MCWHIRTER REEVES

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PLEASE REPLY To:

TALLAHASSEE

TALLAHASSEE OFFICE: 117 SOUTH GADSDEN TALLAHASSEE, FLORIDA 32301 (850) 222-2525 (850) 222-5606 FAX

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

Joe McDlothlen

JAM/mls Enclosure DOCUMENT NUMPER-DATE OF 10 1399 FEB -5 8

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of the Citizens of the)		
State of Florida to initiate rulemaking)		
which will require telephone companies)	Docke	t No. 010774-TP
to give customers reasonable notice before)		
customers incur higher charges or change)	Filed:	February 5, 2002
in services, and allow them to evaluate)		• ,
offers for service from competing alternative)		
providers)		

SUPPLEMENTAL COMMENTS OF QWEST COMMUNICATIONS CORPORATION

Qwest Communications Corporation ("Qwest") submits the following supplemental comments on the proposed draft rules relating to customer notice.

As set forth more fully in initial comments filed October on17, 2001, Qwest continues to believe that rules requiring advanced notice to customers for changes to prices, terms and conditions of service, applied uniquely to telecommunications carriers, is inconsistent with national policy favoring deregulation in a competitive environment, as well as inconsistent with the Florida Public Service Commission's ("Commission") own rules favoring relaxed regulation in competitive environments. Requiring advanced notice of changes to prices, terms and conditions would virtually eliminate the ability to respond effectively to competitors' price and term changes, which in turn will limit viable choices for consumers. The Office of Public Counsel has failed to establish that any such rule is necessary.

Qwest submits that market forces are sufficient to deter potential abuses to which the proposed rule is addressed. As noted in our initial comments, as an additional safeguard Florida consumers can invoke, as appropriate, any remedies available to them under state contract and consumer protection laws. In these circumstances, the administrative and other costs imposed on the Commission and carriers by the proposed rules outweigh any tangential benefit that its supporters claim it would achieve. The soundest course as a matter of policy would be to reject

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.

The notice shall be clear and conspicuous, shall be identified with the heading: (2) "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:

First class mail postmarked at least 15 days prior to the effective date of a) the increase in rates or charges to the customer;

A bill insert or bill message mailed to the customer no later than one b) billing cycle prior to the effective date of the increase in rates or charges to

the customer;

For those customers who have elected to receive electronic billing, an c)

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

Owest 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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Attorneys for Qwest Communications Corporation

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:

(*) Martha Brown Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399

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