17, 364.04, 364.05, 364.052, 364.19, 364.602, 364.604, F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO SAMANTHA

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CIBULA, OFFICE OF THE GENERAL COUNSEL, 2540 SHUMARD OAK  
BOULEVARD, TALLAHASSEE, FL 32399-0850.

IF YOU WOULD LIKE TO PROVIDE COMMENTS ON THE RULES, PLEASE SUBMIT  
YOUR COMMENTS IN WRITING TO SAMANTHA CIBULA AT THE ABOVE ADDRESS  
BY MAY 30, 2003.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE  
DEVELOPMENT IS: Ray Kennedy, Division of Competitive Markets &  
Enforcement, Florida Public Service Commission, 2540 Shumard Oak  
Blvd., Tallahassee, FL 32399-0862, (850) 413-6584.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.003 Definitions.

(1) - (52) No Change.

(53) "Temporary Disconnect." A disruption of telephone  
service to a customer for a period of no less than 14 days prior  
to permanent disconnect.

(53) - (59) Renumbered to (54) - (60)

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

Law Implemented: 364.01, 364.02, 364.32, 364.335, 364.337,  
364.3375, 364.3376, 364.602, F.S.

History--Revised 12-01-68, Amended 03-31-76, formerly 25-4.03,  
Amended 02-23-87, 03-04-92, 12-21-93, 03-10-96, 07-20-98, 12-28-  
98, 02/01/99, 07-05-00, XX-XX-XX.

25-4.082 Number Portability.

(1) The serving local provider shall facilitate porting of the subscriber's telephone number upon request from the acquiring company.

(2) A working number or a number in Temporary Disconnect status shall be ported regardless if a balance is owed.

(3) A local provider shall not disconnect a subscriber's service for a working number or block porting of a number in Temporary Disconnect status upon receiving a local service request from another local provider.

Specific Authority: 350.127, 364.16(4), 364.337, F.S.

Law Implemented: 364.16

History--New XX-XX-XX.

25-4.083 Preferred Carrier Freeze.

A PC Freeze prevents a change in a subscriber's preferred provider selection unless the subscriber gives the provider from whom the PC Freeze was requested consent to remove the PC Freeze.

(1) A PC Freeze shall not be imposed on a subscriber's account without the subscriber's authorization and shall not be required as a condition for obtaining service.

(2) A PC Freeze shall be implemented or removed at no charge to the subscriber.

(3) A PC Freeze shall be offered on a nondiscriminatory basis to all subscribers, regardless of the subscriber's provider selections.

(4) The subscriber's authorization shall be obtained for each service for which a PC Freeze is requested. Procedures implemented by local exchange providers, including any solicitation, must clearly distinguish among telecommunications services (e.g., local, local toll, and toll) subject to a PC Freeze.

(5) All solicitation and other materials regarding PC Freezes must include:

(a) An explanation of what a PC Freeze is and what services are subject to a freeze;

(b) A description of the specific procedures necessary to lift a PC Freeze and an explanation that the subscriber will be unable to make a change in provider selection unless the subscriber authorizes lifting of the PC Freeze; and

(c) An explanation that there are no charges for implementing or removing a PC Freeze.

(6) A local exchange provider shall not implement a PC Freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with one of the following

procedures:

(a) The local exchange provider has obtained the subscriber's written or electronically signed authorization in a form that meets the requirements of subsection (7); or

(b) The local exchange provider has obtained the subscriber's electronic authorization, placed from the telephone number(s) on which the PC Freeze is to be imposed. The electronic authorization should confirm appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in subsection (7) (a) through (d). Telecommunications providers electing to confirm PC Freeze orders electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the PC Freeze request, including automatically recording the originating automatic numbering identification; or

(c) An appropriately qualified independent third party has obtained the subscriber's oral authorization to submit the PC Freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the

subscriber's social security number) and the information required in subsection (7)(a) through (d). The independent third party must not be owned, managed, or directly controlled by the provider or the provider's marketing agent; must not have any financial incentive to confirm PC Freeze requests for the provider or the provider's marketing agent; and must operate in a location physically separate from the provider or the provider's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a PC Freeze.

(7) A local exchange provider shall accept a subscriber's written and signed authorization to impose a PC Freeze on a preferred provider selection. A written authorization shall be printed with a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:

(a) The subscriber's billing name and address and the telephone number(s) to be covered by the PC Freeze;

(b) The specific service, (e.g., local, local toll, and toll), separately stated, on which a PC Freeze will be imposed.

(c) That the subscriber understands that to make a change in provider selection, the subscriber must lift the PC Freeze; and



(d) That there will be no charge to the subscriber for a PC Freeze.

(8) All local exchange providers shall, at a minimum, offer subscribers the following procedures for lifting a PC Freeze:

(a) Acceptance of a subscriber's written or electronically signed authorization; and

(b) Acceptance of a subscriber's oral authorization along with a mechanism that allows the submitting provider to conduct a three-way conference call between the provider administering the PC Freeze and the subscriber. The provider administering the PC Freeze shall confirm appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the subscriber's intent to lift a specific PC Freeze.

(9) Information obtained under (6) and (8)(a) shall be maintained by the provider for a period of one year.

(10) A PC Freeze shall not prohibit a LP from changing its wholesale customer's services when serving the same end user.

(11) Local providers shall make available an indicator on the customer service record that identifies whether the subscriber currently has a PC Freeze in place.

(12) Local providers shall make available the ability for

the subscriber's new local provider to initiate a local PC Freeze using the local service request.

(13) Local providers shall ensure that the local service order will not reject while the local freeze lift request is in progress.

Specific Authority: 350.127, 364.603, F.S.

Law Implemented: 364.603

History--New XX-XX-X.



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IF YOU WOULD LIKE TO PROVIDE COMMENTS ON THE RULES, PLEASE SUBMIT  
YOUR COMMENTS IN WRITING TO SAMANTHA CIBULA AT THE ABOVE ADDRESS  
BY MAY 30, 2003.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE  
DEVELOPMENT IS: Ray Kennedy, Division of Competitive Markets &  
Enforcement, Florida Public Service Commission, 2540 Shumard Oak  
Blvd., Tallahassee, FL 32399-0862, (850) 413-6584.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.490 Customer Relations; Rules Incorporated.

(1) The following rules are incorporated herein by reference  
and apply to IXC's.

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
<u>25-4.083</u>	<u>Preferred Carrier Freeze</u>	<u>All except Subsections</u> <u>(11) through (13)</u>
25-4.110	Customer Billing	Subsections 7, (14), (15), (17), (18), and (20)
25-4.111	Customer Complaint and Service Requests	All except Subsection (2)
25-4.112	Termination of Service by Customer	All

25-4.113	Refusal or Discontinuance of Service by Company	All
25-4.114	Refunds	All
25-4.117	800 Service	All
25-4.118	Local, Local Toll, or Toll Provider Selection	All

(2) - (3) No Change.

(4) Toll free number portability.

(a) The serving IXC shall facilitate porting of the subscriber's toll free telephone number (e.g., 800, 877, 888) upon request from the acquiring company.

(b) The serving IXC shall not disconnect a subscriber's service for a working toll free number or refuse to port a toll free number that is in Temporary Disconnect status upon receiving a service transfer request from another IXC.

(c) The serving IXC shall not cause a toll free number that is in Temporary Disconnect status to be reassigned, transferred, or otherwise unavailable for porting any time prior to final disconnect.

(d) A working toll free number or a toll free number in Temporary Disconnect status shall be ported regardless if a

balance is owed.

Specific Authority: 350.127(2), 364.604(5), F.S.

Law Implemented: 364.03, 364.14, 364.15, 364.603, 364.19, 364.337  
364.602, 364.604, F.S.

History--New 02-23-87, Amended 10-31-89, 03-05-90, 03-04-92, 03-  
13-96, 07-20-98, 12-28-98, 07-05-00, XX-XX-XX.

25-24.845 Customer Relations; Rules Incorporated.

The following rules are incorporated herein by reference and  
apply to ALECs. In the following rules, the acronym 'LEC' should  
be omitted or interpreted as 'ALEC'.

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
<u>25-4.082</u>	<u>Number Portability</u>	<u>All</u>
<u>25-4.083</u>	<u>Preferred Carrier Freeze</u>	<u>All</u>
25-4.110	Customer Billing	Subsections (14), (15), (16), (17), (18), and (20)
24-4.118	Local, Local Toll, or Toll Provider Selection	All

Specific Authority: 350.127(2), 364.16(4), ~~and~~ 364.337(2), and  
364.604(5), F.S.

Law Implemented: 364.337(2), 364.602, 364.604, 364.16, F.S.

History--New 07-20-98, Amended 12-28-98, 07-05-00, XX-XX-XX.