

ORIGINAL

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May 23, 2002

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COMMISSION
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020000

Mrs. Blanca S. Bayó
Director, Division of the Commission
Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

**Re: Undocketed Matter
Rule Development for Proposed Adoption of
Rule 25-4.082, F.A.C. and Proposed Amendment of
Rules 25-4.110, 25-24.490, and 25-24.845, F.A.C.**

Dear Ms. Bayó:

Enclosed is an original and fifteen copies of BellSouth Telecommunications, Inc.'s Post Workshop Comments, which we ask that you file in the caption new docket.

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

Sincerely,
James Meza III
James Meza III (LMS)

Enclosures

cc: All Parties of Record
Marshall M. Criser III
R. Douglas Lackey
Nancy B. White

AUS _____
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COM _____
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Done 5/29/02

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CERTIFICATE OF SERVICE
Undocketed Matter
Rule Development for Proposed Adoption of
Rule 25-4.082, F.A.C. and Proposed Amendment of
Rules 25-4.110, 25-24.490, and 25-24.845, F.A.C.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and U.S. Mail this 23rd day of May, 2002 to the following:

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James Meza III (CA)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Rule Development for Proposed Adoption of) Undocketed
Rule 25-4.082, F.A.C. and Proposed Amendment of)
Rules 25-4.110, 25-24.490, and 25-24.845, F.A.C.)
_____) Filed: May 23, 2002

BELLSOUTH'S POST WORKSHOP COMMENTS

Pursuant to the Florida Public Service Commission Staff's ("Staff") request at the workshop held on May 2, 2002, BellSouth Telecommunications, Inc. ("BellSouth") submits the following post workshop comments regarding the proposed modifications to Rule 25-4.110, Florida Administrative Code (Preferred Carrier Freeze Issue), the creation of proposed Rule 25-4.082, Florida Administrative Code (Number Portability Issue), and a proposed rule to govern an ALEC exiting the telecommunications industry in the State of Florida.

I. Preferred Carrier Freeze Issue

As an initial matter, BellSouth supports any effort by the Florida Public Service Commission to curb carriers' abuse of Preferred Carrier ("PC") freezes to prohibit an end-user's ability to change carriers, thereby prohibiting Florida consumer from enjoying the benefits of competition. In that regard, the proposed rule is a step in the right direction. However, BellSouth submits that the proposed rule should remove any ambiguity as to how and when a carrier can place a PC freeze on an end-user's account.

BellSouth agrees that the rule should explicitly state that the PC freeze must be requested by the end-user. Nevertheless, a more detailed process is necessary to achieve the intent of the rule, which is to prevent slamming, while at the same time preventing carriers from using the PC freeze to preserve their

customer base. BellSouth is concerned that, as currently written, a carrier could still game the rule by complying with the exact language but violating its spirit.

Accordingly, BellSouth recommends that the rule explicitly set forth the following:

- The rule should prescribe how a carrier can describe the PC freeze or otherwise notify the PC freeze to end-users. The rule should require carriers, at a minimum, to inform end-users that (1) the purpose of the freeze is to prevent slamming; (2) it is the end-users choice as to whether or not to place the freeze; (3) that the end-user has the unilateral right to remove the freeze at any time; (4) certain services are subject to the freeze; and (5) that the effect of the PC freeze would be to prevent the end-user from switching carriers for certain services without notifying its current carrier to lift the freeze. Any description of the PC freeze should be in clear and neutral language
- The rule should also require some type of verification procedure to allow a carrier to prove that the end-user actually requested the freeze.
- The rule should implement a certain process to lift PC freezes, including some type of recordation process.

All of the above-requirements would limit a carrier's ability to utilize the PC freeze for an improper purpose, including preserving its customer base. While BellSouth is not unconditionally supporting its adoption at this time, the Commission should review Federal Communications Commission ("FCC") Rule 47 C.F.R. 64.1190 as an example of a more detailed PC freeze rule. Without these additional safeguards and procedures, carriers could still manipulate the PC freeze rule for improper purposes while arguably complying with the strict wording of the rule.

Staff's proposed rules also include a proposal that a PC freeze shall not prohibit a LP from changing wholesale services when serving the same

customer. At the Commission workshop on May 2, 2002, BellSouth stated that if an ALEC wanted to change wholesale services (from resale to UNE-P) when serving the same customer, and a local service freeze was on the account, the ALEC must submit two local service requests (LSRs). The first LSR was needed to remove the preferred carrier freeze, and a second LSR was needed to change from resale to UNE-P and to place the preferred carrier freeze back on the account. However, BellSouth now reports that the process has recently been modified. Now, ALECs are only required to submit one LSR to change its wholesale services from resale to UNE-P when serving the same customer, even if the account has a PC freeze. In other words, the ALEC is no longer required to “un-freeze” the PIC when changing from resale to UNE-P when serving the same customer. This includes instances when a carrier may be using a different operating company name (OCN) when providing service as a reseller and as an UNE-P provider, as long as the underlying carrier is the same. This change is transparent to the end-user and requires no action to be taken by the end-user.

II. Number Portability Issue

Staff has received a number of complaints relative to a telecommunications service providers (TSPs) refusal to port local numbers after a bona fide request has been made to port the number by another TSP. As discussed at the workshop, BellSouth has experienced problems with TSPs refusing to port numbers or delaying the migration of customers under certain circumstances. BellSouth believes the proposed number portability rule only touches on a very small piece of the ultimate solution for the various problems

within the migration of customers between TSPs. BellSouth believes the Commission should develop a customer migration rule which not only addresses the portability question raised in the proposed staff rule but also other related issues that would be resolved if such a rule was developed.

A. There is a Clear and Compelling Need for Symmetrical Rules Governing Customer Migration from ALEC to ALEC and from ALECs back to BellSouth.

Today, there are numerous additional rules and regulations governing the migration of customers and porting of numbers from BellSouth to ALECs. In stark contrast, there are few, if any, rules regarding migration of customers from one ALEC to another or from a ALEC to BellSouth. This omission has negatively affected the end-user's ability to obtain service from the carrier of his or her choice.

This Commission has received complaints concerning delays in the converting of customers from one ALEC to another, and even outright refusals by some ALECs to switch customers either to another ALEC or back to BellSouth. BellSouth has witnessed first-hand many examples of such behavior. The party most injured by such practices is the end-user whose choice is hindered and thwarted. In order to ensure seamless migration of end-users to the carriers of their choice, and to promote further the development of local competition, this Commission must implement standardized rules governing customer migrations in the local telecommunications market.

Other state commissions, most notably New York and Pennsylvania have conducted industry wide workshops and implemented uniform regulations

governing ALEC to ALEC and ALEC to ILEC customer conversions. Copies of these rules and regulations are attached as Exhibit "A". These rules provide a good basis to discuss what criteria should be included in a Florida migration rule. BellSouth suggests the Commission look at the other state migration rules as well as comments filed in response to this Commission's request and draft a set of proposed rules, followed by a formal comment period, and then consideration by the Commission.

All local service providers must have timely and accurate access to customer service records/information ("CSR") in order to compete effectively and to place accurate local service requests to competing carriers. BellSouth is required by federal and state law to provide non-discriminatory access to its customer databases, and to provide necessary training, documentation and "help desk" support to enable ALECs to properly access that information. BellSouth's interconnection agreements with all ALECs state that the parties will execute Blanket Letters of Authorization ("LOA") for the securing of customer records without the need for producing the actual signed customer LOA that the carrier is required to obtain from the customer under state and federal slamming rules. BellSouth has executed the blanket LOAs with all known ALECs.

BellSouth provides electronic access to its CSR information through TAG/LENS access to its Business Office Customer Records Information System ("BOCRIS"). CSRs contain Customer Proprietary Network Information ("CPNI") and information that is proprietary to BellSouth. Access to credit information and other customer proprietary restricted data is controlled by the Florida Statutes,

Section 222 of the 1996 Act, and the FCC. The following is a list of the information available on the CSR:

- Telephone Number of other Account identification
- Listed Name
- Listed Address
- Directory Listing information
- Directory Delivery information
- Billing Name
- Billing Address
- Service Address
- Product and Service information
- PIC
- LPIC
- BellSouth's retail rates
- Credit History (Alabama and Florida)
- Local Service Itemization

TAG provides ALECs with on-line, same day access to view and print CSR information in substantially the same time and manner as BellSouth service representatives can view and print this information for BellSouth's own retail customers. Using this capability, the ALEC can obtain account information on-line for customers serviced by resale or by unbundled network elements ("UNE"). CSRs for ALECs and BellSouth are updated in the same time and manner – usually after an order has been completed.¹ Finally, BellSouth ports telephone numbers of customers to requesting facilities-based ALECs pursuant to performance measures and standards promulgated by this commission.

Presently, there are no rules governing the ALECs' obligation to provide CSR information to other local service providers. Like the ALECs complaining to this Commission, BellSouth's retail and wholesale organizations are experiencing

customer-impacting delays in migrating end-user customers. Such breakdowns in customer migration occur primarily among facility-based providers, both in situations where ALEC-A wins a customer from ALEC-B (and ALEC-A wants to serve that customer via UNE-P or resale, *i.e.*, over BellSouth's facilities) and also where the customer of an ALEC wants to migrate to BellSouth. In both of these situations, BellSouth's retail unit and/or its Local Carrier Service Center ("LCSC") have encountered delays and refusals on the part of the "old" or "losing" ALEC to perform functions that are essential to the seamless transfer of customers. This includes delays in the exchange of CSR information, which is essential to the accurate submission of service orders. BellSouth is prepared to document these delays to this Commission by providing proprietary data showing individual ALEC response times to requests for customer service records. Failure to provide timely and accurate CSR information leads to inaccurate local service orders and "rejects" or "clarifications" that delay the conversion and frustrate the end-user's desire to switch carriers.

Delays in providing necessary porting information also impede seamless customer migrations. ALECs often delay or refuse to provide circuit identification information, which is essential for customer migrations where the new or "winning" provider will "reuse" existing facilities. Without a timely and accurate exchange of CSR and other porting information, the end-user customer's transition will be delayed if not entirely frustrated.

¹ BellSouth also provides ALECs the ability to parse information on the CSR, that is to break down the information contained in the CSR into certain fields from a stream of data received from BellSouth.

In order to assure a freely competitive environment and the seamless transition of customers, BellSouth believes that this Commission should develop rules to include the following areas:

1. Clarify that all local service providers have an unqualified and absolute right, upon obtaining appropriate customer authorization, to access that customer's CSR information, including the circuit identification number associated with that customer; and, conversely, that all local service providers have an unqualified and absolute obligation to provide such access in an accurate, complete and timely manner.
2. Define appropriate customer authorization to include Blanket Letters of Authorization (LOAs) for the securing of customer records, thus eliminating the need for an exchange of the actual signed customer LOA on each transaction, and require that all local exchange providers will mutually execute and then subsequently honor Blanket Letters of Authorization. A TSP may, however, request a specific signed customer LOA obtained from another TSP.
3. Require that all local exchange providers will establish training and practices for the efficient reuse of facilities for local service conversions. Initially, all service providers should provide the "winning service provider" the unbundled loop circuit number if that LEC utilizes the wholesale loop facilities from the wholesale division of the incumbent LEC.
4. Define "CSR information" to include all the information BellSouth currently provides as CSR to ALECs. At a minimum, service order information exchanged between providers shall include:
 - i. Customer Name
 - ii. Customer Address
 - iii. Customer Telephone Number
 - iv. Circuit Identification Number
 - v. Type of Transport, hunting, features, etc.
 - vi. Information that will indicate whether the current provider has any pending orders that will impede disconnection of the existing service

5. Ultimately, and in no later than 6 months, require that all local service providers provide electronic access to CSR information to ensure accuracy and increased speed of converting customers from one provider to another. Absent an electronic means and in the interim, require the "losing" or "old" local service providers to respond to the "new" or "winning" provider's request for this information via email or fax request within a four-hour work period. For example, if a CSR is received before 12:00 p.m., the ALEC should respond on the same day. If received after 12:00 p.m., the CSR should be returned no later than 12:00 p.m. on the following day.
6. Clarify that the old local service provider shall not withhold CSR or other porting information such as the circuit identification number, because it has a contractual arrangement with the customer, an existing CPE arrangement, or a past due balance or billing dispute with the end-user customer.
7. Establish symmetrical performance measurements and standards/intervals within which the local exchange providers must provide the CSR and other information to other local exchange providers. At a minimum, requests for CSR information, including circuit number, should be made available on a single transaction and should be provided:
 - i. If electronic access, then – in 15 minutes or less
 - ii. If via fax or email, then - no later than 4 hours after request
8. Require all local service providers to track and report monthly the number of requests for CSRs and other porting information, including the circuit identification number, and % requests not provided within the required interval above 4 hours; not provided within 24 hours; 48 hours; 72 hours; more than 72 hours.
9. Establish symmetrical performance measurements and standards/intervals within which the local exchange providers must provide, following receipt of a local service request from another local service provider, a firm order confirmation or a valid reject/clarification.
10. Establish symmetrical performance measurements and standards/intervals within which local exchange providers must port the telephone numbers of customers to other local exchange providers upon appropriate customer authorization.
11. Establish an expedited dispute resolution proceeding for disputes regarding failure to comply with these rules, and provide that violations of

these rules will subject the offending carrier to penalties up to \$25,000 for each day the violation continues.

B. With Certain Limited Exceptions Dealing with Specialized Numbers, No Local Exchange Provider Should Withhold CSR Information or Telephone Numbers Upon Receipt of a Valid LSR.

Certain ALECs delay or refuse to provide CSR information or to port a number on the grounds that the old local exchange carrier has a current contractual or other CPE relationship with the end-user or because the end-user owes that carrier money. Under no circumstances should any local exchange carrier be permitted to refuse to provide CSR or port a number for these reasons. The state commissions in Pennsylvania and New York have made this clear, as should this Commission. BellSouth categorically does not refuse to provide access to CSR or to port a number in these circumstances, nor should it be able to do so. In these circumstances, carriers should include appropriate termination and other dispute resolution language in their agreements with customers, and resort to appropriate contract negotiations and/or lawsuits.

There are certain extremely limited circumstances in which BellSouth cannot port a particular set of specialized numbers.

“Choke” Codes: BellSouth provides certain “choke” codes or numbers to radio stations for use in promotional call in programs such as money, tickets or other prizes to the 100th caller. BellSouth is technically unable to port such numbers to ALECs. The national forum NANC (North American Numbering

Council) and the regional forum – Southeast Region LNP Operations Team - has addressed this issue and have made agreements that porting will not be a viable option. Instead, the chairman of the Southeast LNP Operations Team has suggested in this forum that BellSouth keep the choke codes and that, if a ALEC needs a choke code/numbers, then an appropriate special assembly would be worked out to give a similar functionality. BellSouth respectfully suggests that the Commission allow the LNP Industry to continue to address this issue and to monitor the progress made in this area.

“Odd Ball” Codes: BellSouth uses the 780 NXX code and 557 NXX code for internal business purposes. Currently, a BellSouth project team has begun the work required to use toll free numbers instead of numbers from the 557 and 780 NXX codes for official BellSouth communications. BellSouth's goal is to complete migration across the BellSouth region by December 2003. BellSouth plans to return the codes to NANPA once it vacates the codes. To the extent that Number Pooling has been implemented at the time BellSouth vacates the oddball codes, it may request that only certain number blocks be assigned to BellSouth from the returned code.

BellSouth also uses the 203 NXX (ZipCONNECT) and 930, 440, 530 NXXs (UniServ) in the BellSouth region. BellSouth is currently working to file an updated ONA report with the FCC in which BellSouth will express its intent to discontinue these services, because the NANPA has refused to duplicate these codes as needed when a NPA split occurs. BellSouth is currently developing alternate service arrangements for any existing customers, and plans to return

the codes to NANPA once BellSouth vacates the codes. If BellSouth determines a need for all or part of a given code in a given NPA, BellSouth may request that it be assigned all or part of the code in a particular NPA. To the extent that Number Pooling has been implemented at the time BellSouth vacates the oddball codes, it may request that only certain number blocks be assigned to BellSouth from the returned codes.

C. Porting of Number When Customer's Account is Disconnected.

Regarding Staff's proposed rule regarding the release of a subscriber's current number upon a request to switch to a new carrier, BellSouth submits that the proposed rule should take into account the situation when a subscriber's account has been disconnected for nonpayment. In that situation, the subscriber is theoretically not a current BellSouth customer and thus the customer no longer has any rights to the number in question. Indeed, upon complete disconnection, the customer's former number is placed into a pool of unused numbers for reassignment. Accordingly, BellSouth requests that in addition to the previously mentioned suggested revisions, the Commission clarify that the current proposed rule regarding number portability be clarified to exclude any requirement to release a customer's number when that customer's service is disconnected for nonpayment.

III. ALEC Migration Issue

At the close of the workshop, Staff requested that the parties provide comments on a proposed rule that would govern the situation when an ALEC

exits the telecommunications industry in the State of Florida. BellSouth is finalizing a proposed rule and will forward the rule to Staff and the parties upon its completion.

CONCLUSION

For the foregoing reasons, BellSouth respectfully requests that the Commission adopt the modifications suggested herein for the proposed rules.

Respectfully submitted this 23rd day of May, 2002.

BELLSOUTH TELECOMMUNICATIONS, INC.



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STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service
Commission held in the City of
New York on December 13, 2000

COMMISSIONERS PRESENT:

Maureen O. Helmer, Chairman
Thomas J. Dunleavy
James D. Bennett
Leonard A. Weiss
Neal N. Galvin

CASE 00-C-0188 - Proceeding on Motion of the Commission to
Examine the Migration of Customers Between Local
Carriers.

ORDER ADOPTING GUIDELINES

(Issued and Effective January 8, 2001)

BY THE COMMISSION:

INTRODUCTION

On October 16, 2000, we issued for public comment a joint proposal for guidelines for the migration of customers between competitive local exchange carriers and from competitors to Verizon New York f/k/a [Bell Atlantic-New York] (Verizon). Upon consideration of the comments and reply comments, the proposed guidelines will be adopted but clarified as to two issues, one concerning enforcement and the other reuse of facilities.

The purpose of the proposed guidelines is to standardize the essential procedures for migrating customers

from one carrier to another.¹ Most parties urged that the proposed guidelines be incorporated in a Commission order, while none thought a penalty scheme or performance assurance plan was appropriate at this early stage of market entry by competitive local carriers. However, our adoption of the proposed guidelines gives them the force of law.

A collaborative workgroup led by Department of Public Service Staff team (Staff) met from April to August 2000 to develop migration guidelines by consensus. After identifying a range of issues, the workgroup focused first on establishing procedures to ensure customers can migrate from one competitor to another, and from a competitive local carrier to Verizon, without abnormal delays or service problems. The workgroup consisted of over 50 members of the industry as well as the Office of the Attorney General and the Consumer Protection Board. With the formulation of this joint proposal for the adoption of general guidelines, the first phase of the collaborative's work came to an end. In Phase II, the parties report, the collaborative is addressing more complex migration issues in greater operational detail.

¹ In instituting this proceeding, we noted that although competitive local service carriers served a significant portion of New York State's consumers, the industry lacked standard procedures for migrating customers from one competitive carrier to another, or back to the incumbent, to ensure that customers could change local service carriers seamlessly and efficiently. New entrants to the local exchange market urged the adoption of guidelines. Moreover, the Department received numerous consumer complaints of problems switching local carriers.

of seamless and efficient migration practices among carriers consistent with the guidelines. While recognizing that some carriers want to ensure that they will not be held to an absolute standard of perfection, these parties assert that the good faith qualification is potentially detrimental to carriers and end users, and may be contrary to federal and state law governing honest business practices. WorldCom, in contrast, urges adoption of the proposed guidelines with no substantive changes, on the ground that they nevertheless represent a consensus derived after lengthy negotiations, compromises, and consideration of divergent interests and perspectives.

Reuse of Facilities

The proposed guidelines include eight common migration responsibilities. Time Warner Telecom suggests modification of number seven (reuse of facilities) to reflect the fact that facilities cannot always be reused when an end user migrates. Common migration responsibility seven provides that authorization is not required from the old local service provider for the new local service provider to reuse portions of the network that were provided to the old local service provider by a network service provider; nor may the old local service provider prohibit such reuse.⁴

Time Warner Telecom argues that this responsibility should be clarified to indicate that reuse does not apply to high capacity facilities (for example, a T1⁵) and unbundled loops, except those used for single-line basic voice service. It states that technical limitations prohibit reuse of some high capacity facilities and unbundled loops used to provision multiple services and/or multiple end users. Such facilities are normally terminated in one carrier's collocation cage, and a

⁴ Proposed Guidelines, p. 3.

⁵ A T-1 is a digital transmission link with a capacity of 1.5 megabits per second, and can normally handle 24 simultaneous conversations.

portion of the high capacity facility cannot be rerouted to another carrier's collocation cage without affecting all the other services and/or other end users served by that facility.

WorldCom and Verizon agree; however, Verizon suggests that the responsibility be worded more generally to state that reuse should be available only when the facilities are no longer needed by the old local service provider to provide service to the migrating end user or other end users.

Timing Interval for Customer Service Records

Cablevision Lightpath, XO New York, and Metropolitan Telecommunications state concerns about the interim timing interval for the provision of Customer Service Record (CSR) information between carriers as established in Case 97-C-0139 and referenced in the proposed guidelines pending final determination of an interval.⁶ Metropolitan Telecommunications' concern is that all carriers must meet the interval in order to meet the overall requirement of our end user service standards: installing basic service within five days, 80% or more of the time.⁷ The other two carriers are concerned that the interim timing interval is not long enough in view of their mostly manual internal processes that make it time consuming to gather all CSR information. They suggest that the guidelines include a phase-in period for any carrier to automate its internal processes prior to any obligation to meet a specified interval.

Elements of the Customer Service Record

AT&T and Metropolitan Telecommunications address the elements of the Customer Service Record which are defined in the

⁶ Proposed Guidelines, p. 9.

⁷ 16 NYCRR Part 603.

guidelines.⁹ Metropolitan Telecommunications would like to add circuit identification number to the list of elements while AT&T believes that circuit identification is more appropriately a part of network transition information which is to be defined in Phase II of the migration proceeding. AT&T also proposes excluding identification of a vertical feature now listed in the guidelines as part of the CSR which it believes should instead be part of network transition information.

Data Carrier Access to Customer Service Records

Rhythms Links Inc. and WorldCom assert that a carrier that provides only data services to end users should be accorded the same access to customer service record information as voice competitors. They argue that such access will support provisioning of data services, and note that data providers currently have access to Verizon customer service records. They propose the same access from competitive voice carriers.

DISCUSSION

The proposed guidelines represent a first step to standardize procedures for the majority of migrations. Specifically, the proposed guidelines are designed to be sufficiently broad to apply to all types of service configurations, and sufficiently detailed to ensure efficient migration through resale and Unbundled Network Elements - Platform (UNE-P). More complex serving arrangements such as UNE-Loop and facilities-based migrations are being addressed in Phase II of the migration proceeding.

The proposed guidelines are adopted, but clarified with respect to "good faith", and reuse of facilities as explained below. We need not, at this time, address the other concerns raised in the comments as these should be the subject of Phase II discussions among the parties.

⁹ Proposed Guidelines, p. 6.

Elements of the Customer Service Record

Two parties suggest modifying the elements of the customer service record. Those comments concern unresolved complex migration issues being addressed in Phase II. Consequently, we make no changes to the elements as stated in the proposed guidelines.

Data Carrier Access to Customer Service Records

Rhythms Links and WorldCom propose that data carriers be afforded equal access to customer service record information as other local exchange carriers. No party formally objected to this proposal. It should foster the development of competition for data services. However, access to and use of customer service information is currently being negotiated in the DSL collaborative, Case 00-C-0127. Nothing in these guidelines should be read to anticipate our determinations in that proceeding.

CONCLUSION

The adoption of these guidelines, pursuant to our authority under Public Service Law §§91(1), 92-e, 94(2), and 96(1) should enhance the functioning of the competitive market in New York State. The participants in the collaborative proceedings have complained of excessive delay and refusals by some competitors to release any customer information or otherwise to assist in the transfer of a customer who desires to change local carriers. Adoption of these guidelines will establish clear standards for dealings between competitors.

By standardizing the dealings between competitors regarding customer migrations, these guidelines also should have a substantial impact on end use customers. Department Staff has received numerous complaints regarding migration practices by local carriers. Investigation of these complaints has revealed that many are based on unreasonable delays in migration or

misunderstandings between the carriers involved, leading to customer inconvenience and confusion. By facilitating the migration process, these guidelines will better enable local exchange carriers to comply with their obligations to customers, including prompt initiation of service and rendering of fair and accurate bills, consistent with state and federal law and regulation regarding customer authorization to change carriers, prohibition of slamming, and privacy protections.

Therefore the proposed guidelines are adopted, as clarified in the Order.

The Commission orders:

1. The proposed end user migrations guidelines - CLEC to CLEC are adopted, as clarified in this Order.
2. This proceeding is continued.

By the Commission,

(SIGNED)

JANET HANDE DEIXLER
Secretary

Attachment

END USER MIGRATION GUIDELINES

CLEC to CLEC

November 29, 2000

I. Introduction

These guidelines have been developed in the context of Case 00-C-0188 which was instituted by the Commission to examine the issues arising from the development of local service competition, particularly "how customers change carriers in a way that both fosters competition and protects customers."¹ Representatives of the industry and government collaborated in the development of these guidelines through working group sessions held between March and July of 2000. The organizations that participated in the development of these guidelines are listed in Appendix A.

The objective of these guidelines is to ensure that end users can migrate from one Competitive Local Exchange Carrier (CLEC) to another or from one CLEC to Verizon New York, Inc. (Verizon, formerly Bell Atlantic – New York) without encountering abnormal delays, service problems, slamming, cramming, or cumbersome procedures. End user migration should occur in a seamless and timely fashion for the benefit of the end user. To that end, these guidelines establish general business rules, privacy protocols, and general procedures governing the migration of end users between CLECs or from a CLEC to Verizon.

These guidelines apply to all CLECs and Verizon for migrations of an end user between CLECs or away from a CLEC to Verizon. Business rules, protocols and procedures for the migration of end users from Verizon to CLECs have been or are being addressed in other proceedings² and are not addressed here. Similarly, procedures for end-user migration between CLECs and Frontier Telephone Company of Rochester and other incumbent local exchange carriers in the state are being or may be developed in other proceedings specific to those incumbent carriers. The parties to this proceeding strongly support the development of consistent, statewide procedures as the best means to further

¹ Order Instituting Proceeding (issued January 26, 2000), at 3-4.

² They are generally defined at the following internet website:
http://www.bellatlantic.com/wholesale/html/customer_doc.htm.

competition and allow for seamless migration of end users. To that end, it is recommended that these guidelines serve as a model for any other migration guidelines that may be developed in the state for specific application to one or more other incumbent LECs. Moreover, it is recommended that, pending the formal adoption of guidelines applicable to an independent ILEC, these guidelines serve as a model for reasonable behavior against which to evaluate particular situations on a company by company basis.¹

Finally, these guidelines do not reflect practices and procedures relating to Digital Subscriber Line (DSL) services or line sharing/splitting arrangements as defined by the Federal Communications Commission (FCC), because such practices and procedures are being developed in Case 00-C-0127.² However, it is hoped that the practices and procedures developed for DSL will be consistent with these guidelines to the extent possible, and these guidelines have been developed with this goal in mind.

These guidelines represent the culmination of Phase I of the proceeding. Phase I was instituted to expeditiously establish a baseline set of principles, responsibilities, and ground rules for exchanging information that will support end user migration between CLECs. More specific scenarios and details associated with the migration process will be addressed in Phase II of this proceeding.

¹ The independent ILECs preserve the rights afforded them under applicable state and federal laws and regulations, including the Telecommunications Act of 1996.

² Case 00-C-0127 – Proceeding on Motion of the Commission to Examine Issues Concerning the Provision of Digital Subscriber Line Services.

9. Carriers must maintain a company contact escalation list, and that list must be available to other LECs for their use in resolving migration problems.
10. These guidelines when approved by the Commission will have the force and effect of a Commission order.¹

III. Common Migration Responsibilities of Carriers

When an end user either queries a local service provider about migrating to that carrier, or actually migrates, the involved carriers should act according to the following responsibilities:

1. The Local Service Provider(s) (LSPs) deals directly with the end user.
2. To request a CSR from the end user's current LSP, another LSP must have a verifiable form of customer authorization (i.e., AGAUTH) on file in accordance with these guidelines. The verification to view a CSR need not be sent to the OLSP.
3. A company can be both an LSP and an NSP at the same time.
4. There can be multiple NSPs involved with a service (e.g., one company could provide the loop and another the port).
5. The ONSP(s) will provide a loss notification to the OLSP.
6. The NLSP will provide the LSR information to the NSP(s).
7. Authorization is not required from the OLSP for the NLSP to reuse portions of the network that were provided to the OLSP by a NSP(s), nor may the OLSP prohibit such reuse. However, reuse only applies to facilities that are no longer needed by the old local service provider to provide service to the migrating end user or any other end users.
8. If requested, the OLSP or NSP provides the information noted in the CLEC to CLEC Migration Guidelines to the NLSP.

¹ Should problems arise between carriers where it is apparent that third party resolution is required, carriers are encouraged to use the Commission's Guidelines for Expedited Dispute Resolution, Case 99-C-1529, Issued November 18, 1999.

IV. Exchanging Customer Service Information

To facilitate local service migration in a timely and seamless manner, it is necessary to have a procedure for exchanging Customer Service Records/Information (CSR/CSI) and/or end user network configuration information in a timely and acceptable manner. In general, these procedures for exchanging such information must meet the end user's needs for privacy, the company's needs for information, and must include safeguards to ensure that the end user has approved the exchange of his/her records.

While sharing CSR/CSI is an important element of end user migration, the sharing of CSR/CSI shall not violate an end user's privacy, or create inequitable marketing practices. A potential NLSP may not acquire CSR/CSI without end user authorization. The existing LSP is prohibited from approaching an end user to retain or keep that end user as a result of a request for CSR/CSI.

A centralized database of carriers' CSR/CSI will be investigated in Phase II.

The information covered in this section of the guidelines is broken into the following categories:

1. The baseline information that must be on a CSR/CSI to support a migration.
2. The guidelines for requesting a CSR/CSI.
3. The format of a CSR/CSI.
4. The method of transmitting a CSR/CSI.
5. The time frame between when a CSR/CSI is requested and when it is sent.

A. Defining the CSR/CSI

The baseline information that must be submitted by an LSP/OLSP whenever another LSP requests a CSR/CSI to support migration is:

- a) Billing telephone number
- b) Working telephone number
- c) Complete customer billing name and address
- d) Directory listing information including address, listing type, etc.
- e) Complete service address
- f) Current PICs (inter/intraLATA toll) including freeze status
- g) Local freeze status, if applicable¹
- h) All vertical features – (e.g., custom calling, hunting, etc.)
- i) Options – (e.g., 900 blocking, toll blocking, remote call forwarding, off premises extensions, etc.)
- j) Tracking number or transaction number (e.g., purchase order number)
- k) Service configuration information (e.g., resale, UNE-P, unbundled loop)
- l) Identification of the NSPs
- m) Identification of any line sharing/line splitting on the migrating end user's line

B. Guidelines for Requesting CSR/CSI

There are two general situations when a company may need to request another company's end user information (CSR/CSI). The first is when negotiating with a concurring end user, a carrier may need to review that end user's CSR. The second is when an end user is migrating to another company.

¹ Local service provider freezes are not currently available in New York. The matter is currently under consideration in Case 00-C-0188.

- I. When a carrier (i.e., the "reviewing company") has permission from the end user to review the end user's account, the reviewing company can request a CSR or equivalent information from the current LSP, if the reviewing company has one of the following types of end user consent:
 - a) A letter of authorization from the end user to review his/her account, or
 - b) A third party verification of the end user's consent, or
 - c) A recording verifying permission from the end user to review his/her account, or
 - d) Oral authorization with a unique identifier given by the end user (e.g., residence: mother's maiden name; business: tax identification code). This identifier must be associated with the end user giving permission to review his/her account.

The reviewing company must indicate to the current carrier that it has on file one of these types of verifications, and must keep this verification on file for one year for possible third party auditing purposes. The LSP cannot require a copy of the end user's authorization from the reviewing company.

- II. When a company has permission from the end user to switch LSPs, the NLSP can request the end user's network serving arrangements and a CSR, or equivalent information, from the OLSP and/or NSPs if it has one of the following types of end user consent¹:
 - a) A letter of authorization from the end user to switch local carriers, or
 - b) A third party verification of the end user's request, or
 - c) A recording verifying the end user's request to switch local carriers.

The NLSP must indicate to the OLSP and/or NSP(s) that it has on file one of these certifications of consent, and must keep this certification on file for two

¹ When a carrier goes out of business, these requirements may not apply because the end users of that carrier must be balloted as to their choice of serving carrier. If no choice is made by an end user, that end user will by default be served by the designated carrier of last resort.

years for third party auditing purposes. The OLSP and/or ONSP(s) cannot require a copy of the end user's authorization from the NLSP.

C. Format of a Request for a CSR/CSI

The following information must be provided by the requesting carriers in order to obtain a CSR/CSI:

1. Billing telephone number (BTN).
2. End user service address.
3. An indication of end user consent to review the CSR/CSI.
4. End user name.
5. A tracking number for the request.
6. Who to and where to respond with the CSR/CSI information.
7. A telephone number and person to contact for questions about the CSR/CSI request.
8. The name of the company requesting the CSR/CSI.
9. The date and time the request was sent.
10. How to respond with the CSR/CSI information.

LSPs transmitting CSR/CSI requests via facsimile or electronic mail must use the form in Appendix E unless another option is agreed to by both carriers. When using electronic mail, the completed form must be in Rich Text Format (RTF).

D. Transmission of CSR/CSI Information

In general, the transmission of CSR/CSI requests and information can be some form of electronic means; such as facsimile, electronic mail, electronic data interchange, or any other means negotiated between the two carriers. In any event, the request cannot be via oral means (e.g., voice telephone call). Carriers may specify preferred and alternate means of transmission at their discretion. All carriers must at a minimum allow transmission of CSR/CSI information by facsimile.

E. Timing

Pending any modifications resulting from this proceeding, interim CSR/CSI timing guidelines were established in Case 97-C-0139. The current interim standard for the provision of a CSR/CSI is: "If a CLEC receives a CSR request in the morning, the CSR should be provided by 5 PM the same day; if the request is received in the afternoon, the CSR should be provided by noon the next day."¹ The parties' adoption of these Guidelines does not constitute endorsement of this time frame. A final standard and/or implementation of a standard for the time in which a carrier must provide CSR/CSI will be addressed through further collaboration in Phase II of this proceeding, and/or Case 97-C-0139.

V. Exchanging End User Network Information

In addition to CSR/CSI, there may be a need to obtain network information to migrate an end user. Carriers should share all network specific information of a technical nature necessary for the successful migration of end users. The required information will be defined in Phase II.

¹ Order Establishing Additional Inter-Carrier Service Quality Guidelines and Granting In Part Petitions for Reconsideration and Clarification, Issued and Effective February 16, 2000, Case 97-C-0139, pg. 28.

Appendix B – Terms

The following definitions and terms are used in these guidelines:

1. **AGAUTH – Agency authorization.** The data/record indicating that the end user has authorized the NLSP to act as his/her agent. See LOA, below.
2. **Bundled Network Components –** The categorization of both resold services as made available through the Verizon New York, Inc. 915 tariff and UNE-P as defined in the Verizon New York, Inc. 916 tariff.
3. **Completion Notification – Document issued by a NSP to inform a LSP of the completion of work associated with a specific LSR.**
4. **Competitive Local Exchange Carrier (CLEC) –** A local exchange carrier, as defined in 47 U.S.C. sec. 153 (26), operating in competition with one or more incumbent local exchange carriers.
5. **Cramming –** The practice of billing an end user for telephone or non-telephone related services not requested.
6. **Customer Service Record (CSR) – (Also known as Customer Service Information or CSI)** Documentation indicating the end user's name, address, contact telephone number, quantity of lines, services, features, and other information associated with an end user's account. The elements of a CSR are defined further in these guidelines insofar as what information about an end user should be provided to a new local service provider when an end user contemplates changing, or migrates to a new local service provider.
7. **Directory Service Provider (DSP) –** The provider of white page and/or yellow page listings.

14. **Line Splitting** -- As defined by relevant orders and rules of the FCC and this Commission. See, e.g, CC Docket No. 00-65, "Application by SBC Communications, Inc., Southwestern Bell Telephone Company, And Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Texas, Memorandum Opinion and Order" (rel. June 30, 2000), FCC 00-238, para. 323-329; Case 00-C-0127, Proceeding on Motion of the Commission to Examine Issues Concerning the Provision of Digital Subscriber Line Services.
15. **Local Number Portability (LNP)** -- As defined in 47 U.S.C. sec. 3(30) , the process by which an end user can retain the same telephone number when migrating to a NLSP.
16. **Local Preferred Interexchange Carrier (LPIC)** -- The intraLATA carrier to which traffic from a given telephone number is automatically routed when dialing in equal access areas.
17. **Local Service Confirmation (LSC)** -- Document issued by the NSP to inform the LSP of the confirmed scheduled completion date for work effecting specific telecommunications service activities such as unbundled loop connections.
18. **Local Service Provider (LSP)** -- The local exchange carrier that interacts directly with the end user and provides local exchange telecommunications services to that end user. A local service provider can also be a network service provider. NLSP indicates "new" local service provider, and OLSP indicates "old" local service provider.
19. **Local Service Provider Authorization Number (LSPAN)** -- Authorization control number provided by the OLSP to the NLSP. The NLSP includes the LSPAN on the LSR sent to the new/old NSP in reuse situations.

20. **Local Service Request (LSR)** – Document used among LSPs and NSPs to install, change, and/or disconnect services. The LSR is sent by an LSP to an NSP, for example, to request the activation of number portability, the installation of an Unbundled Loop facility, or the disconnect of loop facilities and migration of a number.
21. **Loss Notification** – The process by which the ONSP notifies the OLSP of the end user loss upon completion of a request.
22. **Network Service Provider (NSP)** – The carrier that interacts with LSPs and provides the facilities and equipment components needed to make up an end user's telecommunications service. A network service provider can also be a local service provider. NNSP indicates "new" network service provider, and ONSP indicates "old" network service provider.
23. **Order and Billing Forum (OBF)** – A forum of the Carrier Liaison Committee, a committee acting under the Alliance for Telecommunications Industry Solutions (ATIS). OBF provides a forum to identify, discuss and resolve national issues affecting ordering, billing, provisioning and exchange of information about access service, other connectivity and related matters.
24. **Preferred Interexchange Carrier (PIC)** – The interLATA carrier to which traffic from a given location is automatically routed when dialing 1+ in equal access areas.
25. **Slamming** – The practice of changing an end user's carrier selection without the end user's knowledge or explicit authorization, in violation of section 258 of the Telecommunications Act of 1996 or Section 92-e of the New York Public Service Law.
26. **Service Configuration Information** – Identification of the service platform currently used by the end user (e.g., resale, unbundled loop, retail, UNE-P).

27. **Transition Information** – Information about the current providers of various service components to the end user (e.g., loop, directory service).
28. **Unbundled Network Elements** – Elements of the network as defined by the Federal Communications Commission and the New York State Public Service Commission to which incumbent local telephone companies must make available unbundled access to competitors.
29. **Unbundled Network Elements Platform (UNE-P)** – The combination of specific unbundled network elements used by a competing carrier to provide local exchange and associated switched exchange access service as defined in the Verizon New York Inc. 916 tariff.

Appendix C – FCC/FTC Statement on Deceptive Advertising

The following is a summary of the Federal Communications Commission/Federal Trade Commission's joint statement on deceptive advertising as of June 2000. The full version of this statement (22 pages) is available at the following internet web site:

<http://www.fcc.gov/Bureaus/Enforcement/Orders/2000/fcc00072.txt>

In recent years there has been an explosion in competition and innovation in the telecommunications industry. Long-distance customers have reaped substantial benefits in the form of greater choice in deciding which carrier to use and a greater diversity in the prices charged for those calls.

Numerous carriers, both large and small, promote their services through national television, print, and direct mail advertising campaigns. Because no one plan is right for everyone, advertising plays a critical role in informing consumers about the myriad choices in long-distance calling and, in the case of dial-around services, advertising is generally the only source of information consumers typically have before incurring charges. With accurate information, consumers benefit from being able to choose the particular carrier that meets their long-distance calling needs at the most economical price. However, if consumers are deceived by the advertising claims, they cannot make informed purchasing decisions and ultimately the growth of competition in the long-distance market will be stifled.

The proliferation of advertisements as well as an increase in the number of complaints regarding how these services are promoted, have raised questions about how the principles of truthful advertising apply in this dynamic marketplace.

Section 201(b) of the Communications Act requires that practices in connection with communications service shall be just and reasonable, and any practice that is unjust or unreasonable is unlawful. The FCC has found that unfair and deceptive marketing practices by common carriers constitute unjust and unreasonable practices.

6. An advertiser must have a reasonable basis for any representations comparing the advertiser's price to the prices of its competitors. By representing a competitor's rates, an advertiser is making an implied claim that these rates are reasonably current.
7. The fact that information about significant limitations or restrictions on advertised prices may be available by calling a toll-free number or a clicking on a Web site is generally insufficient to cure an otherwise deceptive price claim in advertising. Advertisers are encouraged to use customer service numbers and Internet sites to offer consumers more information, but these sources cannot cure misleading information in the ad itself.
8. When the disclosure of qualifying information is necessary to prevent an ad from being deceptive, that information should be presented clearly and conspicuously so that it is actually noticed and understood by consumers.

Disclosures should be effectively communicated to consumers. A fine-print disclosure at the bottom of a print ad, a disclaimer buried in a body of text unrelated to the claim being qualified, a brief video superscript in a television ad, or a disclaimer that is easily missed on an Internet Web site is not likely to be effective. To ensure that disclosures are effective, advertisers should use clear and unambiguous language, avoid small type, place any qualifying information close to the claim being qualified, and avoid making inconsistent statements or using distracting elements that could undercut or contradict the disclosure. Factors used in determining whether a disclosure is clear and conspicuous are:

- Prominence Disclosures that are large in size, are emphasized through a sharply contrasting color, and, in the case of television advertisements, remain visible and/or audible for a sufficiently long duration are likely to be more effective than those lacking such prominence. The FTC's experience consistently demonstrates that fine-print footnotes and brief video superscripts are often overlooked. The disclosure should also be prominent enough so that typical consumers will actually *read and understand* it in the context of an actual ad.

- Proximity and Placement The effectiveness of disclosures is ordinarily enhanced by their proximity to the representation they qualify. Placement of qualifying information away from the triggering representation -- for example, in footnotes, in margins, or on a separate page of a multi-page promotion -- reduces the effectiveness of the disclosure. The use of an asterisk will generally be considered insufficient to draw a consumer's attention to a disclosure placed elsewhere in an ad.
- Absence of Distracting Elements Even if a disclosure is large in size and long in duration, other elements of an advertisement may distract consumers so that they may fail to notice the disclosure. Advertisers should take care not to undercut the effectiveness of disclosures by placing them in competition with other arresting elements of the ad.
- Factors Relating Specifically to Television Ads Other considerations specific to television ads include volume, cadence, and placement of any audio disclosures. Disclosures generally are more effective when they are made in the same mode (visual or oral) in which the claim necessitating the disclosure is presented. Research suggests that disclosures that are made simultaneously in both visual and audio modes generally are more effectively communicated than disclosures made in either mode alone. In television ads, a disclosure that includes both a sufficiently large superscript and a voice-over statement is likely to be more effective than a superscript alone.

Appendix E – Sample CSR/CSI Request Form

The form and associated field descriptions are on the following pages.

Customer Service Information Request

Page ___ of ___

Administrative Section

To: _____

Date & Time Request Sent: _____

Transaction Number: _____

Type of Service Business Residential

Requesting Company Contact

Requesting Company Name: _____

Initiator Name/Contact Tel # _____

Address: _____

Fax #: _____

E-Mail: _____

Means of Response to Requesting Company

Preferred Means of _____

Response w/Contact Info: _____

Alternate Means of _____

Response w/Contact Info: _____

* Default Response (FAX) _____

* ATTENTION: _____

* Default Response is Required To Be Acceptable _____

End User Authorization Obtained? Yes

Customer Location (End User)

Name: _____

Service Address _____

City, State _____

Number Section

BTN _____

Response Reasons and Codes

Response ID _____

Response Descriptions

Response Descriptions	RESPC
Account Tel. No. and/or Customer Location Not Found	001
Customer Supplied Account Information For Requested Account Does Not Match Active Account	010
Account Exceeds Maximum Page or Fax Limit	052
Required Requesting Company Contact Information Incomplete	501

Remarks _____

<i>(Optional Fields)</i>	Response Reasons and Codes	
	<p>The following Response Code (RESPC) and Response Description (RESPD) fields are based on the resolution of OBF issue 2034, which will be incorporated in LSOG 5, published August 9 2000:</p>	
Response Identifier <i>(Optional Field)</i>	Identifies the response number assigned by the provider to relate subsequent activity.	
RESPC	Response Description (RESPD)	Comments

When appropriate, the relevant Response Code should be circled and the form returned to the Requesting Company by the Responding Company

001	Account Tel No. and/or Customer Location Not Found	Responding Company cannot locate this account based on the Telephone Number and/or Customer Location information that has been provided by Requesting Company
018	Customer Supplied Account Information For Requested Account Does Not Match Active Account	To be used if Account Telephone Number and End User Name and Address don't match the active account information
052	Account Exceeds Maximum Page or Fax Limit	Used in cases where the Customer Account Information is too large to be faxed (over 20 pages) and the Responding Company wants to arrange for mailing. This could happen with large Business accounts, for example.
501	Required Requesting Company Contact Information Incomplete	Blank required fields exist in the Requesting Company Contact Section of the form.

PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held April 11, 2002

Commissioners Present:

Glen R. Thomas, Chairman, Motion attached
Robert K. Pizzigrilli
Aaron Wilson, Jr., Statement attached
Terrance J. Fitzpatrick
Kim Pizzigrilli

Final Interim Guidelines Establishing
Procedures for Changing Local Service
Providers for Jurisdictional
Telecommunication Companies

Docket No. M-00011582

FINAL ORDER¹

BY THE COMMISSION:

Background

On December 4, 2001, the Commission issued a Tentative Order proposing to adopt interim guidelines pending the promulgation of formal regulations to provide for an orderly process for customer movement between local service providers (LSPs). These voluntary interim guidelines (Interim Guidelines), which are being finalized here after the receipt of public comment, are intended to provide guidance to jurisdictional utilities when addressing the migration of customers from one LSP to another LSP. A copy of the Interim Guidelines is attached as Annex A.

Written comments were received from AT&T Communications of Pennsylvania (AT&T); ATX-CoreComm (ATX); Metropolitan Telecommunications (MetTel); the Pennsylvania Office of the Consumer Advocate (OCA); the Pennsylvania Cable and

¹ This Final Order is one of several we are adopting this day addressing Changing Local Service Providers (LSPs) (base folder); Customer Information (F0002); Quality of Service (F0003); and Abandonment by Local Service Provider (F0004). While there may be overlap among all the orders, there is perhaps more so between the base folder and F0003. The focus of this Final Order and interim guidelines generally looks at the issues from the local service provider's (LSP's) perspective, whereas the focus of Folder 0003 generally looks at the issues from the perspective of the customer.

and add the following as a new section 3: "To ensure that the migration from one LSP to another LSP allows the customer the option of retaining the existing telephone number(s), as applicable and when desired by the customer." The former section I(A)(3) would become section I(A)(4).

Resolution

The Commission will not adopt ATX's recommendation. LSPFs are the subject of a separate collaborative. Any resolution resulting from that collaborative will modify these Interim Guidelines to the extent that they are different. We will accept Verizon's recommendation to replace "consumers" with "customers" and to replace I(A)(3) with the following language: "To ensure that the migration from one LSP to another LSP allows the customer the option of retaining the existing telephone number(s), as applicable and when desired by the customer." Therefore, we will change the former section I(A)(3) to section I(A)(4). We will not change the scope of these Interim Guidelines to include non-residential customers except where noted.

B. Application

Comments of the parties

The OCA states that the Commission should clarify that the Guidelines apply to all LSPs that serve customers, but relate to different groups of customers. The OCA proposes "that I(B)(1) of the guidelines should be revised, in part, as follows: 'With the exception of E911 and Directory Listings/White Pages, which relate to all customers, these interim guidelines relate to all residential customers except those customers who want to discontinue service.'"

Verizon suggests that we remove the phrase "With the exception of E911 and Directory Listings/White Pages, which apply to all customers," and add the phrase, "Except where specifically noted, ... to all" and remove the word "residential."

Resolution.

The Commission accepts the OCA's recommendation that we clarify that the Guidelines apply to all LSPs that serve customers, but relate to different groups of customers. The Commission will revise section I(B) as suggested in part by OCA. We will not adopt Verizon's suggestion.

II. Definitions

General

Comments of the Parties.

The OCA submits that the definitions used in the Guidelines require some clarification and suggests that the Commission may use definitions from other regulatory requirements. The OCA also proposes that we adopt terms that are consistent among both the various collaboratives and the existing regulations.

Resolution.

We agree generally with the OCA's suggestion that we adopt terms that are consistent with the various collaborative and existing regulations. Many of the terms used in these Interim Guidelines are based on existing regulations. However, there are terms that are not easily defined by the existing regulations. Accordingly, we will attempt to use terms consistent with the regulations or Commission's collaboratives where applicable.

Definition of *Freeze & Local Service Provider Freeze (LSPF)*

Comments of the Parties

Verizon suggests that the Commission revise the definitions for *freeze* and *LSPF*.

Resolution.

The Commission will not revise the definitions of *freeze* and *LSPF* at this time. We will defer the revisions of these terms to the Commission's collaborative addressing LSPFs at Docket C-00015149, F0002, which will be concluded upon the conclusion of

Pa PUC v. Verizon PA, Docket No. M-00021592, Tentative Order entered Jan. 25, 2002, decision pending.

Definition of *Local Service*

Comments of the parties

The PTA and the PCTA contend that the proposed definition of "local service" can create confusion. The PTA suggests that the phrase "calling capacity" used in the first sentence of the proposed definition be changed to read "calling capability for telephone service" and that the word "community" in that same sentence be changed to read "exchange" in order to clarify a telephone local calling area as currently known in the industry. The PCTA expresses concerns about the term "community" and that it may inadvertently encompass service not within the Commission's jurisdiction. PCTA also suggests that the Commission allow the parties to address this definition in the collaboratives.

Verizon suggests that the Commission revise the definition by replacing the term "calling capacity" with "telecommunications service," replacing "between points within the community" with "local calling area," and adding the term "applicable federal and state taxes."

Resolution

The Commission agrees that the definition of "local service" should be changed. We will eliminate the first phrase, "Calling capacity between two points in the community" and replace it with Verizon's language, "Telecommunications service within a customer's local calling area." We will also add "applicable taxes" to this definition. For clarity we will revise the term "911 emergency service fee" to "911 emergency fee." All four of the Interim Guidelines proceedings (Changing LSPs, Customer Information, Quality of Service, and Abandonment) contain the same definition for "Local Service." Our full discussion of the parties' comments may be found in the Customer Information Interim Guidelines Final Order.

Definition of *Local Service Provider (LSP)*

Comments of the parties

The PCTA objects to the use of the term “local service provider” because they contend it could be misinterpreted by some entities to allow the Commission to issue regulations and directives aimed not only at local exchange service, but also at other services not currently regulated by the Commission. The PCTA suggests that the proposed definition must be clarified in order to prevent such misinterpretation.

Verizon suggests that the Commission revise the definition by adding the term “an end-user” to clarify the type of customer.

Resolution

The Commission agrees that the term “local service provider” should be clarified and accepts Verizon’s suggestion to add the words “to an end-user” to the definition. All four of the Interim Guidelines proceedings (Changing LSPs, Customer Information, Quality of Service, and Abandonment) contain the same definition for “Local Service Provider.” Further details about changes to this term are in the Customer Information Interim Guidelines Order.

Definition of *Local Service Request*

Comments of the parties

Verizon suggests that we add the term “standard industry method” to the definition.

Resolution

We accept Verizon’s suggestion in part and will add the term “standard industry format” to the definition.

Definition of *Migration*

Comments of the parties

Verizon suggests that we revise this definition.

Resolution

The Commission will revise the definition of "migration" to be consistent with the definition that appears in the companion guidelines concerning Quality of Service. We did not receive comments about the definition as it was proposed in the Quality of Service companion guidelines. For clarity, we will add the phrase "at the same customer location" to the end of this definition.

Definition of *Porting*

For clarity and consistency among the companion Interim Guidelines, we will modify the definition that appears in the proposed guidelines. The Interim Guidelines for Changing Local Service Providers and for Quality of Service Procedures will contain the same definition for this term.

Definition of *Preferred Carrier (PC)*

Comments of the parties

Verizon suggests that we replace the term "his/her" with "the customer's," add the term "end-user customer," and add the phrase "lifts any freeze applicable to the service provided by the old preferred carrier" near the end of the definition.

Resolution

The Commission agrees that the definition should be revised for clarification. However, we will not adopt Verizon's suggestions. We will revise the definition by adding the phrase "For the purposes of these Interim Guidelines" and by replacing the term "existing" with "previous."

Definition of *Telephone Bill*

Comments of the parties

Verizon suggests that the Commission remove “rendered whether” from the definition.

Resolution

We accept Verizon’s suggestion and will remove “render whether” to clarify the definition.

Additional Definitions

Applicant, Discontinuance, End-user customer, Local Reseller, and Termination

Comments of the parties

In comments about the migration of service, the OCA asserts that “LSPs must be absolutely clear regarding their obligations to customers facing suspension or termination of service.” The OCA suggests that the definition of “termination” should be made clear in the Interim Guidelines.

Resolution

The Commission agrees that the obligations of LSPs to customers facing suspension or termination of service must be clearly articulated. Similarly, we also believe that LSPs must be clear about their obligations regarding those customers who apply for and discontinue service. The terms that the OCA suggests we define are actually existing defined terms in Chapter 64. Accordingly, for ease of reference and clarity, we will incorporate the existing definitions for “applicant”, “discontinuance”, and “termination” into these Interim Guidelines. For clarity and consistency among the companion Interim Guidelines, we will add the terms “end user customer” and “local service reseller” to the Definitions section of these Interim Guidelines.

III Migration of Local Service.

A Execution of Changes in Local Service Provider

Comments of the parties

The OCA comments that the Interim Guidelines should have direct references to the applicable provisions of the Federal Communications Commission (FCC) verification and authorization rules at 47 C.F.R. §§64.1100-64.1190. The OCA proposes that we should file a notification of election to administer the FCC slamming rules since we refer to FCC rules and intend to enforce those rules. The OCA believes that where our slamming rules, as outlined in the March 23, 2001 Secretarial Letter, provide additional instructions, we should enumerate those rules within these Interim Guidelines. In addition, the OCA also suggests that the Commission incorporate our penalties for slamming into the Interim Guidelines.

Verizon suggests that in section III(A) we add the term “carrier change” to better define the service order types and eliminate the term “letter of agency.”

Resolution

The Commission agrees with the OCA that LSPs are obligated to follow the FCC’s verification and authorization rules when processing a customer’s request to change LSPs. However, the Commission does not believe that it is necessary or practical to incorporate the FCC anti-slamming rules and the Commission’s slamming Secretarial Letter in these Interim Guidelines. As stated in the Commission’s March 23, 2001 Secretarial Letter that addressed “LEC Obligations for Addressing Customer Complaints About LEC Slamming and LEC Adherence to the FCC Slamming Liability,” we expect all LSPs to adhere to the FCC’s rules at 47 C.F.R. §§64.1100-1190 and we intend to enforce our Chapter 64 regulations as they pertain to local service. Therefore, we do not intend to file a notification of election to administer the FCC slamming rules at this time.

The Commission will accept Verizon’s suggestion in part by adding the term “carrier change” in III.A to clarify the type of service order.

B. Additional Obligations

Comments of the parties

AT&T and ATX disagree with the timeframes as outlined in III.B.(1) and III.B.(2). AT&T asserts that III.B is deficient because it fails to acknowledge that the new LSP is dependent on the existing LSP to meet the ten business day requirement. ATX contends that III.B places additional obligations on old and new LSPs involved in the migration of local service. ATX notes that the Interim Guidelines do not account for delays or facilities problems caused by the underlying carrier.

Verizon states that the Interim Guidelines should recognize that a prompt firm order confirmation (FOC) from the old LSP and availability of the applicable facilities are necessary for the new LSP to meet the 10-day service delivery deadline. The company suggests that the Interim Guidelines should set a deadline of 48 hours for the old LSP to provide a FOC to the new LSP. The company also suggests that language be added to clarify that the 10-day service delivery deadline is dependent on the old LSP providing the FOC within 48 hours. Verizon suggests that the Interim Guidelines should specify that the 10-day delivery deadline applies to orders of six lines or less. Verizon also suggests that the Commission eliminate the language in III.B(5) because the language is unnecessary.

Resolution

We accept many of the comments in part. We agree that a new LSP is dependent on the old LSP to provide timely service to a customer migrating from one LSP to another LSP.³ For that reason, we will change the 10 working day requirement for completion of 95 percent of migrations. In addition, we will revise III. B(2) to state that "The underlying carrier should issue a firm order commitment or rejection within five working days from the date it receives a valid order from the new LSP."

³ The Commission's current regulations already make allowance for exceptions beyond the control of the LSP. See 52 Pa. Code § 63.58. Installation of Service.

C. Removal of Local Service Provider Freeze (LSPF)

Comments of the parties

AT&T states that Verizon's LSPF is anticompetitive and inappropriate at this juncture. AT&T contends that there are better methods, consistent with the federal rules, to lift freezes than by asking the customer to contact his or her existing LSP.

ATX states that if the Commission permits the use of LSPFs, then the company suggests that the Commission mandate the previous LSP to promptly remove the LSPFs.

MetTel comments that the Commission should take steps to create a neutral third party for local and long-distance freeze administration because it would be beneficial to both carriers and customers.

The OCA states that the Commission should develop mechanisms for the efficient removal of a LSPF and proposes that the Commission coordinate this proceeding with the LSPF collaborative. For the removal of freezes, OCA recommends that the Commission require LSPs to provide customers several reasonable methods that would allow them to switch in a timely manner.

The PTA recommends that the Commission modify the language in III.C to ensure clear interpretation. The PTA suggests that the word "made" be changed to "initiated by the customer" to clarify the issue of who must arrange to have the LSPF lifted.

Verizon recommends that the Commission make several changes in section III.C. Generally, Verizon suggests that we add the term "end-user" before "applicant," and the term "local" before "service" for clarification. Verizon also suggests that in III.C we add the word "first" before "removed" and add the phrase "old LSP upon the end-user customer's request" and remove the word "customer". In III.C(3), Verizon suggests that we add the words "they must make" before the word "arrangements," remove the words "must be made," add the words "with the old LSP," and at the end of the sentence change "may" to "can." Verizon also suggests that we revise III.C(4) by changing "customer" to

“applicant” and adding the words “freeze prior to the processing of the applicable migration orders.”

Resolution

The Commission disagrees with the PTA’s proposed word change since the issue of who can initiate a LSPF change is being addressed by the LSPF collaborative. We do agree with the OCA that the LSPFs should be removed promptly and that LSPs should provide a reasonable way for customers to switch in a timely manner. These Interim Guidelines will address having LSPs inform customers that a new LSP cannot process a change in service if an existing LSPF is not removed by the customer. The Interim Guidelines will also address what to do when the customer is being involuntarily migrated to a new LSP and that customer fails to remove the LSPF. The Interim Guidelines will not address LSPFs beyond these two circumstances.

The Commission will defer a more detailed examination of LSPFs to the LSPF Collaborative and any subsequent proceedings that may develop as a result of that collaborative, or the collaborative for rulemaking relative to changing LSPs.

The Commission will adopt some of Verizon’s suggested word changes.

D. Refusal to Migrate Service

Comments of the parties

ATX comments that it seeks clarification of the three separate prohibitions presented under section III.D because it is not clear whether these three prohibitions represent the same situation or different situations.

The OCA generally supports section III.D. However, the OCA proposes that the Commission clearly establish that LSPs may not refuse to migrate service except when a customer is terminated in accordance to Chapter 64 consumer protection provisions. The OCA comments that the Commission should clarify the LSPs obligations regarding suspended customers or customers facing suspension or termination of service. In addition, the OCA suggests that the language in section III.D be revised as follows:

“Duty to Migrate Service. Where a request for migration of local service is processed in accordance with state and federal requirements, a LSP cannot refuse to either execute a customer’s request to migrate an account to another LSP, or to port a number to another LSP, unless that account was terminated pursuant to Chapter 64 by the relinquishing LSP prior to the request. Where a request for migration of local service is processed in accordance with state and federal requirements, the relinquishing LSP shall under no circumstances refuse to release the local loop or other facilities required to provide service to a premises.”

The PTA disagrees with permitting customers to port their telephone number to another LSP if the account is suspended for nonpayment or if there is an outstanding balance. The PTA states that a customer should be required to pay off any unpaid balances owed to the old LSP in order to keep his/her same telephone number when migrating service to a new LSP.

Verizon comments that the Commission should clarify that LSPs have no obligation to continue to provide an option of number portability once a line has been finally disconnected. Verizon suggests that the Commission make the following changes. In section III.D(3), add the phrase “submitted and” before “processed” and replace “is not terminated” with the phrase “has not already been disconnected.” Verizon suggests in section III.D(3) that we remove the term “termination,” replace it with “disconnect,” and eliminate the language “until the bill is paid or otherwise resolved.” Verizon also proposes in section III.D(4) that we remove the term “terminated,” replace it with “disconnected,” and eliminate the language “on the basis of the unpaid billing.”

ASCENT comments the Commission should recognize the limited control that certain providers will have with respect to actual provisioning dates and, in those instances where a provider demonstrates that delays resulted through no fault of their own, hold underlying carriers responsible for failure to meet established provisioning dates.

AT&T agrees that ensuring the seamless migration of customers from one LSP to another and minimizing billing overlaps are worthwhile goals. AT&T believes, however,

that the imposition of unnecessary regulatory burdens such as a premature effort could actually adversely affect customer choice by over-regulating competitors out of the market.

Resolution

The Commission accepts many of the suggestions in part. As stated previously, we will incorporate existing definitions of the terms "termination," and "discontinuance."

We do not accept the comments that propose allowing a previous LSP to refuse to migrate a customer to a new LSP when the account is in collection or as some commentors stated when the account is in conflict. The only valid reasons for refusing to migrate a customer and/or port the number is if the account has been terminated or previously discontinued without a concurrent request to migrate, or if porting the number is not technically feasible. We will revise this section to make the duty of both the previous and new LSP clear. Even so, we retain most of our original direction to LSPs on migrating customers and porting numbers.

AT&T raises the issue of over-regulation. The Commission first promulgated Chapter 64, Standards and Billing Practices for Residential Telephone Service, 52 Pa. Code §§64.1 - 64.213, on November 30, 1984, and has amended it several times. Since 1984, there has been a marked increase in the number of competitors in the Pennsylvania telecommunications market. Consumers are moving back and forth among the various local (and toll) service providers. As a result, consumers have encountered confusion, delay, billing problems, and/or interruption of local service during the migrations between LSPs. Further, Verizon has recently received authority from the FCC and this Commission to commence offering in-region long distance service within Pennsylvania. These additional options may result in even more migration of consumers. We feel that some guidance is required on our part. However, we agree with the parties who suggest that it would be counterproductive to put the marketplace through two sets of significant changes. Such changes shall be deferred to the companion rulemaking collaborative relative to changing LSPs. We have modified the Interim Guidelines accordingly.

IV. Customer Information

A. Disclosures

Comments of the parties

Several commentors disagree with the timeframe for sending a disclosure statement. ASCENT comments that we should allow a minimum of five business days to provide initial disclosures to new customers. AT&T proposes that the Commission make the deadline for delivery of a disclosure statement no earlier than the date on which the first bill is due. ATX recommends revising to three business days.

The OCA agrees with the Commission's proposal that LSPs issue a disclosure statement to customers within one business day. The OCA believes, however, that it should be clear that these Terms of Service should be comprehensive as to all services being sold and should also apply whenever such terms of service are changed. The OCA also proposes that the disclosure at the initial purchase could be defeated by a later revision of service terms soon thereafter that may not be disclosed. The OCA maintains that the obligation to disclose terms of service should take place initially and at any other times when such service terms would change.

Verizon comments that the deadline for sending the disclosure statement should be changed to "within three business days of the fulfillment of the customer's service order." Verizon also suggests that we make the following changes to section IV.A remove "for service," add "entitled to receive it under Section IV of the Customer Information Interim Guideline," replace "it" with "the LSP," change "one day" to "three days," and add "of its fulfillment of the customer's migration order."

Resolution

We shall change the time frame for sending a disclosure statement to three working days. There is additional discussion about this issue in the companion Interim Guidelines Final Order concerning Customer Information.

B. Inquiries

Comments of the parties

The OCA proposes that the Interim Guideline should require LSPs to provide information that may assist customers with disabilities and information about universal service programs both in writing (via the disclosure statement) and over the telephone at the time of application of service.

Verizon suggests that the Commission change section IV.B by adding the words “for residential service” after “applicants.”

The OCA proposes that the Commission require LSPs to disclose terms of service to customers when they begin service and before the LSP institutes any subsequent changes to terms of service.

Resolution

We shall accept Verizon’s suggestions. There is additional discussion about this issue in the companion guidelines concerning Customer Information.

V. Discontinuance of Billing.

Comments of the parties

Verizon suggests that the Commission change section V.B by removing “should” and adding the words “shall immediately.”

Resolution

The Commission will retain the use of “should” as these are interim guidelines. We will add “immediately.”

VI. Debtor's Rights and Creditor's Remedies. These interim guidelines do not affect the customer's debtor/consumer rights or the LSP's creditor's remedies otherwise permitted by law. Additionally, customers who believe that service has not been rendered consistent with these interim guidelines may file informal complaints with the Commission's Bureau of Consumer Services.

Comments of the Parties

Verizon suggests that the Commission change VI by adding "residential" before "customers" in the second sentence.

Resolution

We accept Verizon's suggestion in part by adding "residential" before "customers." However, we will move the second sentence in VI and create a new section VIII entitled "Customer Rights." The new section will read as follows:

VIII. Customer Rights. Residential customers who believe that service has not been rendered consistent with these Interim Guidelines or applicable law or regulations may file an informal complaint with the Commission's Bureau of Consumer Services.

VII. E911 and Directory Listings/White Pages.

Comments of the parties

Verizon suggests that the Commission change section VII by adding the phrase "of residence or business customers" after "migration."

Resolution

We shall accept Verizon's suggestion.

Conclusion

We believe that the Interim Guidelines established in this order are critically important to protecting consumers. All interested parties have had an opportunity to provide public comment on the Interim Guidelines, as proposed. Therefore, we shall hereby adopt the Interim Guidelines, as modified per the discussion in this order, and offer them to local service providers and underlying carriers to provide guidance in

addressing quality of service questions. We note that this process of adopting Interim Guidelines until final regulations have been promulgated has previously been used by this Commission in a number of other instances to implement telephone and electric reform legislation. *See, e.g., Interim Guidelines for Standardizing Local Exchange Company Responses to Customer Contacts Alleging Unauthorized Changes to the Customer's Telecommunications Service Provider and Unauthorized Charges Added to the Customer's Bill*, Docket No. M-00981063 (Tentative Order entered June 5, 1998); *Chapter 28 Electric Generations Customer Choice and Competition Act – Customer Information - Interim Requirements*, Docket No. M-00960890.F0008 (Order entered July 11, 1997); *Re: Licensing Requirements for Electric Generations Suppliers – Interim Licensing Procedures*, M-00960890.F0004 (Order entered February 13, 1997).

We are hereby proposing by this Final Order Interim Guidelines to be in effect pending the promulgation of final regulations at a separate docket. Some of the commentors expressed the view that the Interim Guidelines are not enforceable since binding requirements can only be established pursuant to the Commonwealth Documents Law⁴ and the Regulatory Review Act⁵ as regulations in a rulemaking proceeding. In the Tentative Order, we contemplated that the Interim Guidelines would provide guidance to LSPs and underlying carriers when customers elect to change their local service providers. In other words, we believe that jurisdictional utilities that follow these Interim Guidelines will be acting in a reasonable and adequate manner and that compliance will result in reasonable and adequate service. Consequently, to not comply will not be a

⁴ 45 P. S. §1102.

⁵ 71 P. S. §§ 745.1. *et seq.*

violation of a specific Interim Guideline but possibly the general regulatory requirement that a jurisdictional company provide reasonable and adequate service; **THEREFORE,**

IT IS ORDERED:

1. That voluntary Interim Guidelines attached to this Final Order as Annex A are hereby adopted to provide for an orderly process in addressing Changing LSPs.

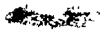
These Interim Guidelines are intended to remain in place pending the conclusion of a formal rulemaking to promulgate final regulations.

2. That this Final Order, including Annex A, be published in the *Pennsylvania Bulletin*.

3. That a copy of this order and any accompanying motions and/or statements of the Commissioners be served upon all jurisdictional local exchange carriers, the Pennsylvania Telephone Association, the Pennsylvania Cable and Telecommunication Association, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, posted on the Commission's web site at puc.paonline.com and shall be made available to all other interested parties.

4. That the contact persons for this matter are David Lewis, Consumer Services, (717) 783-5187 and Louise Fink Smith, Law Bureau, (717) 787-8866.

BY THE COMMISSION


James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: April 11, 2002

ORDER ENTERED: April 23, 2002

DRAFT
Annex A
INTERIM GUIDELINES FOR
CHANGING LOCAL SERVICE PROVIDERS

I. Statement of Purpose, Application, and Effect.

A. Purpose. The purpose of these interim guidelines is as follows:

- (1) To ensure that customers can change their local service provider (LSP) without unnecessary confusion, delay, or interruption to their basic service.
- (2) To ensure that the migration from one LSP to another LSP should be seamless to the customer.
- (3) To ensure that the migration from one LSP to another LSP allows the customer the option of retaining the existing telephone number(s), as applicable and when desired by the customer.
- (4) To minimize overlap in billing during the transition from one LSP to another LSP.

B. Application. These interim guidelines apply to all LSPs that serve residential customers with the exception of E911 and Directory Listings/White Pages, which relate to all customers. Residential customers who discontinue service are required to provide their LSP with notice in accordance with 52 Pa. Code §64.53, Discontinuance of service, as such regulations may be changed from time to time.

C. Effect of Interim Guidelines. The requirements contained in these interim guidelines are intended to be consistent with the FCC's regulations at 47 CFR Subpart K, Changing Long Distance Service, which is also applicable to local service, and with 52 Pa. Code §64.2, Definitions; and 52 Pa. Code §64.191, Public Information.

II. Definitions.

The following words and terms in these guidelines, as well as companion guidelines concerning Quality of Service, Abandonment of Service, and Customer Information, have the following meaning unless the context clearly indicates otherwise:

Applicant—A person who applies for residential telephone service, other than a transfer of service from one dwelling to another within the service area of the local exchange carrier or a reinstatement of service following a discontinuation or termination.

Discontinuation of service—The temporary or permanent cessation of service upon the request of a customer.

End-user customer – A customer who has his or her telephone service provided by a local service provider.

Freeze – Designation elected by a customer that requires the customer with the freeze, including a local service provider freeze, to advise his/her previous preferred carrier of his/her intention to change preferred carriers. For customers without freezes, the new preferred carrier may relay the information to the previous preferred carrier that the customer has made a verified decision to change preferred carriers.

Local service – Telecommunications service within a customer's local calling area. Local service includes the customer's local calling plan, dial tone line, touch-tone, Federal line cost charge, PA Relay Surcharge, Federal Universal Service Fund Surcharge, local number portability surcharge, 9-1-1 emergency fee and applicable federal and state taxes. Local service also includes a local directory assistance allowance of two calls a month per customer account.

Local service provider (LSP) – A company, such as a local exchange carrier, that provides local service by resale, by unbundled network elements (with or without platform) or through its own facilities to an end-user customer. A local service provider may also provide other telecommunications services.

Local service provider freeze (LSPF) – The procedure which prevents a change in a customer's local service provider without the customer notifying the local service provider to lift the freeze.

Local service request – The standard industry format used to inform a customer's current local service provider that the customer wants to change local service providers.

Local service reseller – A local service provider that resells part or all of another company's wholesale telephone services to provide local service to end-user customers.

Migration – The movement of an end-user customer from one local service provider to another local service provider at the same customer location.

Preferred carrier (PC) – The service provider chosen by a customer to provide particular telecommunications services. For the purposes of these guidelines, a customer's previous provider is his/her preferred carrier until such time as the customer makes a verified choice of a new preferred carrier.

Porting – The process that allows customers to keep their telephone numbers when changing local service providers.

Telephone bill – The invoice for telecommunications products or services rendered by the local service provider or its billing agent.

Termination of service—Permanent cessation of service after a suspension without the consent of the customer.

III Migration of Local Service.

- A. Execution of Changes in Local Service Provider.** Changes in a customer's LSP should be executed in accordance with the regulations of the FCC that relate to verification of carrier change service orders, letters of agency, and preferred carrier freezes, as such regulations may be changed from time to time.
- B. Additional Obligations.** For any LSP or underlying carrier subject to state or federal carrier-to-carrier guidelines, if the carrier-to-carrier guidelines provide a more explicit or a narrower window for performance, the carrier-to-carrier guidelines shall control for that LSP. In addition to existing obligations in 52 Pa. Code Chapter 64, the following requirements apply:
- (1) The new LSP must provide the previous LSP with notification that the customer has requested a change by the end of the next business day.
 - (2) The underlying carrier should issue a firm order commitment or rejection within five working days from the date it receives a valid order from the new LSP.
 - (3) The new LSP should advise applicants of a scheduled service start date.
 - (4) When applicable, the new LSP should inform all applicants for service that they can keep their same telephone numbers.
- C. Removal of Local Service Provider Freeze (LSPF).** The new LSP cannot process a change in service if an existing LSPF is not removed by the customer. The new LSP should do the following:
- (1) Ask applicants for local service if they have a LSPF on their basic service accounts.
 - (2) Inform applicants for local service that the new LSP cannot authorize the removal of a customer's existing LSPF.
 - (3) Inform applicants that arrangements must be made to have the freeze lifted before an order to migrate the service can be processed.
 - (4) If the new LSP is also seeking to provide services (e.g., inter-exchange, intraLATA, interLATA, interstate, or international toll) covered by a PC freeze, the authorization to lift the freezes may be

done in the same process, but the applicant must expressly lift each particular freeze.

- D. Duty to Migrate Service :** Where a request for migration of local service is processed in accordance with state and federal requirements, a LSP should not refuse to port a number to another LSP, unless that account was terminated or discontinued pursuant to Chapter 64 by the previous LSP prior to the request. Where a request for migration of local service is processed in accordance with state and federal requirements, the previous LSP should not refuse to release the local loop or other facilities required to provide service to a premises.

IV. Customer Information.

- A. Disclosures.** The new LSP should inform applicants for residential service that it will send a written disclosure statement of the terms and conditions of service within three working days.
- B. Inquiries.** The new LSP should provide applicants for residential service with information in accordance to 52 Pa. Code Chapter 64. The new LSP should also do the following:
- (1) Inquire whether applicants want information that may assist customers with disabilities.
 - (2) Inquire whether applicants want information about low-income assistance.

V. Discontinuance of Billing.

- A. Final Bills.** Upon notification from the new LSP, the customer's previous LSP should, within 42 days, issue the customer a final bill for services rendered.
- B. Final Payments.** Once charges are paid for those services rendered prior to the change of the customer's LSP, the previous LSP should immediately remove the customer from its billing system and discontinue billing.

- VI. Debtor's Rights and Creditor's Remedies.** These interim guidelines do not affect the customer's debtor/consumer rights or the LSP's creditor's remedies otherwise permitted by law.

- VII. E911 and Directory Listings/White Pages.** Any migration of residence or business customers will require specific and timely coordination of records between the carriers to ensure that the data bases are accurate and accessible.

VIII. Customer Rights. Residential customers who believe that service has not been rendered consistent with these interim guidelines or applicable law or regulations may file an informal complaint with the Commission's Bureau of Consumer Services.