

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Revisions to ) DOCKET NO. 941190-TI  
Rule 25-4.118, F.A.C., ) ORDER NO. PSC-94-1566-NOR-TI  
Interexchange Carrier Selection ) ISSUED: December 15, 1994

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman  
SUSAN F. CLARK  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

NOTICE OF RULEMAKING

NOTICE is hereby given that the Florida Public Commission, pursuant to Section 120.54, Florida Statutes, has initiated rulemaking to amend Rule 25-4.118, Florida Administrative Code, relating to Interexchange Carrier Selection.

The attached Notice of Rulemaking will appear in the December 23, 1994 edition of the Florida Administrative Code Weekly.

If timely requested, a hearing will be held at the following time and place:

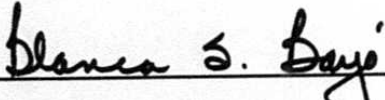
Florida Public Service Commission  
9:30 a.m., January 18, 1995  
Room 122, Fletcher Building  
101 East Gaines Street  
Tallahassee, Florida 32399-0850

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 32399-0870, no later than January 13, 1995.

DOCUMENT NUMBER-DATE  
12587 DEC 15 94  
FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 15th  
day of December, 1994.

  
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BLANCA S. BAYÓ, Director  
Division of Records & Reporting

( S E A L )

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FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 941190-TI

RULE TITLE: RULE NO.:

Interexchange Carrier Selection 25-4.118

PURPOSE AND EFFECT: The purpose of this rule revision is to reduce the number of unauthorized IXC switches caused by using contest and other offers on forms which also switch the participant's IXC.

SUMMARY: The rule requires that all letters of agency, ballots or other documents which switch customers' IXC's be used solely for that purpose, that the name of the company to which the service is being switched be clearly identified and that a statement as to the resulting change be included in bold face type.

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

LAW IMPLEMENTED: 364.01, 364.19, 364.285, F.S.

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.

HEARING: 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., January 18, 1995.

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:

25-4.118 Interexchange Carrier Selection

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

(2) A LEC shall also accept PIC change requests from a certificated interexchange company (IXC) acting on behalf of the customer. A certified IXC that will be billing customers in its name may submit a PIC change request, other than a customer-initiated PIC change, directly or through another IXC, 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; or

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

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

(d) the IXC has received a customer request to change his PIC and has responded within three days by mailing of an information package that includes a prepaid, returnable postcard and an additional 14 days have past before the IXC submits the PIC change to the LEC. The information package should contain any information required by Rule 25-4.118(3).

(3)(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 person requesting the change is authorized to request the PIC change; and
4. Customer signature.

(b) Every letter of agency, ballot or document by means of which a customer can request a PIC change shall be used solely for that purpose. Every such letter of agency, ballot or document shall identify the telecommunications company to which the service is being changed. The page of the letter or ballot containing the customer's signature shall contain the following statement directly above the customer's signature in bold face type at least twice the size of any other text on the page: "I understand that my signature on this form will result in my interLATA long distance

telecommunications service being provided by (insert here the name of FPSC certificated interexchange company)."

(c**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 (3)(a)1.-3. above shall be obtained from the customer.

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

(4) Customer requests for other services, such as travel card service, do not constitute a change in PIC.

(5) 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.

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

- (a) Identification of the IXC;
- (b) That the purpose of visit or call is to solicit a change of the PIC of the customer;
- (c) That the PIC can not be changed unless the customer authorizes the change; and
- (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: 3/4/92.

Specific Authority: 350.127(2) F.S.

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

History: New 3/4/92

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathy Lewis

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

DATE PROPOSED RULE APPROVED: December 6, 1994

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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Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Records and Reporting at (904) 488-8371 at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).