

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for Temporary )  
Waiver of Rule 25-4.110, F.A.C., )  
Pertaining to Customer Billing. )  
DOCKET NO. 911116-TL  
ORDER NO. PSC-92-0238-FOF-TL  
ISSUED: 04/23/92

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman  
BETTY EASLEY  
J. TERRY DEASON  
SUSAN F. CLARK  
LUIS J. LAUREDO

ORDER GRANTING REQUESTS OF GTE FLORIDA INCORPORATED,  
CENTRAL TELEPHONE COMPANY OF FLORIDA AND  
ALLTEL FLORIDA, INC. FOR TEMPORARY WAIVER  
OF RULE 25-4.110 PERTAINING TO CUSTOMER BILLING

BY THE COMMISSION:

On October 8, 1991, the Commission reached a consensus in favor of adoption of the Pay Per Call rules, and so ruled from the bench. The rules governing the provision of 900 Pay Per Call became effective November 11, 1991.

At the hearing several local exchange companies stated that they may need additional time to implement changes to comply with the rules. The Commission stated that it would entertain requests for rule waivers on a case by case basis.

At the December 17, 1991 agenda, the Commission approved the waiver requests on behalf of Southern Bell, United and Quincy Telephone. Staff had also received filings from GTE Florida Incorporated and Central Telephone Company of Florida requesting waivers of Rule 25-4.110, which required additional information and clarification before staff could make a recommendation. In addition, ALLTEL Florida, Incorporated has requested a waiver.

This order will deal with the modified requests of Central Telephone Company of Florida and GTE Florida Incorporated for waiver of Rule 25-4.110 and address ALLTEL Florida, Incorporated's waiver request.

GTE Florida Incorporated requested temporary waiver, until December 1, 1992, of Rules 25-4.110(9) and (10)(b)2. These rules require the following:

- 1) Each local exchange company shall apply partial payment of an end user/customer bill first towards satisfying any unpaid regulated charges. The remaining portion of the payment (if any) shall be applied to nonregulated charges.
- 2) Provide an 18 second billing grace period in which the end user/customer can disconnect the call without incurring a charge; from the time the call is answered at the Pay Per Call provider's

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premises, the preamble message must be no longer than 15 seconds. The program may allow an end user/customer to affirmatively bypass a preamble.

In the modified request, GTE Florida Incorporated has stated its need for a waiver of only portions of the Pay Per Call rule due to adjustments needed in its billing system. The company states that altering their billing processes is an inherently complex and time-consuming endeavor. GTE Florida Incorporated implemented its new and more sophisticated billing system in Florida in January 1992; however, GTE Florida Incorporated explains that while this billing system eased some of the current limitations, the capabilities required by some of the new Pay Per Call rules were not originally programmed into the billing system, resulting in unforeseen delays. Currently, GTE Florida Incorporated is in compliance with the majority of the Pay Per Call rules but will not be able to comply with Rule 25-4.110(9), and Rule 25-4.110(10)(b)2 until December 1, 1992, when these modifications have been made to the billing system.

Section (9) requires the company to apply partial payment of an end user/customer bill first towards satisfying any unpaid regulated charges and the remaining portion of the payment (if any) shall be applied to nonregulated charges. As stated previously, GTE Florida Incorporated's billing modification should be operational by December 1, 1992.

Section 10(b)2. requires an 18 second billing grace period in which the customer can disconnect the call without incurring a charge. This section also allows the end user to affirmatively bypass the preamble to a Pay Per Call message. The waiver of the 18 second preamble only applies to 976 providers, since the company does not rate 900 calls (900 service is rated by the 900 carrier and not the local exchange company). The company projects a December 1, 1992, compliance date.

GTE Florida Incorporated also states that it will continue to work internally to see if these dates can be improved, but the work which is required to handle the segregation and application of partial payments makes it impossible to commit to an earlier date.

We believe that GTE Florida Incorporated's request for waiver of Rules 25-4.110(9) and (10)(b)2. until December 1, 1992, is appropriate and therefore approve it. However, since the company cannot conform to the 18 second billing grace period or comply with the partial payment requirements, GTE Florida Incorporated is required to send a monthly bill stuffer that includes information on the 900/976 rules regarding the 18 second grace period and the partial payment requirement. The bill stuffer should also inform the customer that if they are billed for a 976 call which was terminated prior to the 18 second grace period that they are entitled to a credit. In addition, the bill stuffer should explain that partial payments are to be applied first to regulated charges and if the customer gets disconnected due to the company's failure to apply the payment properly, the customer should be provided information on how and whom to contact

at the company. While a monthly bill stuffer may seem excessive, staff would note that the 18 second disconnect and partial payment provisions should be in place now. Customers will not know they could have avoided the charges if they are not informed.

The company states it currently will remove a 976 call from an end user's bill if the customer states he/she disconnected before the end of the 18 second grace period. In addition, the company states it currently takes measures to try to prevent its customers from being disconnected for nonpayment of regulated services, but if a customer does accidentally get disconnected because the payment was not fully applied to regulated charges, the company would reconnect immediately at no charge.

On November 8, 1991, Central Telephone Company of Florida filed a request for waiver of the amendments to Rule 25-4.110. Since staff was unable to determine, by the request, which section(s) of the rule the company was asking to be temporarily waived, we requested Central Telephone Company of Florida to amend its request and identify the specific section(s).

On December 9, 1991, an amended request was received for temporary waiver of Rules 25-4.110(1)(c)1.c. and (10)(a) until May 1, 1992.

Section (1)(c)1.c. requires the company to identify and separately state unregulated charges on the local exchange company's bill.

Section (10)(a) requires the company to segregate Pay Per Call charges separately from regular long distance and local charges with a heading stating "Pay Per Call (900 or 976) nonregulated charges". Also, the following information shall be clearly and conspicuously disclosed on each section of the bill containing Pay Per Call charges: notice that nonpayment of Pay Per Call service charges will not result in disconnection of local service, notice that free blocking of Pay Per Call is available from the LEC, a free number for customers to call regarding disputed calls, the name of the IXC providing the 900 service, and the program name of the Pay Per Call.

Central Telephone Company of Florida states that these conditions will require extensive programming changes to its billing systems. The company states that it will be able to implement these billing requirements by May 1, 1992.

We believe that Central Telephone Company of Florida's request for waiver of Rule 25-4.110(1)(c)1.c. and (10)(a) is appropriate and therefore approve it. Central Telephone Company of Florida will be in compliance with the rules by May 1, 1992. Staff is not requiring customer notice through a bill stuffer since the company will be in compliance by the time the bill stuffer could be sent.

On December 9, 1991, ALLTEL Florida, Incorporated filed for waiver of Rule 25-4.110(9) and (10)(a) until August 1, 1992.

Section (9) requires the company to apply partial payment of an end user/customer bill first towards satisfying any unpaid regulated charges and the remaining portion of the payment (if any) shall be applied to nonregulated charges. ALLTEL Florida, Incorporated's billing modifications are expected to be completed by August 1, 1992.

Initially the company requested a waiver of the entirety of Section 10(a). As of March 7, 1992, ALLTEL Florida, Incorporated was in compliance with all the requirements of 10(a) with the exception of the local or toll-free number the end user/customer can call to dispute charges appearing on each section of the bill containing Pay Per Call service charges. Currently, the telephone numbers are available on the summary page of the local exchange bill. The company indicates that it will be in complete compliance by August 1, 1992.

We believe ALLTEL Florida, Incorporated's request for temporary waiver of Rule 25-4.110(9) and Rule 25-4.110(10)(a) until August 1, 1992, is appropriate and therefore approve it. A monthly bill insert is not necessary since the required local or toll-free number is located on the customer's bill, and the disconnects for nonpayment of regulated charges are being reviewed manually to defray accidental disconnects until the billing system is operational. If a customer is accidentally disconnected because the payment was not applied to regulated services first, the company will reconnect immediately without a charge.

In view of the above, it is hereby

ORDERED by the Florida Public Service Commission that the request of GTE Florida Incorporated for temporary waiver of rules 25-4.110(9) and (10)(b) 2. pertaining to customer billing until December 1, 1992 is granted. It is further

ORDERED that the request of Central Telephone Company of Florida for temporary waiver of Rules 25-4.110 (1)(c) 1.c. and (10)(a) pertaining to customer billing until May 1, 1992 is granted. It is further

ORDERED that the request of ALLTEL Florida, Inc. temporary waiver of Rules 25-4.110(9) and 10(a) pertaining to customer billing until August 1, 1992 is granted. It is further

ORDERED that this docket is closed.

BY ORDER of the Florida Public Service Commission this 23rd day of April, 1992.

  
STEVE TRIBBLE, Director  
Division of Records & Reporting

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.