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September 13, 1999

Ms. Blanca Bayo  
Director, Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL32399-0850

Re: Docket 990994-TP

Dear Ms. Bayo:

Enclosed are our suggested changes to the rule proposal issued by the Florida Public Service Commission staff on August 19, 1999. We have made a number of deletions from the proposed rule 25-4.119 and have suggested two additional rules, labeled "25-4.xxx" and "25-4.yyy." Our suggested changes use staff's proposal as a starting point and make deletions and additions in standard legislative format.

We look forward to working with the other parties and staff to develop rules offering greater protections to the citizens of Florida from cramming.

Sincerely,

Charles J. Beck  
Deputy Public Counsel

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Suggested Changes to Proposed Rules  
Docket 990994-TP  
Office of Public Counsel  
September 13, 1999

**25-4.xxx Customer Option to Remove Contested Charges from Bill.**

(1) This section applies to LECs that provide transmission services to any originating party that provides Telecommunications or Information Services, provide Telecommunications or Information Services and serve as the billing party on its own behalf, or serve as the billing party on behalf of any originating party that provides Telecommunications or Information Services.

(2) If a customer notifies a billing party that they did not order an item appearing on their bill or that they were not provided a service appearing on their bill, the billing party shall promptly provide the customer a credit for the item and remove the item from the customer's bill. This provision, however, does not apply to charges that originate from the billing party or an affiliate of the billing party, charges that originate from a governmental agency, charges that originate from the customer's presubscribed intraLATA interexchange carrier, charges that originate from the customer's presubscribed interLATA interexchange carrier, collect calls, and third party calls.

(3) Nothing in this section prohibits an originating party from billing customers directly.

**25-4.yyy Customer Option to Restrict Billing.**

(1) This section applies to LECs that provide transmission services to any originating party that provides Telecommunications or Information Services, provide Telecommunications or Information Services and serve as the billing party on its own behalf, or serve as the billing party on behalf of any originating party that provides Telecommunications or Information Services.

(2) Upon request from any customer, a billing party must restrict charges in its bills only to those charges that originate from the billing party or an affiliate of the billing party, charges that originate from a governmental agency, charges that originate from the customer's presubscribed intraLATA interexchange carrier, charges that originate from the customer's presubscribed interLATA interexchange carrier, collect calls, and third party calls.

(3) Customers must be notified of this right by billing parties (1) each time that a customer notifies a billing party that the customer's bill contained charges for products or services that the customer did not order or that were not provided to the customer, and (2) annually by a bill stuffer.

(4) Nothing in this section prohibits originating parties from billing customers directly, even if a charge has been blocked from a billing party's bill at the request of a customer.

**25-4.119 Information Services.**

(1) This section applies to LECs that provide transmission services to any originating party that provides Information Services, provide Information Services and serve as the billing party on its own behalf, or serve as the billing party on behalf of any originating party that provides Information Services. Billing requirements for Information Services are provided in 25-4.110(1)(c).

(2) LECs who have a tariff or contractual relationship with an originating party or its agent shall not provide transmission services or billing services, unless the originating party does each of the following:

(a) Provides a preamble to the Information Service which states the per minute and total minimum charges; child's parental notification requirement is announced on preambles for all Information Services where there is a potential for minors to be attracted to the service; child's parental notification requirement in any preamble to an Information Service targeted to children must be in language easily understandable to children; and Information Services that do not exceed \$3.00 in total charges may omit the preamble, except as provided in Section (2)(c);

(b) Provides an 18-second billing grace period in which the customer can disconnect the Information Service without incurring a charge; from the time the Information Service is initiated at the originating party's premises, the preamble message must be no longer than 15 seconds. The Information Service may allow a customer to affirmatively bypass a preamble;

(c) Provides on each Information Service promotion targeted at children

(defined as younger than 18 years of age) clear and conspicuous notification, in language understandable to children, of the requirement to obtain parental permission before placing or continuing with the call. The parental consent notification shall appear prominently in all advertising and promotional materials, and in the Information Service preamble. Children's Information Services shall not have rates in excess of \$5.00 per call and shall not include the enticement of a gift or premium;

(d) Promotes its Information Services without the use of an auto-dialer or broadcasting of tones that dial an Information Services number;

(e) Prominently discloses the additional cost per minute or per call for any other telephone number that a customer is referred to either directly or indirectly;

(f) In all advertising and promotional materials, displays charges immediately above, below, or next to the Information Service number, in type size that can be seen as clearly and conspicuously at a glance as the Information Service number.

Broadcast television advertising charges, in Arabic numerals, must be shown on the screen for the same duration as the Information Service number is shown, each time the Information Service number is shown. Oral representations shall be equally as clear;

(g) Provides on Information Services that involve sales of products or merchandise clear preamble notification of the price that will be incurred if the customer stays on the line;

(h) Meets internal standards established by the LEC as defined in the applicable tariffs or contractual agreement between the LEC and the originating party

or its agent, which when violated, would result in the termination of a transmission or billing arrangement;

(i) Obtains customer authorization, to provide and charge for Information Services, through the use of an independent third party verifier. The originating party must:

1. Utilize an independent third party verifier that is in a physically separate building from the originating party;

2. Not pay commissions, bonus incentives, or any compensation to the third party verifier for the number of sales made;

3. Require third party verifiers to state at the beginning of a call to a prospective customer that they are the third-party verifier, state the name of the originating party and Information Service for which the verification is being conducted, and state that the purpose of the call is to verify the authorization of services and charges;

4. Require third party verifiers to record the conversation between the verifier and the customer and retain the recording for a minimum of one year from the date the recording was made; and

5. Require the third party verifier to identify that the person they are speaking with is authorized to make decisions on behalf of the account and to obtain identification information such as the last four digits of the social security number, date of birth, or mother's maiden name.

(j) Maintain or use an agent that maintains a toll-free customer service

number for accepting complaints regarding unauthorized Information Services charges. The toll-free number may be separate from its other customer service numbers, and must be answered 24 hours a day, seven days a week. The originating party or its agent must notify new customers of the toll-free customer service number in the information package provided to new customers or on their first bill. The number shall provide a live operator or shall record end user complaints made to the customer service number to answer incoming calls. A combination of live operators and recorders may be used. If a recorder is used, the originating party or its agent shall attempt to contact each complainant no later than the next business day following the date of recording and for three subsequent days unless the customer is reached. If the customer is not reached, the originating party or its agent shall send a letter to the customer's billing address informing the customer as to the best time the customer should call or provide an address to which correspondence should be sent. A minimum of 95 percent of all call attempts shall be transferred by the system to a live attendant or recording device prepared to give immediate assistance within 60 seconds after the last digit of the telephone number listed as the customer service number for unauthorized charges complaints was dialed; provided that if the call is completed within 15 seconds to an interactive, menu-driven, voice response unit, the 60-second answer time shall be measured from the point at which the customer selects a menu option to be connected to a live attendant. Station busies will not be counted as completed calls. The term "answer" as used in this subsection means more than an acknowledgment that the customer is waiting on the line. It shall mean the originating

party or its agent is ready to render assistance or accept the information necessary to process the call.

~~(3) — Customers shall not be liable for any charges for Information Services that the customer did not order or that were not provided to the customer. Each subscriber shall have the option to be billed only for regulated telecommunications products and services. Each LEC shall provide blocking of Information Services at the request of the customer at no charge. The telephone numbers of subscribers electing this option shall be made available by the LEC to the LEC's billing and collection contract customers. Each LEC must implement a bill adjustment tracking system to aid its efforts in adjusting and sustaining Information Services charges.~~

~~(3-4) In addition to complaints covered by the provisions of Rule 25-4.1191,~~  
~~†The LEC shall automatically adjust charges for Information Services upon complaint that:~~

~~(a) — The customer claims no knowledge of the charges or what the charges were for;~~

~~(a-b) The customer did not receive a price advertisement, the price of the Information Service was misrepresented to the customer, or the price advertisement received by the customer was false, misleading, or deceptive;~~

~~(b-e) The customer was misled, deceived, or confused by the Information Services advertisement;~~

~~(c-d) The customer claims the Information Service was incomplete, garbled, or of such quality as to render it inaudible or unintelligible, or the customer was~~



disconnected or cut off from the Information Service;

~~(d-e)~~ The Information Service provided out-of-date information; or

~~(e-f)~~ The customer terminated the Information Service during the preamble described in 25-4.119(2)(b), but was charged for the Information Service.

~~(4-5)~~ If the customer refuses to pay a disputed Information Service charge which is subsequently verified by the LEC to be valid, the LEC may implement Information Services blocking for that line.

~~(6)~~ LECs and originating parties or its agents billing Information Service charges to a customer in Florida shall not:

~~(a)~~ Collect or attempt to collect Information Service charges which are being disputed or which have been removed from a customer's bill; or

~~(b)~~ Report the customer to a credit bureau or collection agency solely for non-payment of Information Service charges.

~~(7)~~ LECs billing Information Services charges to customers in Florida shall implement safeguards to prevent the disconnection of phone service for non-payment of Information Service charges.

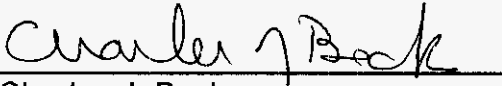
~~(5-8)~~ The originating party is responsible for resolving the customer's complaint by determining the validity of the charges. The originating party must notify the customer and the LEC with its findings within 45 days from the date the customer originally filed the complaint. The LEC can not require payment from the customer if the originating party is not able to produce evidence that an Information Service charge is valid. Acceptable evidence is a taped recording of an independent third party

verification of the customer, or other authorized person representing the customer's account, authorizing the Information Service. For the purposes of this section, the term "other authorized person" shall mean a person 18 years of age or older within the same household as the account holder.

(6-9) The LEC shall ensure that originating parties' Information Service that results in charges based on the duration of a call, shall be billed in units of time or if not time, units that can be easily understood by the customer for the purpose of validating the charges billed for the service.

**DOCKET NO. 990994-TP  
CERTIFICATE OF SERVICE**

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 13th day of September, 1999.

  
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