

DOCKET NO: UNDOCKETED

IN RE: RULE DEVELOPMENT FOR PROPOSED ADOPTION OF RULES 25-4.082
AND 25-4.083, AND PROPOSED AMENDMENT OF RULES 25-4.110, 25-
24.490, AND 25-24.845

NOTICE OF PROPOSED RULE DEVELOPMENT

TO

ALL INTERESTED PERSONS

ISSUED: October 29, 2002

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated the development of Rules 25-4.082, 25-4.083, 25-4.110, 25-24.490, and 25-24.845, Florida Administrative Code, to adopt and amend rules addressing number portability and preferred carrier freezes.

The attached Notices of Proposed Rule Development will appear in the November 8, 2002, edition of the Florida Administrative Weekly. A rule development workshop will be held at the following time and place:

Florida Public Service Commission
9:30 a.m., Monday, November 25, 2002
Betty Easley Conference Center
Room 152, 4075 Esplanade Way
Tallahassee, Florida
Call-In No. (850) 488-5776

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

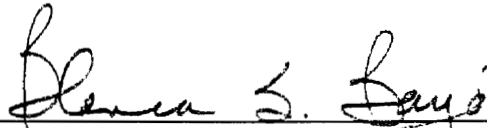
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By Direction of the Florida Public Service Commission, this
29th day of October, 2002.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

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NOTICE OF PROPOSED RULE DEVELOPMENT

FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO: Undocketed

RULE TITLE:	RULE NO.:
Number Portability	25-4.082
Preferred Carrier Freeze	25-4.083
Customer Billing for Local Exchange	25-4.110

Telecommunications Companies

PURPOSE AND EFFECT: To codify the requirements that a company must release a subscriber's telephone number when the subscriber elects to switch providers and that a company may only put a preferred carrier freeze on a subscriber's service when one is requested by the subscriber.

SUBJECT AREA TO BE ADDRESSED: Number Portability and Preferred Carrier Freezes.

SPECIFIC AUTHORITY: 350.127, 364.16(4), 364.337, 364.603, 364.604(5), F.S.

LAW IMPLEMENTED: 350.113, 364.16, 364.03, 364.17, 364.04, 364.05, 364.052, 364.19, 364.602, 364.604, F.S.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

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TIME AND DATE: 9:30 a.m. on November 25, 2002

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade
Way, Tallahassee, Florida, Call-In No. (850)488-5776.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Division of Competitive Markets & Enforcement, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850) 413-6584.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.082 Number Portability.

(a) The serving local provider shall facilitate porting of the subscriber's telephone number upon request from the acquiring company.

(b) A number shall be ported regardless if a balance is owed. A local provider shall not disconnect a subscriber's service upon receiving a local service request from another local provider.

(c) A number that has been disconnected shall be aged for a minimum period of 30 days before it is released for reassignment.

(d) Numbers that have been disconnected for a period of less than 30 days shall be ported upon request from another local provider.

Specific Authority: 350.127, 364.16(4), 364.337, F.S.

Law Implemented: 364.16

History: New XX-XX-XX

25-4.083 Preferred Carrier Freeze.

A PC Freeze prevents a change in a subscriber's preferred provider selection unless the subscriber gives the provider from whom the PC Freeze was requested consent to remove the PC Freeze.

(a) A PC Freeze shall not be imposed on a subscriber's account without the subscriber's authorization and shall not be required as a condition for obtaining service.

(b) A PC Freeze shall be implemented or removed at no charge to the subscriber.

(c) A PC Freeze shall be offered on a nondiscriminatory basis to all subscribers, regardless of the subscriber's provider selections.

(d) The subscriber's authorization shall be obtained for each service for which a PC Freeze is requested. Procedures implemented by local exchange providers, including any

solicitation, must clearly distinguish among telecommunications services (e.g., local, local toll, and toll) subject to a PC Freeze.

(e) All solicitation and other materials regarding PC Freezes must include:

1. An explanation of what a PC Freeze is and what services are subject to a freeze;
2. A description of the specific procedures necessary to lift a PC Freeze and an explanation that the subscriber will be unable to make a change in provider selection unless the subscriber authorizes lifting of the PC Freeze;
3. An explanation that there are no charges for implementing or removing a PC Freeze;

(f) A local exchange provider shall not implement a PC Freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with one of the following procedures:

1. The local exchange provider has obtained the subscriber's written or electronically signed authorization in a form that meets the requirements of subsection (g); or
2. The local exchange provider has obtained the subscriber's electronic authorization, placed from the telephone number(s) on which the PC Freeze is to be imposed. The electronic authorization should confirm appropriate verification data (e.g.,

the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in subsection (g)1. through 4. Telecommunications providers electing to confirm PC Freeze orders electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the PC Freeze request, including automatically recording the originating automatic numbering identification; or

3. An appropriately qualified independent third party has obtained the subscriber's oral authorization to submit the PC Freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in subsection (g)1. through 4. The independent third party must not be owned, managed, or directly controlled by the provider or the provider's marketing agent; must not have any financial incentive to confirm PC Freeze requests for the provider or the provider's marketing agent; and must operate in a location physically separate from the provider or the provider's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a PC

Freeze.

(g) A local exchange provider shall accept a subscriber's written and signed authorization to impose a PC Freeze on a preferred provider selection. A written authorization shall be printed with a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:

1. The subscriber's billing name and address and the telephone number(s) to be covered by the PC Freeze;
2. The specific service, (e.g., local, local toll, and toll), separately stated, on which a PC Freeze will be imposed.
3. That the subscriber understands that to make a change in provider selection, the subscriber must lift the PC Freeze; and
4. That there will be no charge to the subscriber for a PC Freeze.

(f) All local exchange providers shall, at a minimum, offer subscribers the following procedures for lifting a PC Freeze:

1. Acceptance of a subscriber's written or electronically signed authorization;
2. Acceptance of a subscriber's oral authorization along with a mechanism that allows the submitting provider to conduct a three-way conference call between the provider administering the PC Freeze and the subscriber. The provider administering the PC Freeze shall confirm appropriate verification data (e.g., the

subscriber's date of birth or the last four digits of the
subscriber's social security number) and the subscriber's intent
to lift a specific PC Freeze.

(g) A PC Freeze shall not prohibit a LP from changing wholesale
services when serving the same end user.

Specific Authority: 350.127, 364.603, F.S.

Law Implemented: 364.603

History: New XX-XX-XX

25-4.110 Customer Billing for Local Exchange
Telecommunications Companies.

(1) No Change.

~~(2) Six months after the effective date of this rule, each~~
Each billing party shall set forth on the bill all charges, fees,
and taxes which are due and payable.

(2) (a) - (15) (g) No Change.

(16) Companies that bill for local service must provide
notification with the subscriber's first bill or via letter, and
annually thereafter that a PC Freeze is available. Existing
~~customers~~ "subscribers" or "end-users" must be notified annually
that a PC Freeze is available.

(17) - (18) No Change.

(19) (a) ~~Within one year of the effective date of this rule
and upon~~ Upon request from any customer, a billing party must

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restrict charges in its bills to only:

(19)(a)1. - (20) No Change.

Specific Authority: 350.127, 364.604(5), F.S.

Law Implemented: 364.17, 350.113, 364.03, 364.04, 364.05,
364.052, 364.19, 364.602, 364.604, F.S.

History: New 12-01-68, Amended 03-31-76, 12-31-78, 01-17-79, 07-
28-81, 09-08-81, 05-03-82, 11-21-82, 04-13-86, 10-30-86, 11-28-
89, 03-31-91, 11-11-91, 03-10-96, 07-20-97, 12-28-98, 07-05-00,
XX-XX-XX.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Division of Competitive Markets & Enforcement, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850) 413-6584.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.490 Customer Relations; Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to IXCs.

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
25-4.083	<u>Preferred Carrier Freeze</u>	<u>All</u>
25-4.110	Customer Billing	Subsections 7 (14), (15), (17), (18), and (20)
25-4.111	Customer Complaint and Service Requests	All except Subsection (2)
25-4.112	Termination of Service by Customer	All

25-4.113	Refusal or Discontinuance of Service by Company	All
25-4.114	Refunds	All
25-4.117	800 Service	All
25-4.118	Local, Local Toll, or Toll Provider Selection	All

(2)-(3) No Change.

(4) Toll free number portability.

(a) The serving IXC shall facilitate porting of the subscriber's toll free telephone number (e.g., 800, 877, 888) upon request from the acquiring company.

(b) A toll free number shall be ported regardless if a balance is owed. An IXC shall not disconnect a subscriber's service upon receiving a service transfer request from another IXC.

(c) A number that has been disconnected shall be aged for a minimum period of 30 days before it is released for reassignment.

(d) Numbers that have been disconnected for a period of less than 30 days shall be ported upon request from another IXC.

Specific Authority: 350.127(2), 364.604(5), F.S.

Law Implemented: 364.03, 364.14, 364.15, 364.603, 364.19, 364.337
364.602, 364.604, F.S.

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History: New 02-23-87, Amended 10-31-89, 03-05-90, 03-04-92, 03-13-96, 07-20-98, 12-28-98, 07-05-00, XX-XX-XX.

25-24.845 Customer Relations; Rules Incorporated.

The following rules are incorporated herein by reference and apply to ALECs. In the following rules, the acronym 'LEC' should be omitted or interpreted as 'ALEC'.

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
<u>25-4.082</u>	<u>Number Portability</u>	<u>All</u>
<u>25-4.083</u>	<u>Preferred Carrier Freeze</u>	<u>All</u>
25-4.110	Customer Billing	Subsections (14), (15), (16), (17), (18), and (20)
24-4.118	Local, Local Toll, or Toll Provider Selection	All

Specific Authority: 350.127(2), 364.16(4), ~~and~~ 364.337(2), and 364.604(5), F.S.

Law Implemented: 364.337(2), 364.602, 364.604, 364.16, F.S.

History: New 07-20-98, Amended 12-28-98, 07-05-00, XX-XX-XX.