

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Amendment of Rule 4.110, F.A.C.,) DOCKET NO. 910060-TP
pertaining to customer billing.) ORDER NO. 24477
_____) ISSUED: 5/6/91

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 4.110, F.A.C., relating to customer billing.

The attached Notice of Rulemaking will appear in the May 10, 1991, edition of the Florida Administrative Weekly. If requested, a hearing will be held at the following time and place:

9:30 a.m., Wednesday, July 31, 1991
Room 122, Fletcher Building
101 East Gaines Street
Tallahassee, Florida

Written requests for hearing and written comments or suggestions on the rule 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 May 31, 1991.

By Direction of the Florida Public Service Commission, this
6th day of MAY, 1991.



STEVE TRIBBLE, Director
Division of Records & Reporting

(S E A L)

RCB

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DOCUMENT NUMBER-DATE
04402 MAY-6 1991
FPSC-RECORDS/REPORTING

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910060-TP

RULE TITLE:

RULE NO.:

Customer Billing

25-4.110

PURPOSE AND EFFECT: The Commission, in its February 12, 1991 Order approving initiating rulemaking in the area of 900/976 services, noted that increased notice to customers on their telephone bills was needed to inform customers as to the Commission's current policies. The proposed rules accomplish that goal.

SUMMARY: The proposed rules require that charges for 900/976 calls be listed on telephone bills separately from long distance or local charges and that they be identified as "900 or 976 nonregulated charges."

The proposed rules also notify customers on their telephone bills that service will not be discontinued because of nonpayment of 900/976 service charges and that blocking of 900/976 service can be obtained from the local exchange company identified on the telephone bill.

RULEMAKING AUTHORITY: 350.127, F.S.

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

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THIS RULE: Adoption of this rule is not expected to cause additional expense or cost savings to the Commission. Over the long term, additional expenses incurred by regulated utilities would be passed on to information

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providers and their customers. Some companies indicated a necessity of six months to one year to implement the proposed billing changes. It was concluded that the need to protect consumers from being taken advantage of and to insure that the general body of ratepayers is not economically affected by the provision of nonregulated 900-976 services outweighed the increased costs associated with implementation of the proposed rule changes.

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., July 31, 1991

PLACE: Room 122, 101 East Gaines Street, Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THIS RULE AND THE ECONOMIC IMPACT STATEMENT IS: Director of Appeals, Florida Public Service Commission, 101 East Gaines Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE RULE IS:

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

(a) Charges for 900 or 976 calls shall be segregated from charges for regular long distance or local charges by appearing separately under a heading that reads as follows: "900 or 976 nonregulated charges." The following information shall be clearly and conspicuously disclosed on each page of the bill containing 900 or 976 service charges.

1. Nonpayment of 900 or 976 service charges will not result in discontinuance of service;
2. Customers can obtain blocking of 900 or 976 service from the local exchange company. (The name of the company is to be inserted).

(b) (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.

(c) (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);
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.

(d) ~~(e)~~ 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 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.

(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.

(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.

(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

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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, 11/28/89, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julia Russo, Division of Communications

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

DATE PROPOSED RULE APPROVED: April 16, 1991

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.

M E M O R A N D U M

May 3, 1991

TO : STEVE TRIBBLE, DIRECTOR, DIVISION OF RECORDS & REPORTING
FROM: RICHARD BELLAK, ASSOCIATE GENERAL COUNSEL *RB*
RE : DOCKET NO. 910060-TP, RULE 25-4.110

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Attached please find a Notice of Rulemaking for distribution by your office.

Industry distribution is:

_____ Electric (IOU)
_____ Electric (Muni & Coop)
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This document has the following priority:

_____ Must be issued today.
_____ Must be issued within 48 hours.
 x Must be issued within 5 working days.

RCB:prl
Attachment
cc: File
 W. Terrell
0074

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