

ORIGINAL



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January 27, 1998

Diana Caldwell, Esq.
Division of Appeals
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket [REDACTED] Supplemental Statement of Positions

Dear Diana:

The Attorney General and the Office of Public Counsel submit the following positions on the five issues identified at the prehearing conference held last Friday

Issue 1: Should the Commission adopt the new rule 25-24.845?

Position: Yes.

Issue 2: Should the Commission adopt the proposed amendments to Rule 25-4 003?

Position: Yes.

Issue 3: Should the Commission adopt the proposed amendments to Rule 25-24 110

Position: Yes, but with the following additional underlined wording

25-4.110 Customer Billing for Local Exchange Telecommunications Companies

(10) After January 1, 1998, all bills produced shall clearly and conspicuously display the name of the customer's local provider, local toll provider and toll provider within the first two pages of the bill and clearly and conspicuously display

- ACK _____
- AFA _____
- APP 1
- CAF 1
- CMU 1
- CTR _____
- EAG _____
- LEG. _____
- LR. 5
- CPC _____
- RCR 1
- SEC 1
- WAS _____
- OTH _____

DOCUMENT NUMBER-DATE
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the following information for each service billed in regard to each company claiming to be the customer's presubscribed provider for local, local toll, or toll service:

Issue 4: Should the Commission adopt the amendments to Rule 25-4.118?

Position: Yes, with the following changes and additions as shown in the underlined sections:

25.4.118 Local, Local Toll or Toll Provider Selection.

(1) The provider of a customer shall not be changed without the customer's authorization. When the commission staff determines that a customer's choice of carrier has been changed without authorization or knowledge of the customer and the change was willful on the part of the provider, or when the staff determines that the provider has engaged in unfair or deceptive trade practices, the staff will institute a separate show cause docket to bring the facts before the commission for disposition.

(2) A LEC shall accept a change request from a certificated LP or IXC acting on behalf of the customer. The change request must match the last name of the customer, the customer address and the customer telephone number in order to be processed by the LEC.

(B) (a) Upon receipt of a claim from a customer of an unauthorized change of providers, the local provider shall: change the customer to the customer's preferred provider; charge back to the unauthorized provider all billing for 90 days prior to the date of the claim and all charges for unauthorized provider changes; implement a billing block to stop all further billing by the local provider on behalf of the unauthorized provider; and advise the customer that all future negotiations regarding the disputed charges will be handled directly between the customer and the unauthorized provider. The change must be made by the local provider within 24 hours, excepting Saturday, Sunday and holidays, in which case the change shall be made by the end of the next business day.

(b) Charges for unauthorized provider changes and all charges billed on behalf of the unauthorized provider for 90 days prior to notification by the customer shall be credited to the customer by the company responsible for the error within 45 days of notification. In the event the carrier determines that the customer's claim was

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not valid, the carrier shall notify the customer of their right to appeal the decision to the Florida Public Service Commission and shall not attempt to rebill such charges through the LEC billing system.

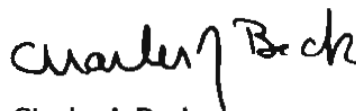
(14) Each provider shall comply with the standards applicable regarding answer times for incoming calls to the business office as specified in 25-4.073 of the PSC rules.

(15) No provider shall engage in any deceptive and unfair practice that intentionally misleads telecommunications customers regarding their choices of providers or that intentionally prevents consumers from being informed of the most economical service arrangements available to them under the provider's filed tariffs.

Issue 5: Should the Commission adopt the amendments to rule 25-24 490?

Position: Yes.

Sincerely,



Charles J. Beck
Deputy Public Counsel

cc: all parties of record