

W. Audie Long
Senior Vice President and General Counsel
Direct Telephone: (210) 949-7220
Direct Facsimile: (210) 949-7024
E-mail: audie.long@billingconcepts.com

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October 13, 1999

Director, Division of Records
And Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

VIA OVERNIGHT DELIVERY

RE: *Comments of Billing Concepts, Inc.
In the Matter of Billing Format and Disclosure
CC Docket No. 99 0994-TP*

Dear Director:

Enclosed for filing you will find an original and 15 copies of the Post-Workshop Comments of Billing Concepts, Inc. If you have any questions, please do not hesitate to contact me.

Thank you.

Sincerely,

Audie Long

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7411 John Smith Drive Suite 200 San Antonio, TX 78229-4898 Phone 210 949. 7000 Fax 210 949. 7000

FPSO-RECORDS/REPORTING

Before the
FLORIDA PUBLIC SERVICE COMMISSION

Truth in Telecommunications Billing)
Billing Format and Disclosure)

CC Docket No. 99 0994-TP

POST WORKSHOP COMMENTS OF BILLING CONCEPTS, INC.

Billing Concepts, Inc. ("BCI") respectfully submits the following post workshop Comments in response to the Commission's billing format and disclosure workshop, which was held on September 28, 1999.

I. Commission's Proposed Rule 25-4.003 (19), Definition of "Information Service".

BCI has agreed with the Commission's proposed definition of "Information Service" as "Telephone calls made to 900 or 976 type services, but does not include Internet services."

BCI is aware of the Commission's desire to include enhanced services in this rulemaking, but respectfully submits that the definition of "Information Service" remain defined as provided for in proposed Rule 25-4.003 (19). To include enhanced services in this rulemaking would require a major overhaul of the Staff's Proposed Rule 25-4.119, as set forth more completely below.

II. Commission's Proposed Rule 25-4.119(2):

BCI agrees with BellSouth that the first sentence of Proposed Rule 25-4.119 (2) should be amended to read:

"A billing party shall not provide billing services to any originating party or its agent unless the originating party or its agent agrees in writing to do each of the following:"

As amended, the rule will then provide an allowance for billing parties that they will not be deemed to have violated the Commission's rules if an originating party fails to meet its contractual obligation.

III. Commission's Proposed Rule 25-4.119 (2)(i)(1) – (5):

BCI recommends that this section be removed in its entirety since it mandates that originating parties obtain third party verification for all "Information Services." As defined, "Information Services" are 900 and 976 calls. Based on the very nature of 900 and 976 calls being initiated by the end-user, it is not feasible to third party verify these types of calls. BCI believes that the preamble and other requirements of Proposed Rule 25-4.119(2) at sub-sections (a) through (h) are sufficient to obtain consumer authorization.

Specifically, sections (a) – (h) set out responsibilities of the carriers to provide, among other things, a preamble to the Information Service stating minimum charges; parental consent notification and requirements; 18-second billing grace period for the customer to disconnect the Information Service; and, promotional and marketing requirements. These requirements are not feasible for enhanced services (such as voice mail and pagers).

BCI respectfully recommends to the Commission, however, that it postpone further action on this rulemaking until the FTC has had an opportunity to finalize its pending rulemaking on this same issue.

IV. BIC's Comments on Office of Public Counsel ("OPC") Proposed Rules

In the OPC's comments filed in this action, the OPC suggested that certain portions of Proposed Rule 25-4.119 be deleted and replaced by the two following rules proposed by the OPC:

A. OPC's Proposed Rule 25-4.xxx(1)

By and large, BIC agrees with the OPC's Proposed Rules. However, BIC recommends that this section be amended as follows to cover all billing parties:

“This section applies to LECs-billing parties that provide transmission services to any originating party that provides ~~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 ~~Telecommunication or Information Services~~.”

This clarification is necessary to ensure that all billing parties, including billing agents, are included in these Proposed Rules.

B. OPC's Proposed Rule 25-4.xxx(2)

BCI has no issue with this language as long as it pertains solely to “Information Services” as defined in the Proposed Rules herein. BCI would suggest that a clarification be made to the language to ensure that customers are not prohibited from ever receiving credit on valid complaints of unauthorized LEC, collect call, third party, and other charges.

C. OPC's Proposed Rule 25-4.yyy (1)

Similar to the OPC's Proposed Rule 25-4.xxx(1), BIC recommends that this section be amended as follows to ensure that all billing parties, including billing agents, are included in these Proposed Rules:

“This section applies to LECs-billing parties 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~~.”

V. Nationwide Efforts Already Bearing Fruit.

BCI urges the Commission to recognize the significant private efforts already underway to improve the telephone bill. BCI and the Coalition have developed strict Anti-Cramming

Consumer Protection Standards of Practice (“Standards”) to promote responsible practices within the industry and to protect consumers from cramming (courtesy copy attached to BIC’s original comments in this action). These and other industry efforts have gone and will continue to go a long way toward reducing consumer confusion and evasive billing practices.

While BCI supports the Commission’s efforts to address problems associated with the telephone bill, it also urges the Commission to allow the Coalition Standards and the LEC best practices guidelines to run their course before implementing further remedies. The results of these voluntary efforts will be extremely helpful not only in solving billing problems, but also in highlighting any problems that may require Commission intervention to solve.

VI. New Rules Should Be Narrowly Tailored and Not Have an Anti-Competitive Affect On the Provision of Billing and Collection Services in Florida.

In the event that the Commission deems it necessary to act now or in the future to enact new policies or rules regarding billing, BCI strongly urges the Commission to ensure that such policies and rules are not overly broad and will not result in substantial increases in the costs of providing billing and collection services, or, worse, create incentives for the LECs to stop providing billing services entirely. Accordingly, the Commission must ensure that any new requirements it imposes are neither cost prohibitive nor unduly burdensome.

BCI is concerned that further initiatives may not materially reduce cramming complaints but may facilitate anti-competitive conduct by certain LECs. Today, continued access to the local phone bill is in jeopardy in many areas due in part to opportunistic use of billing initiatives. Even as cramming complaints fall precipitously, some LECs are using billing initiatives to unilaterally impose onerous contract terms and moratoria on billing clearinghouses. It is no coincidence that this pressure to eliminate or dramitacally reduce third-party billing is occurring

just as the RBOCs are winning relief from restriction on the nature and extent of the services they may offer.

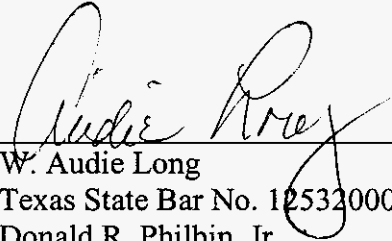
VII. Organization and Content of Telephone Bills.

BCI suggests that the Commission refrain from prescribing in detail exactly how the local telephone bill should be formatted and what information must be included therein. Rather, the Commission may outline broad principles that LECs should follow within the confines of their own technical capabilities, which vary greatly from LEC to LEC. Some LECs possess advanced technical systems that allow great flexibility in formatting and information content, while others, especially small carriers, are not capable of performing certain technical functions. To the extent that the Commission prescribes onerous rules with which LECs must comply for third-party charges, LECs will be encouraged to discriminate in favor of their own services and discouraged from offering third-party billing. Competition will suffer as a result.

VIII. Conclusion.

Cramming problems are in rapid retreat nationwide due to law enforcement actions and industry efforts like the Standards. As the Commission balances the need for new rules against their costs, BCI believes that the proposed rules should be tightly drawn so that they do not unintentionally harm the competitive market place and adversely affect prices.

Respectfully submitted,



W. Audie Long
Texas State Bar No. 12532000
Donald R. Philbin, Jr.
Texas State Bar No. 15908800

Billing Concepts, Inc.
7411 John Smith Drive, Suite 200
San Antonio, Texas 78229
Telephone: (210) 949-7000
Facsimile: (210) 949-7100

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served via first class mail upon the following on this 13th day of October, 1999:

Diana Caldwell
Staff Counsel
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Charles Beck
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Suite 812
Tallahassee, Florida 32399-1400

Michael A. Gross
FCTA
310 North Monroe Street
Tallahassee, Florida 32301

Vicki Kaufman
FCCA
C/o McWhirter Law Firm
117 South Gadsden Street
Tallahassee, Florida 32301

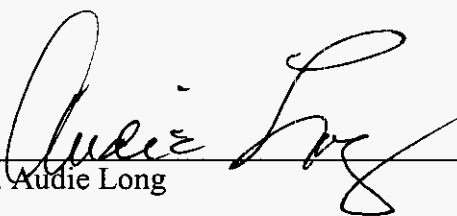
Kimberly Caswell
GTE
Post Office Box 110, FLTC0007
Tampa, Florida 33601-1001

Charles J. Rehwinkel
Sprint Communications Co, L.P.
Post Office Box 2214
Tallahassee, Florida 32316-2214

Marsha E. Rule
AT&T Communications of the Southern
States
101 North Monroe Street
Suite 700
Tallahassee, Florida 32301

Nancy B. White
BellSouth Telecommunications, Inc.
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301

R. Douglas Lackey
BellSouth Telecommunications, Inc.
675 West Peachtree Street, North East
Atlanta, Georgia 30375


W. Audie Long