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February 5, 2002

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

Re: Docket No.: 010774-TP

Dear Ms. Bayo:

On behalf of Qwest Communications Corporation (Qwest), enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ Supplemental Comments of Qwest Communications Corporation

Please acknowledge receipt of the above on the extra copy and return the stamped copies to me. Thank you for your assistance.

Sincerely,



Joseph A. McGlothlin

JAM/mls
Enclosure

DOCUMENT NUMBER - DATE
01399 FEB -52
FPSC-COMMISSION CLERK

the rules being proposed by both Staff and the Office of Public Counsel, and rely instead on market forces supplemented by existing provisions of Florida law.

Notwithstanding these points, to the extent the Commission agrees that some rule is appropriate, Qwest supports the modified rule proposed by the Commission Staff, with minor additional modifications noted below. Unlike the rule being proposed by the Office of Public Counsel, the Staff's proposal allows a variety of options for providing notice to customers. It is limited to those changes that would cause an increase in a customer's bill, and is also limited to changes to intrastate rates, terms and conditions. After multiple workshops with the industry, the Office of Public Counsel continues to support a rule that suffers from all of the deficiencies noted in the initial comments of Qwest and other carriers including an unnecessarily lengthy notice period, an overly restrictive single method of notice, and an overly broad application beyond price increases on intrastate rates, terms, and conditions. Qwest incorporates, by reference herein, its comments filed on October 17, 2001 setting forth multiple reasons why the rule supported by the Office of Public Counsel should be rejected.

As noted above, if the Commission determines it is necessary or appropriate to adopt a notice rule, Qwest would support the rule proposed by the Staff, with one additional minor modification, which is shown as underlined language in the format below. The purpose of the modification is to make it even more clear that the allowed methods of notice is independently acceptable.

STAFF'S DRAFT RULE:

25-4.1105 Notice to Customers Prior to Increase in Rates or Charges

- (1) All telecommunications companies shall provide reasonable notice of any increase in intrastate telecommunications rates, or any changes in terms or conditions that would cause a material increase in customer charges, to each of their affected subscribers, prior to implementation of the increase.

- (2) The notice shall be clear and conspicuous, shall be identified with the heading: "Notice of Price Increase," or "Notice of Price Change," if the change will result in a price increase for some customers and a price decrease for some customers, and shall be presumed reasonable if provided in any of the following manners:
- a) First class mail postmarked at least 15 days prior to the effective date of the increase in rates or charges to the customer;
 - b) A bill insert or bill message mailed to the customer no later than one billing cycle prior to the effective date of the increase in rates or charges to the customer;
 - c) For those customers who have elected to receive electronic billing, an electronic message sent at least 7 days prior to the effective date of the increase in rates or charges to the customer; or
 - d) Pursuant to a written contract signed by the subscriber that specifically prescribes a method for notice of price increases.

Specific authority: 350.127; 364.0252; 364.19, F.S.

Law implemented: 364.0252; 364.19, F.S.

History: New _____

CONCLUSION

Qwest appreciates the opportunity to comment on the proposed notice rules. The Office of Public Counsel has not shown that a rule is necessary or appropriate, and Qwest continues to believe that the Commission should continue to rely on market forces to dictate how companies interact with and take care of their customers. Nevertheless, if the Commission decides to adopt a rule, it should focus on Staff's more narrowly tailored proposal with the minor modifications shown above.



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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of Qwest Communications Corporation's Supplement Comments have on this 5th day of February, 2002, been furnished by (*) hand delivery and/or U.S. Mail to the following:

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