

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rules)	DOCKET NO. 890636-TI
of Rules 25-4.040(4), 25-4.107(1),)	
and 25-4.110(4), F.A.C. regarding)	ORDER NO. 21956
"No Sales Solicitation.")	
<hr/>		ISSUED: 9-27-89

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rules 25-4.040(4), 25-4.107(1), and 25-4.110(4), relating to "No Sales.

The attached Notice of Rulemaking will appear in the September 29, 1989, edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Thursday, December 7, 1989
 Room 106, Fletcher Building
 101 East Gaines Street
 Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rules must be received by the Director, Division of Records and Reporting, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, FL, 32399, no later than October 20, 1989.

By Direction of the Florida Public Service Commission,
 this 27th day of SEPTEMBER, 1989.


 STEVE TRIBBLE, Director
 Division of Records & Reporting

(S E A L)

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DOCUMENT NUMBER-DATE
 09675 SEP 27 1989
 FPSC-RECORDS/REPORTING

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FLORIDA PUBLIC SERVICE COMMISSION

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RULE TITLE:	RULES NOS.:
Telephone Directories	25-4.040(4)
Information to Customers	25-4.107(1)
Customer Billing	25-4.110(4)

PURPOSE AND EFFECT: The amendments to the affected rules direct the local exchange companies to expand the information currently provided to existing customers and new service applicants to include information about a subscriber's ability to limit the receipt of unsolicited consumer telephone calls.

SUMMARY: The proposed revisions to Rules 25-4.040, 25-4.107, and 25-4.110, Florida Administrative Code, are designed to expand the scope of information the local exchange companies provide to existing telephone customers and new service applicants.

Rule 25-4.040(4), lists the information that telephone companies are required to print in the front pages of their telephone directories. The proposed amendment directs the company to expand the information to include conspicuous notice of the availability of, the rate for, and the cut-off date for a "No Sales Solicitation Calls" listing.

Rule 25-4.107(1), directs each telephone company to provide reasonable information and assistance to either customers or new applicants to assist them in obtaining the telephone service they desire. The proposed amendment would require the companies to

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boarden the scope of the information currently provided to include notification of the availability of and rates for "No Sales Solicitation Calls" listing.

Rule 25-4.110(4) requires the telephone company to issue a bill insert which informs its subscribers of the closing date for placing information in the telephone directory. The bill insert also provides notice to the subscriber of the last date available to correct any error or to make any changes to the subscriber's directory listing. Under the proposed rule change, the information on the bill insert would be expanded to include information about how subscribers can obtain a "No Sales Solicitation Calls" listing and the cost for the option. Additionally, the rule revision provides that upon request the company shall list an additional first name or initial under the same address, telephone number, and surname as the subscriber, at no additional charge.

RULEMAKING AUTHORITY: 350.127, F.S.

LAW IMPLEMENTED: 364.03, 364.04, 364.05, 364.17, 350.113, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THESE RULES: Local exchange companies would experience additional costs to comply with the proposed changes to the rules. Costs affected would include preparation for changes to the directory information pages and bill insert, typesetting, printing, and increased service representative time to inform subscribers of the "No Sales Solicitation Calls" listing option. In sum, the minimum estimated costs to the local exchange companies would be approximately \$1,176, 263. Of the

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total figure approximately \$1,165,779 would be for annual recurring costs. The remaining \$10,984 represents the nonrecurring charge for implementation. The majority of the recurring costs can be attributed to the additional service representative time the companies estimate it will take to inform new service applicants of the "No Sales Solicitation Calls" option. The majority of the costs associated with modifying the telephone directory pages and the bill insert are nonrecurring and in many cases represent minimal expense to the companies.

Benefits to ratepayers are unquantifiable with the data available, but are expected to offset increased utility costs resulting from compliance. This is because the rule changes should enhance the Commission's ability to place the responsibility on local exchange companies to inform subscribers of their ability to limit their receipt of unsolicited consumer telephone calls by subscribing to the "No Sales Solicitation Calls" listing.

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. 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., December 7, 1989

PLACE: Room 106, 101 East Gaines Street, Tallahassee, Florida.
THE PERSON TO BE CONTACTED REGARDING THESE RULES AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399

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THE FULL TEXT OF THE RULES IS:

25-4.107 Information to Customers.

(1) Each company shall provide such information and assistance as is reasonable to assist any customer or applicant in obtaining telephone service adequate to his communication needs. At the time of initial contact, each company shall advise the person applying for or inquiring about residential or singleline business service of the rate for the least expensive one party basic local exchange telephone service available to him unless he requests specific equipment or services. The person shall also be informed of the availability and rate for a "No Sales Solicitation" listing. In any discussion of enhanced or optional services, each service shall be identified specifically, and the price of each service shall be given. Such person shall also be informed of the availability of and rates for local measured service, if offered in his exchange.

(2) At the earliest time practicable, the company shall provide to that customer the billing cycle and approximate date he may expect to receive his monthly billing.

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

Law Implemented: 364.03, 364.04, F.S.

History: New 7-6-79, Amended 11/30/86.

25-4.110 Customer Billing.

(1) Each company shall issue bills monthly. Each bill shall show the delinquent date, set forth a clear listing of all charges due and payable, and not later than December 1, 1982, contain the

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following statement: "Written Itemization of local billing available upon request."

(a) By July 1, 1987, each local exchange company shall provide an itemized bill for local service:

- 1. with the first bill rendered after local exchange service to a customer is initiated or changed; and
- 2. to every customer at least once each twelve months.

(b) The annual itemized bill shall be accompanied by a bill stuffer which explains the itemization and advises the customer to verify the items and charges on the itemized bill. The itemized bill provided to residential customers and to business customers with less than 10 access lines per service location shall be in easily understood language. The itemized bill provided to business customers with 10 or more access lines per service location may be stated in service order code, provided that it contains a statement that, upon request, an easily understood translation is available in written form without charge. An itemized bill shall include, but not be limited to the following information, separately stated:

- 1. Number and types of access lines
- 2. Charges for access to the system, by type of line;
- 3. zone charges;
- 4. equipment lease charges (tariff);
- 5. maintenance charges for equipment (tariff);
- 6. lease charges for inside wire (tariff);
- 7. maintenance charges for inside wire (tariff);

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8. touch tone service charges;
9. charges for custom calling features, separated by feature;
10. unlisted number charges;
11. local directory assistance charges; and
12. other tariff charges contained in the bill.

(c) By July 1, 1987, each bill rendered by a local exchange company shall:

1. separately state the following items:
 - a. any discount or penalty, if applicable,
 - b. past due balance,
 - c. non-tariff charges,
 - d. long distance charges, if included in the bill,
 - e. franchise fee, if applicable,
 - f. taxes, as applicable on purchases of local and long distance service; and
2. contain a statement that nonpayment of regulated charges may result in discontinuance of service and that the customer may contact the business office (at a stated number) to determine the amount of regulated charges in the bill.

(2) Each company shall make appropriate adjustments or refunds where the subscriber's service is interrupted by other than the subscriber's negligent or willful act, and remains out of order in excess of twenty-four (24) hours after the subscriber notifies the

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company of the interruption. The refund to the subscriber shall be the pro rata part of the month's charge for the period of days and that portion of the service and facilities rendered useless or inoperative; except that the refund shall not be applicable for the time that the company stands ready to repair the service and the subscriber does not provide access to the company for such restoration work. The refund may be accomplished by a credit on a subsequent bill for telephone service.

(3)(a) Bills shall not be considered delinquent prior to the expiration of fifteen (15) days from the date of mailing or delivery by the utility. However, the company may demand immediate payment under the following circumstances:

1. Where service is terminated or abandoned.
2. Where toll service is two (2) times greater than the subscriber's average usage as reflected on the monthly bills for the three (3) months prior to the current bill or, in the case of a new customer who has been receiving service for less than four (4) months, where the toll service is twice the estimated monthly toll service.

(b) The demand for immediate payment shall be accompanied by a bill which itemizes the charges for which payment is demanded or, if the demand is made orally, an itemized bill shall be mailed or delivered to the customer within three (3) days after the demand is made.

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(c) If the company cannot present an itemized bill, it may present a summarized bill which includes the customer's name and address and the total amount due. However, a customer may refuse to make payment until an itemized bill is presented. The company shall inform the customer that he may refuse payment until an itemized bill is presented.

(4) Each telephone company shall include a bill insert advising each subscriber of the directory closing date and the subscriber's opportunity to correct any error or make such changes as the subscriber deems necessary in advance of the closing date. It shall also contain information about the residential subscriber's option to have "No Sales Solicitation Calls" printed next to their name, and the rate for such an option. It shall also state that at no additional charge and upon the request of any residential subscriber, the exchange company shall list an additional first name or initial under the same address, telephone number and surname of the subscriber. Such notice shall be included in the billing cycle closest to sixty (60) days preceding the directory closing date.

(5) Where any undercharge in billing of a customer is the result of company mistake, the company may not backbill in excess of twelve months. Nor may the company recover in a ratemaking proceeding any lost revenue which inures to the company's detriment on account of this provision.

(6) Franchise fees.

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(a) When a municipality charges a company any franchise fee, the company may collect that fee only from its subscribers receiving service within that municipality. When a county charges a company any franchise fee, the company may collect that fee only from its subscribers receiving service within that county.

(b) A company may not incorporate any franchise fee into its other rates for service.

(c) Each company shall implement the provisions of this subsection at the time of its next general rate increase or decrease, or after the expiration of two years from the effective date of this subsection, whichever occurs first.

(d) This subsection shall not be construed as granting a municipality or county the authority to charge a franchise fee. This subsection only specifies the method of collection of a franchise fee if a municipality or county, having authority to do so, charges a franchise fee.

(7)(a) When a company elects to add the Gross Receipts Tax onto the customer's bill as a separately stated component of that bill, the company must first remove from the tariffed rates any embedded provisions for the Gross Receipts tax.

(b) If the tariffed rates in effect have a provision for gross receipts tax, the rates must be reduced by an amount equal to the gross receipts tax liability imposed by Chapter 203, Florida Statutes, thereby rendering the customer's bill unaffected by the election to add the Gross Receipts Tax as a separately stated tax.

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(c) This subsection shall not be construed as a mandate to elect to separately state the Gross Receipts Tax. This subsection only specifies the method of applying such an election.

(d) All services sold to another telecommunications vendor, provided that the applicable rules of the Department of Revenue are satisfied, must be reduced by an amount equal to the gross receipts tax liability imposed by Chapter 203, Florida Statutes, unless those services have been adjusted by some other Commission action.

(e) When a nonrate base regulated telecommunications company exercises the option of adding the gross receipts tax as a separately stated component on the customer's bill then that company must file a tariff indicating such. No corresponding rate reduction is required for nonrate base regulated telephone companies.

(8) As part of its annual report required by Rule 25-4.018, each local exchange company shall submit a reconciliation of its billed and booked revenues from the prior calendar year.

Specific Authority: 350.127, F.S.

Law Implemented: 364.17, 350.113, 364.03, 364.04, 364.05, F.S.

History: New 12/1/68, Amended 3/31/78, 12/31/78, 9/8/81, 5/3/82, 11/21/82, 4/13/86, 10/30/86.

25-4.040 Telephone Directories; Directory Assistance.

(1) Each exchange telephone company shall normally publish updated telephone directories once every 12 months and shall publish updated directories at least once every 15 months. The

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directories shall normally alphabetically list the name, address, and telephone number of all subscribers located in the exchange(s) contained in the directory except the telephone numbers for public telephones or a name, address, number/address unlisted or unpublished at the subscriber's request. A description of the local (toll free) calling scope shall be prominently displayed at the beginning of each alphabetical section in a directory. At no additional charge and upon the request of any residential subscriber, the exchange company shall list an additional first name or initial under the same address, telephone number and surname of the subscriber. The exchange company shall place the first names or initials in the order requested by the subscriber.

(2) Each subscriber served by a directory shall be furnished one copy of that directory for each access line. Subject to availability, additional directories shall be provided by the exchange company, which may charge a reasonable fee therefor. Within 30 days after the effective date of this rule each exchange company shall file with the Commission a tariff setting forth the fee, if any, and the conditions under which it will apply. Copies of each directory shall be furnished to the Commission. When expanded calling scopes are involved, as with Extended Area Service, each subscriber shall be provided with directory listings for all published telephone numbers within the local service area.

(3) (a) The name of the exchange telephone company, the individual exchanges included in the directory and the month/year

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of issuance shall appear on the front cover of each directory.

(b) The following information shall be listed on the inside of the front cover of the directory:

- 1 Emergency calling instructions and numbers including those of the police, fire departments and ambulance services used by local government in case of emergency;
- 2 "911" instructions for exchanges with "911" emergency service.

(c) The following notice shall be conspicuously listed on the inside front cover or first page of the directory:

FLORIDA PUBLIC SERVICE COMMISSION INQUIRIES
CUSTOMERS OF UTILITIES AND COMPANIES REGULATED BY THE COMMISSION
WHO HAVE FIRST CONTACTED SUCH A FIRM CONCERNING A PROBLEM, AND ARE
NOT SATISFIED BY THE CORRECTIVE ACTION TAKEN MAY CONTACT:

THE FLORIDA PUBLIC SERVICE COMMISSION

Office Of Consumer Affairs

101 East Gaines Street

TALLAHASSEE, FLORIDA 32301-8153

Phone Toll Free 1-800-342-3552

(4) The following information shall appear in the front pages of the directory, preceding subscriber listings, along with an index where there are four (4) or more pages of such information:

(a) Directions for the use of local exchange and long distance telephone services and calls to repair and directory assistance services.

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(b) Application and amount of directory assistance charges contained in company tariffs.

(c) Application and amount of charges for line busy verification, emergency interrupt and maintenance/repair services.

(d) The location of telephone company public business offices located in the area(s) contained in the directory.

(e) Identification of customer payment locations and an explanation of discontinuance of service procedures for local service.

(f) Policy on customer owned equipment and inside wiring.

(g) Policy on the recording of telephone conversations.

(h) Policy on harassing calls and sales solicitations generated by illegal automatic dialing equipment.

(i) Policy on various violations of law arising from the illegal use of telephone equipment and service.

(j) A conspicuous notice of the availability, rates, and due dates for "No Sales Solicitation" Listings.

(5) Directory assistance operators shall maintain records of all telephone numbers (except for non-published telephone numbers) in the area for which they have the responsibility of furnishing service. All new or changed listings shall be provided to directory assistance operators within forty-eight (48) hours after connection of service, excluding Saturdays, Sundays and holidays.

(6) In the event of an error in the listed number of any subscriber, each local exchange company shall intercept all calls

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to the listed number for the period of time required to comply with Rule 25-4.074, provided the listed number is not in service. In the event of an error or omission in the name listing of a customer, the customer's correct name and telephone number shall be listed in the directory assistance and intercept records and the correct number furnished the calling party upon request or interception.

(7) When a subscriber will establish a residence or business shortly after the close of subscriber listing records but preceding publication, the exchange company shall, upon request, establish and list service at the requested new address and immediately place the service on suspension. Service connection and other appropriate local service charges shall be due and payable, independent of whether service is later restored.

(8) When scheduled additions or changes in plant, records or operations will require a large group of number changes, the earliest possible notice shall be given to affected customers, regardless of the time of the change relative to the directory issuance cycle.

(9) The exchange company shall not change a subscriber's telephone number without good cause and at least thirty (30) days prior notice to the affected subscriber.

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

Law Implemented: 364.03, F.S.

History: New 12/1/68, Amended 3/31/76, 1/4/78, 12/10/84, formerly 25-4.40.

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NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Long, Division of
Communications

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

DATE PROPOSED RULES APPROVED: September 19, 1989

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