

LAW OFFICES
MESSER, VICKERS, CAPARELLO, MADSEN & LEWIS
A PROFESSIONAL ASSOCIATION

SUITE 1040, BAYPORT PLAZA
6200 COURTNEY CAMPBELL CAUSEWAY
TAMPA, FLORIDA 33607
TELEPHONE (813) 281-8711
TELECOPIER (813) 282-0050

SUITE 701, FIRST FLORIDA BANK BUILDING
215 SOUTH MONROE STREET
POST OFFICE BOX 1876
TALLAHASSEE, FLORIDA 32302-1876
TELEPHONE (904) 222-0720
TELECOPIER (904) 224-4359

SUITE 900
2000 PALM BEACH LAKES BOULEVARD
WEST PALM BEACH, FLORIDA 33409
TELEPHONE (407) 640-0820
TELECOPIER (407) 640-8202

REPLY TO Tallahassee

May 24, 1991

ORIGINAL
FILE 6/1

Mr. Steve Tribble, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, Florida 32399-0850

HAND DELIVERED

Re: FPSC Docket No. 910060-TP

Dear Mr. Tribble:

We have been asked to submit the enclosed comments on behalf of Albert J. Angel, Esq. representing Fax Interactive, Inc. and ICN, Corp. Enclosed for filing are an original and fifteen copies of Fax Interactive, Inc. and ICN, Corp.'s proposed changes to the draft 900/976 rules. Please date stamp the extra copy of this letter enclosed to indicate this filing and return the copy to me

Thank you for your assistance in the processing of this filing. Please contact Mr. Angel at (305)937-0254 if there are any questions or further requirements.

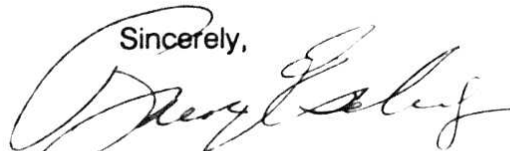
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Enclosures

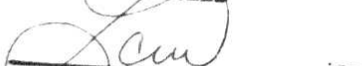
cc: Albert J. Angel, Esq.

Sincerely,



Barry E. Selvidge

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER DATE

05291 MAY 24 1991

FPSC-RECORDS/REPORTING

ALBERT J. ANGEL
ATTORNEY AT LAW

3500 MAGELLAN CIRCLE #717
AVENTURA, FLORIDA 33180

TELEPHONE
(305) 937-0254

May 13, 1991

By Fax

Steve Brown, Ann Shelfer & David Smith
Division of Communications
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399-0850

Re: Proposed Changes to Staff Draft 900/976 Rules

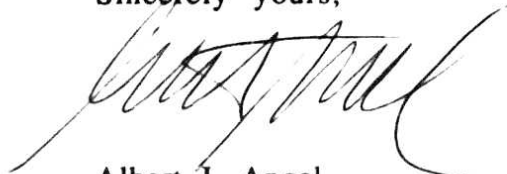
Dear Staff:

On behalf of Fax Interactive, Inc. and ICN, Corp. (both Florida corporations) I am pleased to forward proposed revisions to the Draft 900/976 rules discussed at the workshop last Wednesday.

Although I am chairman of the National Association of Information Services, time did not permit approval of the attached proposal by the Public Policy Committee of the NAIS.

Please do not hesitate to contact me if I can provide further information or explanations concerning the revisions.

Sincerely yours,



Albert J. Angel

cc: Helen Pohlig
Eric Cherry
Joe Kowalczyk

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RECORDS/REPORTING

*A.J. Angel Changes to FL Staff Draft of Proposed 900/976 Rules:
May 13, 1991 Revisions*

1 [Section 25-4.110 Customer Billing

2 [. . .]

3

4 (9) This section applies to local exchange companies and
5 interexchange carriers that provide regulated transmission, billing
6 and collection services to pay per call on behalf of 900/976
7 providers. Pay per call services are 900 service is defined as a
8 switched telecommunications services between locations within the
9 State of Florida which permits passive, interactive and live
10 communications between an end use customer a consumer and an
11 information provider's program via 900 area code between locations
12 within the State of Florida, with at per call charges to the end user
13 consumer. Pay per call services include 976 Services provided by
14 the is defined as a switched local exchange company carriers and 900
15 services provided by interexchange carriers, service whereby a
16 subscriber to the service provides a recorded message which is
17 accessible to the public by a 976 prefix call placed through the LEC's
18 facilities with a per call charge to the end user.

19 (a) Charges for 900 or 976 calls shall be segregated from
20 charges for regulated long distance or local charges and shall be
21 appearing separately under a separate heading that reads as follows:
22 "900 or 976 nonregulated charges". The following information shall
23 be clearly and conspicuously disclosed on each page of the bill
24 containing 900 or 976 service charges:

CODING: Words underlined are additions; words in
~~struck through~~ type are deletions from previous text.

*A.J. Angel Changes to FL Staff Draft of Proposed 900/976 Rules:
May 13, 1991 Revisions*

- 1 1. Nonpayment of 900 or 976 service charges will not
 - 2 result in disconnection of local service;
 - 3 2. Customers can obtain free blocking of 900 or 976
 - 4 service from the local exchange telephone company;
 - 5 3. The local or toll-free number the customer can call to
 - 6 dispute charges;
 - 7 4. With 900 service, the name of the interexchange
 - 8 carrier providing 900 service; and
 - 9 5. The 900 or 976 program name.
- 10 (b) 900 and 976 Billing. Local exchange companies and
- 11 interexchange carriers shall not provide billing services to 900 or
- 12 976 providers which are their customers unless the provider does
- 13 each do any of the following:
- 14 1. ~~Fail to p~~ Provides an introductory ~~in a~~ preamble to their
 - 15 program message which describes the nature of and
 - 16 the price for the 900 or 976 service; Nominally priced
 - 17 programs, as defined by the FCC, may omit the
 - 18 preamble, and the program may allow a consumer to
 - 19 affirmatively bypass a preamble.
 - 20 2. ~~Fail to notify~~ Provides the customer of consumer the
 - 21 ability to option of ~~disconnecting~~ the call within ~~20~~ 12
 - 22 to 18 seconds without incurring a charge;
 - 23 3. ~~Fail to p~~ Provides on each program promotion targeted
 - 24 at children (defined as 12 years and younger) clear

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*A.J. Angel Changes to FL Staff Draft of Proposed 900/976 Rules:
May 13, 1991 Revisions*

- 1 and conspicuous notification, in language
2 understandable to children, of the requirement to
3 obtain parental permission before placing or continuing
4 with the call. The parental consent notification shall
5 appear prominently in all advertising and promotional
6 materials, and in the program preamble, a statement in
7 ~~the introduction to their message that parental consent~~
8 ~~is needed prior to placing a call by children (defined as~~
9 ~~16 years and younger); Children's programs shall not~~
10 have rates in excess of \$5.00 per call, and shall not
11 include the enticement of a gift or premium.
- 12 ~~4. Provide or promote programs targeted toward children~~
13 ~~(defined as 16 years and younger) that have rates in~~
14 ~~excess of \$5.00 per call;~~
- 15 ~~5.4. Promote their services through~~without the use of
16 an autodialer, or broadcasting of tones that dial a
17 900/976 number, ~~or call forwarding;~~
- 18 ~~6. Require or request consumers to give a name, address,~~
19 ~~telephone number, credit card number or any database~~
20 ~~marketing information during the call;~~
- 21 ~~7.5. Prominently disclose the additional cost per minute~~
22 or per call for any other number that a consumer is
23 referred to. Refer customers, either directly or
24 ~~indirectly, to any other number for which there is a~~

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*A.J. Angel Changes to FL Staff Draft of Proposed 900/976 Rules:
May 13, 1991 Revisions*

- 1 ~~charge without full and accurate disclosure of the~~
2 ~~additional cost;~~
- 3 ~~8. Provide programs to children (defined as 16 years and~~
4 ~~younger) without clearly and conspicuously notifying~~
5 ~~the child both orally and in text, where text is used, of~~
6 ~~the requirement to obtain parental permission before~~
7 ~~placing or continuing the call;~~
- 8 ~~9.6. Fail to d~~Discloses clearly and conspicuously in all
9 advertising and promotional materials all charges for
10 pay per call services and the name of the information
11 provider or sponsor, both orally and in clearly visible
12 letters, if text is used, the price per call or price per
13 minute, whichever is more relevant. The price per call
14 or price per minute must be spoken or displayed
15 whenever the 900/976 phone number is spoken or
16 displayed and in the same print size and color (where
17 displayed) or voice speed and volume as the 900/976
18 number;
- 19 ~~10.6. Purport to supply~~ Provides on promotions
20 involving fulfillment of products or merchandise a clear
21 preamble notification of the price that will be incurred
22 if the consumer stays on the line, and a local or toll free
23 number for consumer services, or are not delivered in
24 ~~the message itself;~~

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*A.J. Angel Changes to FL Staff Draft of Proposed 900/976 Rules:
May 13, 1991 Revisions*

1 ~~11. Provide programs to children (defined as 16 years~~
2 ~~and younger) without clearly and conspicuously~~
3 ~~notifying the child both orally and in text, where text is~~
4 ~~used, of price whenever the 900/976 phone number is~~
5 ~~spoken or shown; or~~

6 ~~12.7. Fail to meet~~ internal standards established by
7 the local exchange company or the interexchange
8 carrier which, when violated, would result in the
9 termination of a billing arrangement.

10 (c) 900 and 976 Blocking. Each local exchange company shall
11 provide blocking of 900 and 976 service, at the request of the
12 customer, ~~to all residential and single line business customers at no~~
13 charge upon the initial service order, or at the first time a bill
14 containing pay per call charges is adjusted. Each local exchange
15 company or interexchange carrier must implement a bill adjustment
16 tracking system to aid its efforts in adjusting and sustaining pay per
17 call charges. The carrier will liberally adjust pay per call charges
18 ~~automatically remove the first disputed charge of the customer~~
19 ~~resulting from upon the consumer's first stated customer's professed~~
20 lack of knowledge that 900 and 976 calls have a charge. At the time
21 the charge is removed, the customer ~~must either:~~

- 22 1. may agree to free blocking of 900 and 976 service; or,
23 2. Sign an affidavit agreeing to accept responsibility for all
24 future 900 and 976 charges that were properly

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*A.J. Angel Changes to FL Staff Draft of Proposed 900/976 Rules:
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1 ~~applied.~~ If the customer, ~~thereafter,~~ refuses to pay a
2 disputed 900/976 charge which is subsequently
3 determined by the LEC to be valid, ~~and the customer~~
4 ~~does not pay such charge for a period of two (2) billing~~
5 ~~eyes,~~ the LEC or IXC may shall implement 900/976
6 blocking on that line.

7 (d) Dispute resolution for 900 and 976 calls. Charges for 900
8 and 976 calls shall be automatically adjusted upon complaint that:

- 9 1. The customer did not receive a price advertisement,
10 the price of the call was ~~in any way~~ misrepresented to
11 the consumer, or the price advertisement received by
12 the consumer was false, misleading, or deceptive ~~in any~~
13 ~~manner;~~
- 14 2. The customer was mislead, deceived, or confused ~~in~~
15 ~~any way~~ by the 900 or 976 advertisement;
- 16 3. The 900 or 976 program was incomplete, garbled, or of
17 such quality as to render it inaudible or unintelligible,
18 or the customer was disconnected or cut off from the
19 service;
- 20 4. The customer hung up early in the call, i.e. during the
21 ~~twenty (20) second introduction message described in~~
22 ~~25-4 (a),~~ eighteen (18) second billing grace period but
23 was charged for the 900 or 976 call;

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*A.J. Angel Changes to FL Staff Draft of Proposed 900/976 Rules:
May 13, 1991 Revisions*

- 1 5. (e) Credit and collection. Local exchange companies
2 and interexchange carriers billing 900 and 976 charges
3 to customers in Florida shall not; 1. collect or
4 attempt to collect 900 or 976 charges which are being
5 disputed or which have been removed from the
6 customer's bill; and
7 ~~6. Local exchange companies and interexchange carriers~~
8 ~~billing 900 and 976 charges to customers in Florida and~~
9 ~~which make an adjustment to a bill based on a~~
10 ~~customer complaint shall not~~ 2. report the customer
11 to a credit bureau or collection agency for non-payment
12 of 900 or 976 charges; or
13 ~~7.~~(f) Local exchange companies and interexchange
14 carriers billing 900 and 976 charges to customers in
15 Florida shall implement safeguards to prevent the
16 accidental disconnection of phone service for non-
17 payment of 900 or 976 charges.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of Fax Interactive, Inc. and ICN, Corp.'s Proposed Changes to Staff Draft 900/976 Rules in Docket No. 910060-TP has been served by U.S. Mail and/or Hand Delivery (*) on May 24, 1991 to the following parties of record:

Tracy Hatch, Esq.*
Division of Legal Services
Florida Public Service Commission
101 E. Gaines Street
Tallahassee, FL 32399-0850

Ms. Ann Shelfer*
Division of Communications
Florida Public Service Commission
101 E. Gaines Street
Tallahassee, FL 32399-0850

The Honorable Robert A. Butterworth
Attorney General
State of Florida
Department of Legal Affairs
The Capitol
Tallahassee, FL 32399-1050

Jack Shreve, Esquire
Office of Public Counsel
111 West Madison Street
Room 112
Tallahassee, FL 32399-1400

Harris R. Anthony, Esq.
c/o Marshall M. Criser, III
150 S. Monroe Street, Suite 400
Tallahassee, FL 32301

Joseph A. McGlothlin, Esq.
Vicki G. Kaufman, Esq.
Lawson, McWhirter, Grandoff & Reeves
522 E. Park Avenue, Suite 200
Tallahassee, FL 32301

Mr. Joseph Gillan
Fla. Interexchange Carriers Ass'n
Post Office Box 547276
Orlando, FL 32854-7276

Kenric E. Port, Esq.
Michael J. Henry, Esq.
MCI Telecommunications Corp.
MCI Center
Three Ravinia Drive
Atlanta, GA 30346-2102

Richard D. Melson, Esq.
Hopping Boyd Green & Sams
P.O. Box 6526
Tallahassee, FL 32314

Jerry Johns, Esq.
Alan Berg, Esq.
United Telephone Company
of Florida
P. O. Box 5000
Altamonte Springs, FL 32716-5000

Patrick K. Wiggins, Esq.
Ranson & Wiggins
P. O. Drawer 1657
Tallahassee, FL 32302

Michael Tye, Esq.
AT&T Communications, Inc.
106 East College Avenue
Suite 1410
Tallahassee, FL 32301

Thomas Parker, Esq.
GTE Florida Inc.
P. O. Box 110, MC7
Tampa, FL 33601

David Erwin, Esq.
Mason, Erwin & Horton
1311-A Paul Russell Road
Suite 101
Tallahassee, FL 32301

Lee Willis, Esq.
Ausley, McMullen, McGehee,
Carothers & Proctor
P. O. Box 391
Tallahassee, FL 32302

Andrew D. Lipman, Esq.
Jean L. Kiddoo, Esq.
Robert G. Berger, Esq.
Seidler & Berlin
3000 K Street, NW
Washington, DC 20007

Nycom Information Services
Attn: Jodi DeVecchio
5 High Ridge Park
Stanford, CT 06905

D. Bruce May, Esq.
Holland & Knight
P. O. Drawer 810
Tallahassee, FL 32302

Craig Dingwall, Esq.
US Telecom, Inc.
d/b/a Sprint Gateways
2002 Edmund Halley Drive
Reston, VA 22091
Mailstop: VARESC106H

Albert J. Angel, Esq.
3500 Magellan Circle #717
Aventura, FL 33180

BY: 