

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Proposed adoption of Rules 25-4.082, F.A.C., Number Portability, and 25-4.083, F.A.C., Preferred Carrier Freeze; and proposed amendment of Rules 25-4.003, F.A.C., Definitions; 25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845, F.A.C., Customer Relations; Rules Incorporated.

DOCKET NO. 040167-TP
ORDER NO. PSC-04-0830-FOF-TP
ISSUED: August 25, 2004

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

NOTICE OF ADOPTION OF RULES

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted new Rules 25-4.082 and 25-4.083, and amended Rules 25-24.490, and 25-24.845, Florida Administrative Code, relating to number portability and preferred carrier freezes with changes.

The rules were filed with the Department of State on August 20, 2004 and will be effective September 9, 2004. A copy of the rules as filed with the Department is attached to this Notice.

This docket is closed upon issuance of this notice.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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By ORDER of the Florida Public Service Commission this 25th day of August, 2004.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(SEAL)

SMC

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 (e.g., a telephone number that is fully functional to the customer) shall be ported regardless of whether a balance is owed.

(3) A local provider shall not disconnect a subscriber's working number, regardless of whether a balance is owed, after receiving a local service request from another local provider.

Specific Authority: 350.127, F.S.

Law Implemented: 364.01, 364.16, 364.337, F.S.

History: New 09/09/04.

25-4.083 Preferred Carrier Freeze.

(1) A PC Freeze shall not be imposed or removed 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) The subscriber's authorization shall be obtained for each service for which a PC Freeze is requested. Procedures implemented by local exchange providers must clearly distinguish among telecommunications services (e.g., local, local toll, and toll) subject to a PC Freeze.

(4) All notification material 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.

(5) A local provider shall not solicit, market, or induce subscribers to request a PC Freeze. A local provider is not prohibited, however, from informing an existing or potential new subscriber who expresses concerns about slamming about the availability of 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);

(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 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 in 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 retained by the provider for a period of one year.

(10) A PC Freeze shall not prohibit a local provider from changing wholesale 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.

Specific Authority: 350.127, 364.01, 364.603, F.S.

Law Implemented: 364.01, 364.603, F.S.

History: New 09/09/04.

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>
25-4.083	<u>Preferred Carrier Freeze</u>	<u>All except subsections (11) and (12)</u>
25-4.110	Customer Billing	Subsections (11), (12), (14), (15), (17), (18), and (20)
25-4.111	Customer Complaint and Service Requests	All except subsection (2)
25-4.112	Termination of Service	All

by Customer

25-4.113 Refusal or Discontinuance of All

Service by Company

25-4.114 Refunds All

25-4.117 800 Service All

25-4.118 Local, Local Toll, or Toll All

Provider Selection

(2) An IXC may require a deposit as a condition of service and may collect advance payments for more than one month of service if it maintains on file with the Commission a bond covering its current balance of deposits and advance payments (for more than one month's service). A company may apply to the Commission for a waiver of the bond requirement by demonstrating that it possesses the financial resources and income to provide assurance of continued operation under its certificate over the long term.

(3) Upon request, each company shall provide verbally or in writing to any person inquiring about the company's service:

- (a) Any nonrecurring charge,
- (b) Any monthly service charge or minimum usage charge,
- (c) Company deposit practices,
- (d) Any charges applicable to call attempts not answered,
- (e) A statement of when charging for a call begins and ends, and
- (f) A statement of billing adjustment practices for wrong numbers or incorrect bills.

In addition, the above information shall be included in the first bill, or in a separate mailing no later than the first bill, to all new customers and to all customers presubscribing on or after the

effective date of this rule, and in any information sheet or brochure distributed by the company for the purpose of providing information about the company's services. The above information shall be clearly expressed in simple words, sentences and paragraphs. It must avoid unnecessarily long, complicated or obscure phrases or acronyms.

(4) Toll free number transfers.

(a) The serving IXC shall facilitate the transfer 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 working toll free number (e.g., a telephone number that is fully functional to the customer) after receiving a service transfer request from another IXC.

(c) A working toll free number shall be transferred regardless of whether a balance is owed.

Specific Authority: 350.127(2), 364.604(5), 364.337(4), FS.

Law Implemented: 364.03, 364.14, 364.15, 364.16, 364.19, 364.337, 364.602, 364.603, 364.604, FS.

History: New 2-23-87, Amended 10-31-89, 3-5-90, 3-4-92, 3-13-96, 12-28-98, 7-5-00, 11-16-03, 09/09/04.

25-24.845 Customer Relations; ~~Rules Incorporated.~~

The following rules ~~are incorporated herein by reference and~~ apply to CLECs. In the following rules, the acronym "LEC" should be omitted or interpreted as "CLEC".

<u>Section</u>	<u>Title</u>	<u>Portions Applicable</u>
<u>25-4.082</u>	<u>Number Portability</u>	<u>All</u>

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<u>25-4.083</u>	<u>Preferred Carrier Freeze</u>	<u>All</u>
25-4.110	Customer Billing	Subsections (11), (12), (14), (15), (16), (17), (18), and (20)
24-4.118	Local, Local Toll, or Toll Provider Selection	All

Specific Authority: 350.127(2), 364.337(2), 364.604(5), FS.

Law Implemented: 364.16, 364.337(2), 364.602, 364.603, 364.604, FS.

History: New 12-28-98, Amended 7-5-00, 11-16-03, 09/09/04.