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October 5, 1999

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

Re: Docket No. 990994-TP
Proposed Rule 25-4.119, F.A.C., Information Services; and Proposed
Amendments to Rules 25-4.003, F.A.C., Definitions; 25-4.110, F.A.C.,
Customer Billing for Local Exchange Telecommunication Companies; 25-4.113,
Refusal or Discontinuance of Service by Company; 25-4.114, F.A.C., Refunds;
25-24.490, F.A.C., Customer Relations; Rules Incorporated; and 25-24.845,
F.A.C., Customer Relations; Rules Incorporated

Dear Ms. Bayo:

Please find enclosed an original and 15 copies of GTE Florida Incorporated's
Supplemental Comments for filing in the above matter. Service has been made as
indicated on the Certificate of Service. If there are any questions regarding this
matter, please contact me at 813-483-2617.

- AFA
- APP
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- EAG
- LEG
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Sincerely,

Kimberly Caswell

KC:tas

Enclosures

A part of GTE Corporation

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

11989 OCT-5

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Rule 25-4.119, F.A.C.,)
Information Services; and Proposed)
Amendments to Rules 25-4.003, F.A.C.,)
Definitions; 25-4.110, F.A.C., Customer)
Billing for Local Exchange)
Telecommunication Companies;)
25-4.113, Refusal or Discontinuance)
of Service by Company; 25-4.114,)
F.A.C., Refunds; 25-24.490, F.A.C.,)
Customer Relations; Rules)
Incorporated; and 25-24.845, F.A.C.,)
Customer Relations; Rules Incorporated)
_____)

Docket No. 990994-TP
Filed: October 5, 1999

SUPPLEMENTAL COMMENTS OF GTE FLORIDA INCORPORATED

GTE Florida Incorporated (GTE) files these Supplemental Comments in accordance with Staff's instructions at the workshop in this docket on September 28, 1999.

The results of the workshop were very encouraging. It appears that the industry, the Office of Public Counsel (OPC) and the Staff have the common objective of addressing cramming problems without imposing unduly burdensome regulations on carriers and billing entities. Given the discussion at the workshop, GTE understands that Staff intends to modify many of the requirements proposed in the first rule draft in response to objections raised in the comments and at the workshop. GTE, of course, reserves the right to comment on specific aspects of the next rule draft when it is issued. Here, GTE focuses on the issues Staff designated for further comment.

OPC's Approach

OPC's draft rule revisions take a more targeted approach to developing rules to curb cramming than did Staff's original draft. OPC proposes removing contested charges

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FPSC-RECORDS/REPORTING

from the bill and making available a billing block for certain types of charges. Staff has acknowledged that OPC's proposal may be more appropriate and has asked parties to comment on it.

In general, GTE supports OPC's reliance on the billing block to reduce cramming. As described in GTE's first set of comments, GTE has developed and will soon introduce a billing block much like the one OPC's draft describes.

With regard to OPC's specific bill block language, GTE suggests that the phrase, "or are authorized by" be inserted between "originate from" and "a governmental agency" in section 25-4.yyy(1) and (2) (as well as section 25-4.xxx(1)). This change will ensure that appropriate charges (like the PICC and any universal service fund charges) will remain billable.

Aside from the billing block option, OPC would require billing parties to remove from the customer's bill any item or service the customer claims not to have ordered. (OPC draft section 25-4.xxx(2).) GTE would modify this section to allow the billing party to engage in customary investigation into the charges. In many cases, such investigation has revealed that someone in the customer's household did, in fact, order the product or service in question. There is no reason to excuse customers from legitimate and otherwise sustainable charges. In addition, GTE's billing and collections contracts often require it to perform "inquiry" service for the billing services customer. Adoption of OPC's suggested language would require GTE to discontinue its inquiry service, in contravention of its contracts.

Finally, GTE believes the approach reflected in Staff's and OPC's original draft Rule 25-4.119 (i.e., the draft submitted at the workshop) has been superseded by Staff's suggestion to retain the existing 900/976 rules and to address other charges by means of OPC's (and GTE's) bill block and other specifically targeted measures. As GTE made clear at the workshop, it would strongly oppose retention of any provisions that cast the ILEC in the role of policing the information services industry.

GTE understands the Commission's dilemma that it lacks the jurisdiction to directly regulate the information service providers (ISPs) that are the source of the cramming problems. And, as many of the commenting parties pointed out, indirect regulation through the billing ILEC is infeasible, as well as costly and unfair to the ILEC. Indeed, it may be impossible for the Commission to effectively check fraudulent activities by ISPs. This does not mean, however, that there is no solution to the problem. The Florida Attorney General does have the jurisdiction to investigate ISPs and to take strong action against unlawful or deceptive behavior.

Deniable/Non-deniable vs. Regulated/Non-regulated Terminology

The requirement to classify charges as either regulated or non-regulated appears at various points throughout the Staff's original rule draft, as well as the existing Commission rules. (See, e.g., draft sec. 25-4.110(5)(c).) Sprint has suggested changing these terms to deniable and non-deniable. The discussion at the workshop seemed to indicate that there is no meaningful difference between the existing and proposed terms.

This issue is now before the FCC. GTE urges the Commission to allow the FCC to resolve this issue and to then adopt consistent classifications. If this Commission does

decide to address this issue, GTE would not oppose giving carriers the option to use the deniable/non-deniable classifications. However, GTE does not believe there is any reason for the Commission to mandate this change for all carriers.

Tax, Fee, and Surcharge Information

Several of the commenting parties, including GTE, explained that adopting the Staff's draft rules for describing taxes, fees and surcharges would only undermine bill clarity. GTE already itemizes each of these items on the bill and places them where they can be easily associated with the assessment base. In GTE's experience, its existing practices are sufficient. Most consumers do not want the kind of detailed tax, fee and surcharge information the draft proposed, which would significantly add to bill clutter and bill length. In response to these criticisms, Staff suggested making this information available to customers upon request and in a timely manner. GTE supports this approach. The Company already has most or all of the information at issue in its system and should be able to provide an explanation to the customer within a reasonable time frame.

Written Itemization Requirement

Rule 25-4.110(2)(d) maintains the existing requirement for each bill to state that a written itemization of local billing is available upon request. GTE does not oppose retention of this language, as long as it is understood that GTE already itemizes its bills monthly. That is, each product and service GTE offers is set forth in a separate line item, along with the associated charge. While the customer can request itemization, he will not receive anything more detailed than his regular, monthly local bill.

Separate Statement of Discounts or Penalties

Section 25-4.110(5)(a) requires that any bill separately state “any discount or penalty, if applicable.” Sprint has observed that such discounts or penalties may not be reflected if the originating party has not passed the requisite information to the billing party. In such cases, it would be unfair to hold the billing party responsible for failing to reflect a discount or penalty of which it is not aware. In addition, the scope of the word “discount” is not self-evident. Some ongoing discounts accorded the customer through contracts or tariffs (e.g., certain calling plan tariffs) may not necessarily be explicitly calculated and/or stated on the monthly bill.

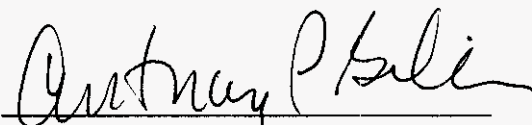
To accommodate these situations, GTE believes the “if applicable” phrase in the current rule should be broadly construed. However, if the Commission wishes to take more affirmative action to clarify this rule section, GTE suggests the following language in subsection (a): “Any penalty or non-tariffed, non-contractual discount. The originating party is responsible for informing the billing party of all such penalties or discounts to appear on the bill.”

Notification of Change in Carrier by Carrier Identification Code

BellSouth has suggested that all companies be required to obtain a carrier identification code (CIC) so that the identity of a customer’s carrier will always be clear on the bill. This would apparently remedy situations where, for instance, a customer is provided service by a reseller, which does not have a CIC. In such cases, the bill will not reflect the reseller’s name, but rather the name of the underlying carrier providing the transmission service to the reseller.

GTE believes BellSouth has raised a valid concern, but GTE would caution the Commission to avoid implementing its own solution to carrier identification at this point. This is a complex subject that raises many difficult questions (for example, how to deal with CIC "exhaust"). The FCC is addressing the CIC issue in its Further Notice of Proposed Rulemaking (Docket 94-129). State-specific carrier identification systems would introduce undue chaos into the billing process, particularly for the many companies like GTE, whose billing systems must produce bills nationwide. Any decision regarding additional carrier identification codes should be delayed until after the publication of the final FCC rules.

Respectfully submitted on October 5, 1999.

By: 
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Telephone: 813-483-2617

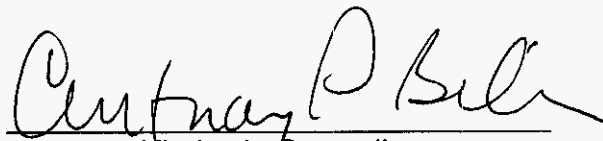
Attorney for GTE Florida Incorporated

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of GTE Florida Incorporated's Supplemental Comments in Docket No. 990994-TP was sent via overnight delivery on October 4, 1999

to:

Diana Caldwell, Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850


Kimberly Caswell