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August 8, 2000

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

Re: Docket No. 990994-TP (Customer Billing Rules)

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Comments on Proposed Amendments to Rules 25-24.490 and 25-24.845, which we ask that you file in the above-captioned matter.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,

*Michael P. Goggin (SM)*

Michael P. Goggin

cc: All parties of record  
Marshall M. Criser III  
R. Douglas Lackey  
Nancy B. White

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*Done 8/9/00*

**CERTIFICATE OF SERVICE**  
**Docket No. 990994-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via  
by (\*) hand delivery and U.S. Mail this 8th day of August, 2000 to the following:

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Proposed Rule 25-4.119, F.A.C., ) Docket No. 990994-TP  
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, )  
F.A.C., Refusal or Discontinuance of )  
Service by Company; 25-4.114, F.A.C., )  
Refunds; 25-4.490, F.A.C., Customer )  
Relations; Rules Incorporated; and )  
25-24.845, F.A.C., Customer Relations; )  
Rules Incorporated. )  
\_\_\_\_\_ ) Filed: August 8, 2000

**COMMENTS OF BELL SOUTH TELECOMMUNICATIONS, INC.  
ON PROPOSED AMENDMENTS TO RULES 25-24.490 AND 25-24.845**

BellSouth Telecommunications, Inc. ("BellSouth") hereby files comments on the proposed amendments to Rules 25-24.490 and 25-24.845 set forth in the Commission's Notice of Rulemaking, Order No. PSC-00-0525-NOR-TP (March 10, 2000).

**INTRODUCTION**

On March 10, 2000, the Commission adopted amendments to certain billing disclosure rules designed to protect consumers from cramming and to make telecommunications bills easier to understand. Order No. PSC-00-0525-NOR-TP. It has been suggested, however, that two of these rules should only apply to a few telecommunications companies in Florida, namely, incumbent local exchange companies (ILECs). The Commission is now considering whether to require the majority of local exchange providers (ALECs) and providers of

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interexchange service (IXCs) to comply with these key consumer protection rules.

## DISCUSSION

The two rules at issue are 25-4.110(2) and 25-4.110(19). Rule 25-4.110(2) requires any telecommunications company that bills consumers on its own behalf or on behalf of third parties to set forth on the bill all charges, fees and taxes that are due and payable, to clearly identify third parties whose charges appear on the bill, and provide a means for customers to contact the party responsible for each charge that appears on the bill. The purpose of this rule is to implement the Telecommunications Consumer Protection Act (§§364.601-364.604, Florida Statutes)(“TCPA”). Like the TCPA, this rule applies to all “billing parties,” which is defined by statute to include *any* telecommunications company that bills its customers directly. See § 364.602(1), Florida Statutes; Rule 25-4.003(4). The term “telecommunications company,” by statute, includes ALECs and IXCs. See § 364.02(12), Florida Statutes. Moreover, the “Telecommunications Consumer Protection Act” which this provision is designed to implement, clearly applies to ALECs and IXCs. See § 364.604, Florida Statutes. Accordingly, by its own terms, and by the terms of the statute it is designed to implement, this provision would apply to ALECs and IXCs even if Rule 25-24.490 and Rule 25-24.845 were not amended.

The reason that one might doubt that Rule 25-4.110(2) applies to ALECs and IXCs is that it was codified as part of Rule 25-4.110, the heading of which reads “Customer Billing for Local Exchange Telecommunications Companies.”

The term "local exchange telecommunications companies" includes only ILECs. See 364.02(6). Nevertheless, this rule was adopted to implement the TCPA, which applies to all telecommunications companies. Accordingly, absent some statutory directive or permission, the Commission would have no authority to exclude any class of "billing parties" or "telecommunications companies" from a rule implementing the TCPA. Amending Rules 25-24.490 and 25-24.845 in the manner proposed would confirm that the Commission did not intend to frustrate the legislature's intent that the TCPA apply to all telecommunications companies.

The second rule at issue, Rule 25-4.110(19), would require all billing parties, upon request, to limit the charges, fees and taxes on a customer's bills to telecommunications services only. Like Rule 25-4.110(2), this "billing block" rule is designed to implement the TCPA, which applies to all telecommunications companies. Accordingly, by its terms, and by the terms of the TCPA, this rule applies to ALECs and IXCs if they are also "billing parties." To remove any doubt about this which might arise from the placement of this rule within Rule 25-4.110, the Commission should amend Rules 25-24.490 and 25-24.845 as proposed.

Even if the TCPA (and the rules promulgated to implement it) did not apply to ALECs and IXCs, the policies underlying the statute and the rules would be frustrated if they did not. As the name of the act suggests, the TCPA was intended to protect consumers by imposing certain requirements on telecommunications carriers to ensure that consumers have bills that are clear and include only those charges that relate to services the customer has ordered

and used. These objectives would be frustrated if the rules implementing the statute applied only to a handful of telecommunications companies, leaving hundreds of others free to do as they wish. A customer should not be denied the benefits of these consumer protection measures simply because of the telecommunications provider she chooses.

Moreover, absent some statutory directive to the contrary, all telecommunication companies providing local exchange service should be treated the same for regulatory purposes. To do otherwise would be discriminatory and anticompetitive. This is particularly true in the case of consumer protection. In this context, there can be no reason, much less authorization, to require less of ALECs and IXC's than would be required of ILECs. When it comes to the duty to treat customers fairly, all telecommunications carriers are similarly situated—each has the same duties. All should share the same obligations.

### **CONCLUSION**

For the foregoing reasons, BellSouth respectfully recommends that Rules 25-24.490 and 25-24.845 be amended in the manner proposed.

Respectfully submitted this 8th day of August, 2000.

BELLSOUTH TELECOMMUNICATIONS, INC.

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