

# Southern Bell

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May 13, 1991

ORIGINAL  
FILE COPY

Steve Tribble  
Director, Division of Records & Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, Florida 32301

Re: ~~FPSC Docket No. 910060-TP~~

Dear Mr. Tribble:

Enclosed are an original and fifteen copies of Southern Bell Telephone and Telegraph Company's suggested revisions to Staff's proposed rules as requested at the May 8, 1991 workshop in the above mentioned docket. Service is being provided to all parties of record in accordance with the attached Certificate of Service.

A copy of this letter is enclosed. Please indicate on the copy that the original was filed and return the copy to me.

Very truly yours,

*Mary Jo Peed*  
Mary Jo Peed

ACK

AFA

APP

CAF

CMU

Enclosure

CTR

cc: All Parties of Record

EAG

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WAS

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CERTIFICATE OF SERVICE  
Docket No. 910060-TP

I HEREBY CERTIFY that a copy of the foregoing has been furnished by United States Mail this 13<sup>th</sup> day of May, 1991, to:

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A handwritten signature in cursive script, reading "Mary Jo Eudy", written over a horizontal line.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 900 and 976 )  
Rulemaking )  
\_\_\_\_\_ )

Docket No.: 910060-TP  
Filed: May 13, 1991

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY'S  
COMMENTS TO STAFF'S PROPOSED RULES AS DISCUSSED  
IN MAY 8, 1991 WORKSHOP

COMES NOW Southern Bell Telephone and Telegraph Company ("Southern Bell" or "Company"), pursuant to staff's request for recommended revisions to staff's proposed rules during the May 9, 1991 workshop in the above-mentioned docket.

(9) This section applies to local exchange companies (LEC) and interexchange carriers (IXC) that provide transmission services to 900/976 providers and/or bill and collect on behalf of 900/976 providers. 900 Service is defined as a switched telecommunications service which permits the end user customer to receive a recorded message from an information provider or permits interactive communications between an end user customer and an information provider's program via 900 area code between locations within the State of Florida, with a per call or per minute charge to the end user. 976 Service is defined as a switched local exchange company service whereby a subscriber to the service provides a recorded message which is accessible to the public by a 976 prefix call placed through the LEC's facilities with a per call or per minute charge to the end user.

(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 disconnection of local service;
2. Customers can obtain free blocking of 900 or 976 service from the local exchange telephone company;

(Comments will be provided to phase I proposed rules during comment cycle.)

The following information shall be disclosed on a customer's bill which contains 900 or 976 charges:

1. The local or toll-free number the customer can call to dispute charges;

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2. With 900 service, the name of the interexchange carrier providing 900 service; and
3. The 900 or 976 program name.

(We agree that 9(a)3,4,5 should be disclosed on customer's bills but recommend that such disclosure not be required on every page.)

(b) 900 and 976 Service and Billing. Local exchange companies and interexchange carriers who have a tariff or contractual relationship with a 900 or 976 provider shall not provide 900 or 976 transmission service or billing services for such providers which do any of the following:

1. For 976 service, fail to provide an introduction to their message which describes the nature of and price for the 976 service. In addition, for 976 programs targeted toward children, the introduction shall state that parental consent should be obtained to place the call. An end user will not be assessed a charge if they disconnect during or immediately after the preamble.

(Because of the way 976 service is currently provided and measured, it is preferable that preambles be required on all programs rather than on selected programs.)

2. For 900 service, fail to provide an introduction to their message which describes the nature of and price for the 900 service if the service is targeted toward children twelve or under or if the charge for the service exceeds \$5 per minute or an average total charge in excess of \$10 per call. An end user will not be assessed a charge if they disconnect during or immediately after the preamble of any 900 service which is required to contain a preamble.

(Rule 9(b)3 have been replaced with revisions as set forth in #1 and #9.)

4. Provide or promote programs targeted toward children (defined as 12 years and younger) that have rates in excess of \$5.00 per call;
5. Promote their services through the use of an autodialer, broadcasting of tones that dial a 900/976 number, or call forwarding;
6. Require or request consumers to give a name,

address, telephone number, credit card number or any database marketing information during the call;

7. Refer customers, either directly or indirectly, to any other number for which there is a charge without full and accurate disclosure of the additional cost;
8. Provide programs targeted to children (defined as 12 years and younger) without clearly and conspicuously notifying the child both orally and in text, where text is used, of the requirement to obtain parental permission before placing or continuing the call; pay per call programming shall not include the enticement of a gift or premium.
9. Fail to follow the following advertising format:
  - (a) All charges for 900 or 976 services must be clearly and conspicuously identified in all advertising and other promotional materials.
  - (b) The name of the information provider shall appear in all display or broadcast advertising and promotional materials.
  - (c) Advertising for children's 900 or 976 services shall clearly indicate in language understandable to children, that parent's or guardian's permission must be obtained before calls are placed. 900 and 976 programs directed to children shall not include the enticement of a gift or premium.
10. Purport to supply products or merchandise that are not delivered or are not deliverable in the message itself.
11. Fail to meet internal standards established by the local exchange company or the interexchange carrier as defined in the applicable tariffs or contractual agreement between: the LEC and the IXC; or between the LEC and the 900 or 976 provider; or between the IXC and 900 provider which, when violated, would result in the termination of a billing or transmission service arrangement.

(c) 900 and 976 Blocking. Each local exchange company shall provide blocking where technically feasible of 900 and 976 service, at the request of the end user customer. Blocking

shall be provided to all residential and single line business customers at no charge for a period of 90 days after the effective date of this rule and for all new subscribers for a period of 90 days. Thereafter, blocking will be provided at the tariffed rates as approved by the Commission.

(d) Dispute resolution for 900 and 976 Calls.

1. Each LEC or IXC shall adjust disputed charges, which when investigated, are found to be legitimate. Such legitimate complaints include:
  - On the first occasion that a customer states that he was unaware of a charge for the 900/976 calls;
  - The customer did not receive a price advertisement, the price of the call was in any way misrepresented to the consumer, or the price advertisement received by the consumer was false, misleading, or deceptive in any manner;
  - The customer was misled, deceived, or confused in any way by the 900 or 976 advertisement;
  - The 900 or 976 program was incomplete, garbled, or of such quality as to render it inaudible or unintelligible, or the customer was disconnected or cut off from the service;
  - The customer hung up early in the call, i.e. during the introduction message or preamble, but was charged for the 900 or 976 call;
2. Each LEC or IXC will follow the procedures below with regard to customer disputes for a valid 900/976 charge:
  - (a) If the customer is willing to make payment, the LEC or IXC shall attempt to sustain the charge and make reasonable arrangements for payment.
  - (b) If the customer is unwilling or unable to pay, the LEC or IXC shall authorize or remove the charges from the bill on the first such occasion.
  - (c) The customer shall be offered blocking of 900 and 976 service.
  - (d) If the subscriber, on a subsequent occasion

[after the date of first adjustment(s) for a valid charge], incurs a valid charge which he is unwilling or unable to pay, such charges shall be removed from the customer's telephone bill; and the LEC shall be authorized unilaterally to block the 900 and 976 service of such customer at no charge to the customer.

(e) Other.

5. Local exchange companies and interexchange carriers billing 900 and 976 charges to customers in Florida shall not collect or attempt to collect 900 or 976 charges which are being disputed or which have been removed from a customer's bill;
6. Local exchange companies and interexchange carriers billing 900 and 976 charges to customers in Florida and which make an adjustment for a 976/900 charge to a bill based on a customer complaint for such charges shall not report the customer to a credit bureau or collection agency for non-payment of these adjusted 900 or 976 charges;
7. Local exchange companies and interexchange carriers billing 900 and 976 charges to customers in Florida shall implement safeguards to prevent the accidental disconnection of phone service for non-payment of 900 or 976 charges.