

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Adoption of Rule 25-4.118,)	ORDER NO. 25343
F.A.C., Interexchange Carrier)	
Selection, and Amendment of Rules)	DOCKET NO. 910479-TP
25-4.003, F.A.C., Definitions,)	
25-24.490, F.A.C., Customer)	ISSUED: 11/14/91
Relations; Rules Incorporated.)	

NOTICE OF RULEMAKING

NOTICE is hereby given that the Commission, pursuant to section 120.54, Florida Statutes, has initiated rulemaking to adopt Rule 25-4.118, F.A.C., and amend Rules 25-4.003, and 25-24.490, F.A.C., relating to interexchange carrier selection.

The attached Notice of Rulemaking will appear in the November 15, 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, January 8, 1992
 Room 122, 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 December 6, 1991.

By Direction of the Florida Public Service Commission, this
14th day of NOVEMBER, 1991.

 STEVE TRIBBLE, Director
 Division of Records & Reporting

(S E A L)

WEW

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by: Kay Deegan
 Chief, Bureau of Records

DOCUMENT NUMBER-DATE

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FLORIDA PUBLIC SERVICE COMMISSION

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RULE TITLE:

RULE NO.:

Customer Relations; Rules Incorporated

25-24.490

PURPOSE AND EFFECT: The purpose of the amendment to Rule 25-24.490, F.A.C., is to incorporate by reference new Rule 25-4.118, F.A.C., which would reduce unauthorized primary interexchange carrier (PIC) changes. The effect of the rule amendment will be to impose certain requirements on Local Exchange Companies (LECs) and Interexchange Companies (IXCs) concerning how those companies manage the process of changing customer's PICs.

SUMMARY: The proposed amendment would: 1) Require customer authorization prior to any change to a customer's PIC; 2) Require certain information be included in the ballots issued by IXCs; 3) Require IXCs to maintain written documentation of customers' choices of presubscribed carriers for a period of one year; 4) Require LECs to change the customers back to the preferred carriers within 24 hours whenever the PIC was changed in error; 5) Require that IXC marketing practices disclose to customers the identity of the IXC, that the purpose of the visit or call is to solicit PIC changes, and that PIC changes cannot be made without the customer's authorization.

The amendment would allow IXCs to submit PIC changes directly to LECs, including electronically, only if at least one of the following has occurred prior to the change request: 1)

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The IXC has on hand a ballot or letter from the customer requesting such change; 2) The customer initiates a call to an automated 800 number and, through a sequence of prompts, confirms the customer's requested change; 3) The customer's requested change is verified through a qualified, independent firm which is unaffiliated with any IXC.

The rule also contains a subsection which would allow the Commission to require additional constraints on IXCs in the case of excessive complaints or other inappropriate activities by the IXCs. These constraints may include a requirement that signed documentation designating each PIC change must be received by the LEC from the IXC.

RULEMAKING AUTHORITY: 350.127, F.S.

LAW IMPLEMENTED: 364.03, 364.14, 364.15, 364.337, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THIS RULE: The Economic Impact Statement (EIS) states that four companies have estimated economic impact for expenses related to balloting, maintaining an 800 number service, or employing a third party to verify orders, with the highest estimate being \$5.8 million. The EIS also indicates that IXCs believe that the subsection of the rule which allows for the imposition of additional constraints on those companies that have excessive complaints could cause a significant increase in cost. U.S. Sprint estimated the highest cost would be in excess of \$20 million. No other major cost associated with the implementation of the new requirements were

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noted by the respondents.

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., Wednesday, January 8, 1992

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:

25-24.490 Customer Relations; Rules Incorporated.

The following rules are incorporated herein by reference and apply to interexchange companies. In the following rules, the word 'local' should be omitted or interpreted as 'toll', as they shall apply only to interexchange and not local service.

(1) The following rules apply to all companies:

<u>Section</u>	<u>Title</u>	Portions not <u>Applicable</u>
25-4.111	Customer Complaint and Service Requests	Subsection (2)
25-4.112	Termination of Service by Customer	None
25-4.113	Refusal or Discontinuance	None

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	of Service by Company	
25-4.114	Refunds	None
25-4.117	800 Service	None
<u>25-4.118</u>	<u>Interexchange Carrier</u>	<u>None</u>
	<u>Selection</u>	

(2) The following rules apply to major interexchange companies only:

<u>Section</u>	<u>Title</u>	<u>Portions not Applicable</u>
25-4.109	Customer Deposits	None
25-4.110	Customer Billing	Subsection (4)
25-4.111(2)	Customer Complaints & Service Reports	None

(3) A minor interexchange company 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. This subsection applies to all minor interexchange companies that apply for a certificate of public convenience and necessity on or after the effective date of this rule and will become applicable to all other minor

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interexchange companies 90 days after the effective date of this rule.

(4) 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,

(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.

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

Law Implemented: 364.03, 364.14, 364.15, 364.337, F.S.

History: New 2/23/87, Amended 10/31/89, 3/5/90, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Steve Brown, Division

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of Communications

NAME OF SUPERVISOR OR PERSON(S) WHO APPROVED THE PROPOSED RULE:

Florida Public Service Commission

DATE PROPOSED RULE APPROVED: October 15, 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.

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 910479-TP

RULE TITLE:	RULE NO.:
Definitions	25-4.003
Interexchange Carrier Selection	25-4.118

PURPOSE AND EFFECT: The purpose of new rule 25-4.118, F.A.C., is to reduce unauthorized primary interexchange carrier (PIC) changes. The effect of the rule amendment will be to impose certain requirements on Local Exchange Companies (LECs) and Interexchange Companies (IXCs) concerning how those companies manage the process of changing customer's PICs.

SUMMARY: Rule 25-4.118, F.A.C., would: 1) Require customer authorization prior to any change to a customer's PIC; 2) Require certain information be included in the ballots issued by IXCs' 3) Require IXCs to maintain written documentation of customers' choices of presubscribed carriers for a period of one year; 4) Require LECs to change the customers back to the preferred carriers within 24 hours whenever the PIC was changed in error; 5) Require that IXC marketing practices disclose to customers the identity of the IXC, that the purpose of the visit or call is to solicit PIC changes, and that PIC changes cannot be made without the customer's authorization.

Rule 25-4.118, F.A.C., would allow IXCs to submit PIC changes directly to LECs, including electronically, only if at least one of the following has occurred prior to the changes

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request: 1) The IXC has on hand a ballot or letter from the customer requesting such change; 2) The customer initiates a call to an automated 800 number and, through a sequence of prompts, confirms the customer's requested change; 3) The customer's requested change is verified through a qualified, independent firm which is unaffiliated with any IXC.

Rule 25-4.118, F.A.C., also contains a subsection which would allow the Commission to require additional constraints on IXCs in the case of excessive complaints or other inappropriate activities by the IXCs. These constraints may include a requirement that signed documentation designating each PIC change must be received by the LEC from the IXC. Rule 25-4.003, F.A.C., is amended to define Primary Interexchange Carrier.

RULEMAKING AUTHORITY: 350.127(2), F.S.

LAW IMPLEMENTED: 364.01, 364.02, 364.19, 364.32, 364.285, 364.335, 364.337, F.S.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT OF THESE RULES: The Economic Impact Statement (EIS) states that four companies have estimated economic impact for expenses related to balloting, maintaining an 800 number service, or employing a third party to verify orders, with the highest estimate being \$5.8 million. The EIS also indicates that IXCs believe that the subsection of the rule which allows for the imposition of additional constraints on those companies that have excessive complaints could cause a significant increase in cost. U.S. Sprint estimated the highest

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cost would be in excess of \$20 million. No other major cost associated with the implementation of the new requirements were noted by the respondents.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULES 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., Wednesday, January 8, 1992

PLACE: Room 122, 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

THE FULL TEXT OF THESE RULES ARE:

25-4.003 Definitions.

For the purpose of these rules, the following definitions apply:

(1) "Average Busy Season-Busy Hour Traffic." The average traffic volume for the busy season busy hours.

(2) "Base Rate Area." That well-developed and contiguous territory within the exchange service area in which local exchange service, except rural multi-party line service, is furnished at rates common to all subscribers and without extra exchange line mileage or zone charges. A base rate area shall include all well-developed and contiguous territory within the exchange service area whether such territory is within or outside

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of an incorporated city or town. The term "well-developed" as used in this rule shall be construed to mean all land area suitable for either residential or business usage which is generally developed to a level of fifty percent (50%) or more.

(3) "Busy Hour." The continuous one-hour period of the day during which the greatest volume of traffic is handled in the office.

(4) "Busy Season." The calendar month or period of the year (preferably thirty (30) days but not to exceed sixty (60) days) during which the greatest volume of traffic is handled in the office.

(5) "Call." An attempted telephone message.

(6) "Central Office." A local operating unit by means of which connections are established between subscribers' lines and trunk or toll lines to other central offices within the same exchange or other exchanges. Each three (3) digit central office code (NNX) used shall be considered a separate central office unit.

(a) "Central Office Unit." Automatic telephone switching equipment whose maximum capacity is 10,000 terminals.

(b) "Central Office Entity." A facility comprised of two (2) or more central office units which are located on the same premises and which may or may not utilize common equipment.

(7) "Class of Service." A description of main station service furnished a subscriber in terms of grade of line, type of

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rate and location use.

(8) "Commission." The Florida Public Service Commission.

(9) "Company" "Telephone Company." "Utility." These terms may be used interchangeably herein and shall mean any person, firm, partnership or corporation engaged in the business of furnishing communication service to the public under the jurisdiction of the Commission.

(10) "Exchange." The entire telephone plant and facilities used in providing telephone service to subscribers located in an exchange area. An exchange may include more than one central office unit.

(11) "Exchange (Service) Area." The territory, including the base rate suburban and rural areas served by an exchange, within which local telephone service is furnished at the exchange rates applicable within that area.

(12) "Extended Area Service." A type of telephone service furnished under tariff provisions whereby subscribers of a given exchange or area may complete calls to, and receive messages from, one or more other contiguous exchanges without toll charges, or complete calls to one or more other exchanges without toll message charges.

(13) "Extension Station." An additional station connected on the same circuit as the main station and subsidiary thereto.

(14) "Foreign Exchange Service." A classification of exchange service furnished under tariff provisions whereby a

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subscriber may be provided telephone service from an exchange other than the one from which he would normally be served.

(15) "Grade of Line." The number of subscribers which may be served on a telephone line such as one-party, two-party, four-party.

(16) "Individual Line Service." A classification of exchange service which provides that only one main station shall be served by the circuit connecting such station with the central office equipment.

(17) "Intercept Service." A service arrangement provided by the telephone company whereby calls placed to an unequipped non-working, a disconnected or discontinued telephone number are intercepted by operator, recorder, or audio response computer and the calling party informed that the called telephone number is not in service, has been disconnected, discontinued or changed to another number, or that calls are received by another telephone. This service is also provided in certain central offices and switching centers to inform the calling party of system blockages, inability of the system to complete a call as dialed, no such office code, all circuits busy, etc.

(18) "Interexchange Company" means any telephone company, as defined in Section 364.02(4), F.S., which provides telecommunication service between exchange areas as those areas are described in the approved tariffs of individual local exchange companies.

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(19) "Inter-office Call." A telephone call originating in one central office unit or entity but terminating in another central office unit or entity both of which are in the same designated exchange area.

(20) "Interstate Toll Message." Those toll messages which do not originate and terminate within the same state.

(21) "Intertoll Trunk." A line or circuit between toll offices over which toll calls are passed. (Can also be between two end offices or between end offices and distant toll offices.)

(22) "Intra-office Call." A telephone call originating and terminating within the same central office unit or entity.

(23) "Intra-state Toll Message." Those toll messages which originate and terminate within the same state.

(24) "Invalid Number." A number comprised of an unassigned area code number, a non-working central office code, or a connector terminal number which has no equipment installed to connect to such a number.

(25) "Line Fill." The ratio of the number of main stations for a specific grade of service divided by the number of lines in use furnishing that grade of service.

(26) "Local Exchange Company" means any telephone company, as defined in Section 364.02(4), F.S., which, in addition to any other telephonic communication service, provides telecommunication service within exchange areas as those areas are described in the approved tariffs of the telephone company.

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(27) "Local Service Area." "Local Calling Area." The area within which telephone service is furnished subscribers under a specific schedule of exchange rates and without toll charges. A local service area may include one or more exchange areas or portions of exchange areas.

(28) "Main Station." The principal telephone associated with each service to which a telephone number is assigned and which is connected to the central office equipment by an individual or party line circuit or channel.

(29) "Message." A completed telephone call.

(30) "Mileage Charge." A tariff charge, generally expressed in one-quarter (1/4) mile increments, assessed on individual line and two-party line service to defray additional costs incurred in providing local exchange service beyond the base rate and suburban rate area boundaries and tariff charges for circuits and channels connecting other services that are auxiliary to local exchange service such as off premise extensions, foreign exchange, foreign central office and private line services, tie lines, etc. (Also see "Zone Charge.")

(31) "Multi-party (Line) Service." A classification of exchange service which provides that more than two (2) main stations may be served by the same central office circuit. Although two-party lines might be considered as multi-party, they are excluded from this classification. (See Party-Line Service.)

(32) "Normal Working Days." The normal working days for

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installation and construction will be all days except Saturdays, Sundays and holidays. The normal working days for repair service will be all days except Sundays and holidays. Holidays will be the days which are observed by each individual telephone utility.

(33) "Optional Calling Plan." An optional service furnished under tariff provisions which recognizes the need of some subscribers for extended area calling without imposing the cost on the entire body of subscribers.

(34) "Outside Plant." The telephone equipment and facilities installed on, along, or under streets, alleys, highways, or on private rights-of-way between the central office and subscribers' locations or between central offices of the same or different exchanges.

(35) "Party Line Service." A classification of exchange service which provides that two or more main stations may be served by the same central office circuit.

(36) "Pay Telephone Service Company" means any telephone company, as defined in Section 364.02(4), F.S., other than a Local Exchange Company, which provides pay telephone service as defined in Section 364.335(4), F.S.

(37) "Preferred Classes of Service." The classes of service (as specified in approved tariffs) which the company undertakes to furnish at any point within the base rate area at a rate common to all subscribers for the same class. Preferred classes of service may be furnished at points outside the base

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rate area at base rates plus applicable zone or mileage charges, except as provided by Rule 4.68(2)(b).

(38) "Primary Interexchange Company." The pre-subscribed interexchange company for a given customer/subscriber.

(39)-38 "Primary Service." Individual line service or party line service.

(40)-39 "Rural (service) Area." That area within the exchange service area which is sparsely developed and lies beyond the base rate and suburban rate areas.

(41) 40 "Service Interruption." The term "service interruption" shall mean the inability to complete calls over the subscriber's line either incoming or outgoing or both due to facility malfunctions or human errors; except that the term as used in these rules shall not include service difficulties such as slow dial tone, circuits busy or other network and/or switching capacity shortages, nor shall it be construed to apply where service is interrupted by the negligence or willful act of the subscriber, emergency situations, unavoidable casualties and acts of God, or nonservice affecting reports, or where the company, pursuant to approved provisions of its tariff, suspends or terminates service because of non-payment of bills due to the company, unlawful or improper use of the facilities or service or any other proper reason covered by filed and approved tariffs or rules of the Commission.

(42)-41 "Service Objective." The term "service objective"

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as used in these rules represents a quality of service which is desirable to be achieved under normal conditions, but failure to fully meet such objectives should not be considered to be a governing factor in determining whether a company is providing adequate service for ratemaking purposes.

(43) ~~42~~ "Service Standard." The term "service standard" as used in these rules and regulations represents a level of service which a telephone utility, under normal conditions, is expected to meet in its certificated territory as representative of adequate services.

(44) ~~43~~ "Station." A telephone instrument consisting of a transmitter, receiver, and associated apparatus so connected as to permit sending and/or receiving telephone messages.

(45) ~~44~~ "Subscriber." "Customer." These terms may be used interchangeably herein and shall mean any person, firm, partnership, corporation, municipality, cooperative organization, or governmental agency supplied with communication service by a telephone company.

(46) ~~45~~ "Subscriber Line." The circuit or channel used to connect the subscriber station with the central office equipment.

(47) ~~46~~ "Suburban (Service) Area." That area within the exchange service area which is partially developed and lies immediately beyond the base rate area.

(48) ~~47~~ "Switching Center." Location at which telephone traffic, either local or toll, is switched or connected from one

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circuit or line to another. A local switching center may be comprised of several central office units.

(49) ~~48~~ "Toll Connecting Trunk." A trunk which connects a local central office with its toll operating office.

(50) ~~49~~ "Toll Message." A completed telephone call between stations in different exchanges for which message toll charges are applicable.

(51) ~~50~~ "Toll Station." A telephone station connected directly to the toll switchboard installed for the convenience of the public or of a subscriber in a location where the company does not generally furnish exchange service and from which established toll rates are charged for all messages sent over company lines.

(52) ~~51~~ "Traffic Study." The process of recording usage measurements which can be translated into required quantities of equipment.

(53) ~~52~~ "Trouble Report." Any oral or written report from a subscriber or user of telephone service to the telephone company indicating improper function or defective conditions with respect to the operation of telephone facilities over which the telephone company has control.

(54) ~~53~~ "Trunk." A communication channel between central office units or entities, or private branch exchanges.

(55) ~~54~~ "Valid Number." A number for a specific telephone terminal in an assigned area code and working central office

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which is equipped to ring and connect a calling party to such terminal number.

(56) 55 "Zone Charge." Similar to mileage charge except that the portion of exchanges service area located beyond the base rate area is divided into zones or bands within which rates common to all subscribers for the same class are provided for individual line and two-party line service.

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

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

History: Revised 12/1/68, Amended 3/31/76, formerly 25-4.03, Amended 2/23/87, _____.

25-4.118 Interexchange Carrier Selection

(1) The primary interexchange company (PIC) of a customer shall not be changed without the customer's authorization. The customer's local exchange company (LEC) shall accept PIC change requests by telephone call or letter directly from customers.

(2) The LEC shall also accept PIC change requests from a certificated IXC on behalf of the customer. A certificated interexchange company (IXC) may submit requests for PIC changes to a LEC only if it has certified to the LEC that at least one of the following actions has occurred prior to the PIC change request:

(a) the IXC has on hand a ballot or letter from the customer requesting such change;

(b) the customer initiates a call to an automated 800 number and through a sequence of prompts, confirms the customer's

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requested change:

(c) the customer's requested change is verified through a qualified, independent firm which is unaffiliated with any IXC.

(3) The Commission may require additional constraints on interexchange company requests for PIC changes if the interexchange company's PIC change activities result in excessive complaints of unauthorized changes or are otherwise found to be inappropriate. These constraints may include, but are not limited to, prior to any customers being changed, a requirement that signed documentation designating each PIC change must be received by the LEC from the interexchange company.

(4)(a) The ballot or letter submitted to the interexchange company requesting a PIC change shall include, but not be limited to, the following information (Each shall be separately stated):

1. Customer name, phone/account number and address;
2. Company and the service to which the customer wishes to subscribe;
3. Statement that the customer is responsible for the household or the business phone bill;
4. Customer signature.

(b) If a PIC change request results from either a customer initiated call or a request verified by an independent third party, the information set forth in (4)(a) 1-3 above shall be obtained from the customer.

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(c) Ballots or letters will be maintained by the IXC for a period of one year.

(5) There shall be separate ballots for individual services such as presubscription and travel card service. Ballots shall contain, in addition to items listed in 25-4.118 (4-a) through (4-d), the following information:

(a) Any charges associated with the change;

(b) Any monthly service charge or minimum usage charge;

(c) Statement that submission of more than one selection may invalidate all selections.

(6) Charges for unauthorized PIC changes and higher usage rates, if any, over the rates of the preferred company shall be credited to the customer by the IXC responsible for the error within 45 days of notification. Upon notice from the customer of an unauthorized PIC change, the LEC shall change the customer back to the prior IXC, or another of the customer's choice. The change must be made within 24 hours excepting Saturday, Sunday and holidays, in which case the change shall be made by the end of the next business day. In the case where the customer disputes the ballot or letter, the IXC appearing on the ballot/letter will be responsible for any charges incurred to change the PIC of the customer.

(7) The IXC shall provide the following disclosures when soliciting a change in service from a customer:

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(a) Identification of the IXC;

(b) The purpose of visit or call is to solicit a change of the PIC of the customer;

(c) The PIC can not be changed unless the customer authorizes the change;

(d) Any additional information as referenced in Rule 25-24.490(4).

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

Law Implemented: 364.01, 364.19, 364.285, F.S.

History: New_____.

NAME OF PERSON ORIGINATING PROPOSED RULES: Steve Brown, Division of Communications

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

DATE PROPOSED RULES APPROVED: October 15, 1991 Conference date]

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.