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ORIGINAL

January 15, 1998

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 9 [REDACTED]

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of the Joint Prehearing Statement of the Attorney General and the Citizens. A diskette in WordPerfect 6.1 is also submitted.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck
Deputy Public Counsel

- ACK _____
- AFA _____
- APP Caldwell
- CAF 2
- CMU 2
- CTR _____
- EAG _____
- LEG _____
- LIN 5 Enclosures
- CPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

CJB:bsr

DOCUMENT NUMBER-DATE

[REDACTED] 2

FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition of Robert A. Butterworth,)
Attorney General, and the Citizens of the)
State of Florida, by and through the Office)
of Public Counsel, for initiation of formal)
proceedings pursuant to Section 120.57(1),)
Florida Statutes, to investigate the practice)
of "slamming," i.e. the unauthorized change)
of a customer's presubscribed carrier, and to)
determine the appropriate remedial measures)

Docket 950882-TI

Filed: January 15, 1998

JOINT PREHEARING STATEMENT
OF THE ATTORNEY GENERAL AND THE CITIZENS

In accordance with PSC Order No. PSC-97-1071-PCO-TI issued September 12, 1997, as modified by PSC Order No. PSC-97-1199-PCO-TI issued October 3, 1997, and as further modified by Order No. PSC-98-0006-PCO-TI issued January 2, 1998, Robert A. Butterworth, Attorney General ("Attorney General"), and the Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, file this Prehearing Statement.

Witnesses

The Attorney General and the Citizens intend to call Mr. R. Earl Poucher as a witness in this proceeding. Mr. Poucher provides the recommendations of the Attorney General and the Citizens for rule changes that should be adopted in order to address consumer problems resulting from slamming.

DOCUMENT NUMBER-DATE

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FPSS-RECORDS/REPORTING

Exhibits

REP-1 letters and calls received by the Attorney General and the Citizens.

REP-2 internal report of BellSouth.

REP-3 internal report of GTE.

These three exhibits may be identified on a composite basis and are each supported by Mr. Poucher.

Statement of Basic Position

The testimony received by the Commission at public hearings, as well as the number of complaints received at the Commission, reflect substantial, wide ranging problems from the unauthorized switching of customers' presubscribed interexchange carriers. The Commission should adopt the rule changes proposed by the Attorney General and the Citizens.

Issues

Issue 1. Should the Commission adopt a rule requiring its staff to initiate a separate docket in each instance where the staff receives information allowing it to conclude that a company or its agents willfully engaged in fraudulent switching of a

customer's choice of carriers?

Position: Yes, the Commission should adopt this rule.

Issue 2. Should the Commission adopt a rule stating that upon receiving a complaint from a subscriber of an unauthorized change of carriers, an LEC should be required to: (a) immediately change the customer back to the customer's original carrier, (b) offer to freeze the customer's choice of carriers, (c) charge back to the slamming IXC all existing billing up to 90 days or three billing periods, whichever is longer, and credit the customer's LEC account with the amount of the charge-back, and (d) block the customer's account from future billing from the carrier that caused the slam?

Position: Yes, the Commission should adopt this rule.

Issue 3. Should the Commission adopt a rule stating that no carrier guilty of changing a customer's choice of carriers without knowledge or authorization should be allowed to bill or collect for any of the services provided to the customer during the period of unauthorized service up to 90 days or three billing periods, whichever is greater?

Position: Yes, the Commission should adopt this rule.

Issue 4. Should the Commission adopt a rule requiring that a PIC change may be implemented only after a written notice has been sent from the IXC to the customer and when one of the following conditions has been satisfied: (a) written confirmation of said change of carriers has been received from the customer, or (b) an incoming call has been received directly from the customer or a three way call has been received including the customer and the IXC to the customer's serving LEC requesting the change, or (c) an inbound or outbound telemarketing call from the IXC requesting the change has been verified by a third party recording accepting the change?

Position: Yes, the Commission should adopt this rule.

Issue 5. Should the Commission adopt a rule that forbids the use of deceptive and unfair trade practices by telecommunications companies regulated by the Commission?

Position: Yes, the Commission should adopt this rule.

Issue 6. Should the Commission adopt a rule requiring applicants for certification to certify that the company intends to provide adequate facilities including free inward toll calling for the company to receive and process customer inquiries, and require the company to certify that it will meet the minimum standards for business

office access that currently apply to LECs?

Position: Yes, the Commission should adopt this rule.

Issue 7. Should the Commission adopt a rule requiring that all telecommunications companies subject to the rules of the Commission must also be subject to the rule that require LECs to answer 90% of the incoming calls to the Business Office within 30 seconds?

Position: Yes, the Commission should adopt this rule.

Issue 8. Should the Commission adopt a rule requiring LECs, ALECs, and IXC's to include the last name, address and telephone number in the transmittal orders involving carrier changes and requiring the LECs to reject orders for carrier changes when the originating carrier fails to provide the correct last name, address and telephone number of the customer that matches the records of the LEC?

Position: Yes, the Commission should adopt this rule.

Issue 9. Should the Commission adopt a rule requiring LECs and all other billing agencies to prominently display within the first two pages of the customer's bill the name of the presubscribed local, local toll and interexchange carriers?

Position: Yes, the Commission should adopt this rule.

Issue 10. Should the Commission adopt a rule requiring all LECs and ALECs to publish annually a billing insert that explains a "PIC Freeze," provide a customer with instructions on how to obtain a "PIC Freeze," and require such companies to provide new customers with a notice about the ability to obtain a "PIC Freeze" with their first bill?

Position: Yes, the Commission should adopt this rule.

Stipulated Issues:

The Attorney General and the Citizens know of no issues that have been stipulated by the parties.

Pending Matters:

The Attorney General has a pending petition to inspect and examine records of Sprint Communications Company Limited Partnership.

Other Requirements:

The Attorney General and the Citizens know of no requirement set forth in Order No. PSC-97-1071-PCO-TI issued September 12, 1997, as subsequently amended, with which we have not complied.

Respectfully submitted,

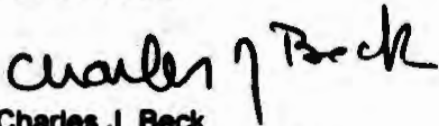
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**CERTIFICATE OF SERVICE
Docket No. 970882-TL**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S.

Mail or hand-delivery to the following parties on this 15th day of January, 1998.

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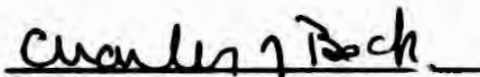
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