

State of Florida



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: July 25, 2003
TO: Division of the Commission Clerk and Administrative Services (Bayó)
FROM: Division of Competitive Markets and Enforcement (Ileri) *il*
RE: Docket No. 011077-TP - Generic Investigation into Whether Competitive Practices of Incumbent and Alternative Local Exchange Carriers Comply with Section 364.01(4)(G), F.S.

Please place the attached responses of AT&T, FDN, NewSouth, Time Warner, and Verizon, along with staff's matrix of responses, in the above docket file. The responses address issues discussed at the 7/23/03 staff workshop.

If you have any questions, please call me at 413-6562.

LI
Attachments

cc: Office of the General Counsel (Banks) w/o attachments
Division of Competitive Markets and Enforcement (Casey, Bulecza-Banks) w/o attachments

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DOCUMENT NUMBER DATE

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FPSC-COMMISSION CLERK

Response of AT&T

Levent Ileri

From: Felicia Banks
Sent: Tuesday, July 22, 2003 4:27 PM
To: Adam Teitzman; Bob Casey; Cheryl Bulecza-Banks; Felicia Banks; Lee Fordham; Levent Ileri; Rick Moses; Rick Wright; Stephanie Cater
Subject: FW: Response to Staff for 7/23 Workshop

fyi-

-----Original Message-----

From: McDonald, Christopher G (Chris) - LGCRP [mailto:cm8@att.com]
Sent: Tuesday, July 22, 2003 4:18 PM
To: fbanks@psc.state.fl.us; cbulecza@psc.state.fl.us;
bcasey@psc.state.fl.us
Cc: Hatch, Tracy W - LGCRP; Musselwhite, Brian J - LGCRP
Subject: Response to Staff for 7/23 Workshop

Below are the responses for AT&T to the Staff email regarding the workshop scheduled for 7/23. If you have any questions regarding these responses, please do not hesitate to give me a call.

Chris McDonald
AT&T Law & Government Affairs
Phone: 850 425-6309
Fax: 404 877-7696
Email: cm8@att.com

1. Does your company notify customers of their rights and obligations once it has been advised that the customer will be switching service to a new carrier?

Answer: No. For small business customers, AT&T does not provide notification other than through the final bill. In fact, it is often difficult for CLECs like AT&T to discover that a customer has left its service without the necessary information through a line loss notifier or other exchange of CARE data. For large business customers, there is no formal notification letter. AT&T generally maintains contact with the customer and may work with these customers on an individual case basis regarding any outstanding obligations, if necessary.

2. If the answer to Question 1 is yes, please answer the following questions:

a) What is the frequency and form of communication(s) used to notify the customer? N/A

b) Do you ask your customers to contact you regarding the notification provided? N/A

c) Once your company is advised that the customer is switching providers, at

what point is the notification issued to the customer? N/A

d) Does the notification contain any offers to attempt to retain the customer?
N/A

3. If the answer to Question 1 is yes, please provide a copy of your company's typical notification. N/A

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Generic Investigation into Whether)
Competitive Practices of Incumbent) Docket No. 011077-TP
and Alternative Local Exchange)
Carriers Comply with Section) Filed July 16, 2003
364.01(4)(g), F.S.)

COMMENTS OF FDN COMMUNICATIONS, INC.

In response to the questions posed by Staff as part of its June 25, 2003 Notice of Workshop in the above-referenced matter, FDN submits the following:

1. Does your company notify customers of their rights and obligations once it has been advised that the customer will be switching service to a new carrier?

Yes.

2. If the answer to Question 1 is yes, please answer the following questions:

- a) What is the frequency and form of communication(s) used to notify the customer?

FDN sends the customer a single letter.

- b) Do you ask your customers to contact you regarding the notification provided?

No, not unless they have questions regarding any information contained in the letter.

- c) Once your company is advised that the customer is switching providers, at what point is the notification issued to the customer?

Notifications are sent once the new carrier's information is entered into FDN's systems.

- d) Does the notification contain any offers to attempt to retain the customer?

No.

3. If the answer to Question 1 is yes, please provide a copy of your company's typical notification.

See attached.



390 N. Orange Ave., Suite 2000
Orlando, FL 32801

Service Termination

Via facsimile: _____

Date: 7/16/2003

Account No.:

Request No:

Re: NOTICE OF CONTRACT TERMINATION LIABILITY

Dear :

Another telecommunications company has advised FDN Communications that you wish to have your local, long-distance and/or Internet services switched from FDN Communications to that other company.

FDN Communications standard contract(s) for services and its Rules and Regulations on file with the State of Florida's regulatory authority provide that if you cancel your service agreement with FDN Communications before completion of the term, you are liable for per line termination charges. The termination charges amount to ____ per line.

According to our service records, you have 0 line(s) on your account, so the total termination liability owed is \$0.00, payable within 30 days from the date of service cancellation to avoid late payment charges. Please note that this charge is in addition to amounts owed per your final bill(s).

If you have any questions regarding contract termination liability or the cutover process, or if you believe this notice was sent to you in error, please contact customer service, at 1-877-336-0007.

Sincerely,

Customer Service
FDN Communications

**Verizon Responses to PSC Staff Questions
Docket No. 011077**

1. Does your company notify customers of their rights and obligations once it has been advised that the customer will be switching service to a new carrier?

Answer: No, Verizon does not issue a notification to customers once the company has been advised that a customer will be changing local service providers and canceling their service arrangements with Verizon. However, Verizon does provide the customer with a final bill, which would include any remaining termination liability that is due to Verizon as a result of the customer's cancellation of their service.

2. If the answer to Question 1 is yes, please answer the following questions:

- a) What is the frequency and form of communication(s) used to notify the customer?;

Answer: N/A

- b) Do you ask your customers to contact you regarding the notification provided?;

Answer: N/A

- c) Once your company is advised that the customer is switching providers, at what point is the notification issued to the customer?;

Answer: N/A

- d) Does the notification contain any offers to attempt to retain the customer?

Answer: N/A

3. If the answer to Question 1 is yes, please provide a copy of your company's typical notification.

Answer: N/A

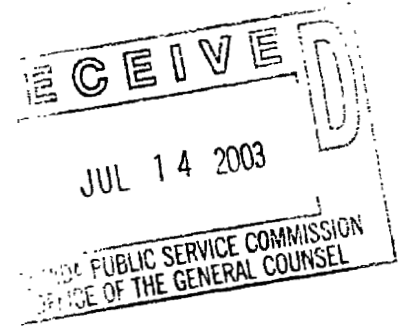


July 10, 2003

Sent Via Electronic and U.S. Mail

Ms. Felicia Banks
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0863

RE: *NewSouth Communications response to Docket No. 011077 (Generic Investigation Into Competitive Practice) requested by July 16th, 2003.*



Dear Ms. Banks:

Attached is NewSouth Communication's response to your inquiry date June 23, 2003 and requested by July 16, 2003.

Should you have any questions regarding this information, please feel free to contact me at the number listed below.

Sincerely,

A handwritten signature in black ink, appearing to read "Keiki Hendrix".

Keiki Hendrix
Executive Regulatory Administrator
Main: 864-672-5000
Direct: 864-672-5976
Fax: 864-672-5105
Email: khendrix@newsouth.com

Enc.

Date:

To:

Re: Disconnect Request Acknowledgement

This letter confirms that NewSouth Communications has received your request to disconnect all NewSouth services at your company's location. Please be advised that we require thirty (30) days notice to terminate services. We have processed the request and will be following up with a final invoice. In accordance with the terms of your company's contract, your company will be responsible for all services rendered through the effective termination date. In addition, you will be responsible for obtaining service with another provider. Unless NewSouth Communications receives a request from another carrier to transfer your numbers by the effective termination date, all services will be terminated on such date.

In addition, if your company is terminating services prior to the expiration of its term commitment, please be advised that it may be responsible for an early termination fee and certain other applicable charges and expenses as set forth in the contract. Depending on the length of time remaining on your contract, these charges may be substantial. Any early termination fees and/or other applicable charges will be included on your final invoice. To avoid interest and other late payment charges, payment must be rendered within thirty (30) days of receipt of the final invoice.

If you have any questions regarding the above, please do not hesitate to contact me at (800) 600-5050.

Thank You,

NewSouth Communications

PRIVATE/PROPRIETARY

Contains Private and/or Proprietary Information. May not be used or disclosed outside NewSouth Communications except pursuant to a written agreement.

Staff Workshop for Docket No: 011077

Date: July 23, 2003

Issue: Customer notification letters

Issues with regard to notifying customers of their rights and obligations during a carrier change have become an important aspect in the telecommunications market. Customers who switch their services from one carrier to another may receive notification of their contract terms and conditions, including penalties, from their existing carrier in the form of a phone call, an e-mail message, or a letter. Some carriers may post this information on their web site.

Once the customer has transferred its services to a new carrier, the new carrier may send a notification letter confirming the change and advising them of their rights and options under their new agreement. Staff is concerned that without a uniform set of notification requirements, customers are left without proper information to make an informed decision. Further, staff is concerned that the time frame for such notification letters is not uniform, and therefore, staff believes that a specific time frame may need to be established. Contents of the notification letters may also need to be specified to prevent the appearance of a winback activity.

For these reasons, staff believes that a workshop would be beneficial to all parties. In addition, staff is requesting that parties respond to the questions below and file responses in the the above-referenced docket by July 16, 2003.

Questions:

1. Does your company notify customers of their rights and obligations once it has been advised that the customer will be switching service to a new carrier?
Yes, on a Full Disconnection of service.
No, on a Partial Disconnection of service.
2. If the answer to Question 1 is yes, please answer the following questions:
 - a) What is the frequency and form of communication(s) used to notify the customer?;
Verbal – courtesy call
Written – letter (see attached)
 - b) Do you ask your customers to contact you regarding the notification provided?
Not always
 - c) Once you company is advised that the customer is switching providers, at what point is the notification issued to the customer?
Concurrent with and independent of disconnect order processing.

d) Does the notification contain any offers to attempt to retain the customer?
No

3. If the answer to Question 1 is yes, please provide a copy of your company's typical notification.
See Attached

Peter M. Dunbar
Attorney at Law

(850) 222-3533
pete@penningtonlaw.com

July 16, 2003

Felicia R. Banks, Senior Attorney
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0863

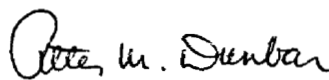
Re: Docket No. 011077
(Responses of Time Warner Telecom of Florida, L.P.)

Dear Ms. Banks:

Enclosed please find the response of Time Warner Telecom of Florida, L.P. for the upcoming workshop. Please feel free to contact me at your convenience in the event you have questions concerning the enclosed materials.

Respectfully,

PENNINGTON, MOORE, WILKINSON,
BELL & DUNBAR, P.A.


Peter M. Dunbar

PMD/tmz
Enclosure

cc: Carolyn Marek, Time Warner Telecom of Florida, L.P.

**Staff Workshop for Docket No: 011077
Response of Time Warner Telecom of Florida, L.P.**

Date: July 16, 2003

Issue: Customer notification letters

Issues with regard to notifying customers of their rights and obligations during a carrier change have become an important aspect in the telecommunications market. Customers who switch their services from one carrier to another may receive notification of their contract terms and conditions, including penalties, from their existing carrier in the form of a phone call, an e-mail message, or a letter. Some carriers may post this information on their web site.

Once the customer has transferred its services to a new carrier, the new carrier may send a notification letter confirming the change and advising them of their rights and options under their new agreement. Staff is concerned that without a uniform set of notification requirements, customers are left without proper information to make an informed decision. Further, staff is concerned that the time frame for such notification letters is not uniform, and therefore, staff believes that a specific time frame may need to be established. Contents of the notification letters may also need to be specified to prevent the appearance of a winback activity.

For these reasons, staff believes that a workshop would be beneficial to all parties. In addition, ~~staff is requesting that parties respond to the questions below and file responses in the the above-referenced docket by July 16, 2003.~~

Questions:

1. Does your company notify customers of their rights and obligations once it has been advised that the customer will be switching service to a new carrier?

Answer: Yes. While Time Warner Telecom of Florida, L.P. (TWTC) does not send out a standard notification letter per se, if a customer wishes to disconnect service prior to the end of the contract term, TWTC sends a letter to the customer advising them of any applicable termination liability or other obligations under their existing contract.

2. If the answer to Question 1 is yes, please answer the following questions:

- a) What is the frequency and form of communication(s) used to notify the customer?;

Answer: A customized letter is sent as appropriate (see answer to Question 1 above).

- b) Do you ask your customers to contact you regarding the notification provided?;

Answer: No.

c) Once your company is advised that the customer is switching providers, at what point is the notification issued to the customer?;

Answer: Our notification is based on the customer's notice to us that it is disconnecting TWTC service.

d) Does the notification contain any offers to attempt to retain the customer?

Answer: Depending on the situation, an offer to retain the customer's service could be proposed to the customer.

3. If the answer to Question 1 is yes, please provide a copy of your company's typical notification.

Answer: Not applicable. (See answer to Question 1 above.)

**Verizon Responses to PSC Staff Questions
Docket No. 011077**

1. Does your company notify customers of their rights and obligations once it has been advised that the customer will be switching service to a new carrier?

Answer: No, Verizon does not issue a notification to customers once the company has been advised that a customer will be changing local service providers and canceling their service arrangements with Verizon. However, Verizon does provide the customer with a final bill, which would include any remaining termination liability that is due to Verizon as a result of the customer's cancellation of their service.

2. If the answer to Question 1 is yes, please answer the following questions:

- a) What is the frequency and form of communication(s) used to notify the customer?;

Answer: N/A

- b) Do you ask your customers to contact you regarding the notification provided?;

Answer: N/A

- c) Once your company is advised that the customer is switching providers, at what point is the notification issued to the customer?;

Answer: N/A

- d) Does the notification contain any offers to attempt to retain the customer?

Answer: N/A

3. If the answer to Question 1 is yes, please provide a copy of your company's typical notification.

Answer: N/A

Responses to Staff's Questions in Docket No. 011077-TP for Staff Workshop on July 23, 2003

Company	Question 1	Question 2				Question 3
		If the answer to Question 1 is yes, please answer the following questions:				
	Does your company notify customers of their rights and obligations once it has been advised that the customer will be switching service to a new carrier?	A. What is the frequency and form of communication(s) used to notify the customer?;	B. Do you ask your customers to contact you regarding the notification provided?;	C. Once you company is advised that the customer is switching providers, at what point is the notification issued to the customer?;	D. Does the notification contain any offers to attempt to retain the customer?	If the answer to Question 1 is yes, please provide a copy of your company's typical notification.
NewSouth	Yes (full disconnection service), and No (partial disconnection service)	Verbal and Written	Not always	Concurrent with and independent of disconnect order processing	No	Available in the docket
Verizon	N/A	N/A	N/A	N/A	N/A	N/A
AT&T	No	N/A	N/A	N/A	N/A	N/A
DIECA	No	N/A	N/A	N/A	N/A	N/A
Sprint	No	N/A	N/A	N/A	N/A	N/A
FDN	Yes (only to business customers)	One letter	No, unless they have questions	Only once after the new carrier's information is entered into the FDN's systems	No	Available in the docket
BellSouth	Yes	One letter	Example letters are available in the docket	The letter is sent no earlier than 10 days after the completion of the order	No, see examples on the table	Available in the docket
Time Warner	Yes (only to business customers, and does not serve residential customers)	A customized letter is sent	No	The notification letter is based on the customer's notice to Time Warner that is is disconnecting the Time Warner's service.	Depending on the situation, an offer to retain the customer's service could be proposed to the customer.	N/A