



Public Service Commission
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COMMISSION CLERK

DATE: AUGUST 21, 2003
TO: DIRECTOR, DIVISION OF THE COMMISSION ADMINISTRATIVE SERVICES (BAYO)
FROM: OFFICE OF THE GENERAL COUNSEL (CIBULA) S.M.C. DES
DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (BUYS) DB
DIVISION OF ECONOMIC REGULATION (KENNY, HEWITT) OK JDT
RE: DOCKET NO. 030415-TP - PROPOSED AMENDMENT OF RULES 25-4.110, CUSTOMER BILLING FOR LOCAL EXCHANGE TELECOMMUNICATIONS COMPANIES; 25-24.490, CUSTOMER RELATIONS, RULES INCORPORATED; 25-24.585, RULES, INCORPORATED; AND 25-24.845, CUSTOMER RELATIONS; RULES INCORPORATED, F.A.C.
AGENDA: 09/02/03 - REGULAR AGENDA - RULE PROPOSAL - INTERESTED PERSONS MAY PARTICIPATE

RULE STATUS: PROPOSAL MAY BE DEFERRED

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\GCL\WP\030415.RCM

CASE BACKGROUND

On October 1, 2001, Chapter 202, Florida Statutes, became effective. Chapter 202 simplified the complex structure of taxes imposed on telecommunications services by state, county, and municipal governing authorities. The chapter combined the gross receipts tax, State sales tax, and local option tax into a State Communications Services Tax. Chapter 202 also combined municipal telecommunications taxes and fees into a Local Communications Services Tax. The chapter requires the State Communications Services Tax and Local Communications Services Tax to be listed separately on a customer's bill.

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Pursuant to section 364.604, Florida Statutes, each billing party must clearly identify the specific charges, taxes, and fees associated with each telecommunications or information service. The proposed amendments to Rule 25-4.110, Customer Billing for Local Exchange Telecommunications Companies; Rule 25-24.490, Customer Relations; Rules Incorporated; Rule 25-24.585, Rules Incorporated; and Rule 25-24.845, Customer Relations; Rules Incorporated, would make these rules consistent with Chapter 202 and remove implementation deadlines appearing in the rules that are no longer relevant. Staff received no requests for a workshop for this rule development.

The Commission has rulemaking authority pursuant to sections 364.604 and 120.54, Florida Statutes.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission propose the amendment of Rule 25-4.110, Customer Billing for Local Exchange Telecommunications Companies; Rule 25-24.490, Customer Relations; Rules Incorporated; Rule 25-24.585, Rules Incorporated; and Rule 25-24.845, Customer Relations; Rules Incorporated?

RECOMMENDATION: Yes. The Commission should propose the amendment of Rules 25-4.110, 25-24.490, 25-24.585, and 25-24.845, Florida Administrative Code. (CIBULA, BUYS, KENNY, HEWITT)

STAFF ANALYSIS: As stated in the case background, Chapter 202, Florida Statutes, became effective on October 1, 2001. Chapter 202 simplified the complex structure of taxes imposed by state, county, and municipal governing authorities. Staff is recommending changes to Rules 25-4.110, 25-24.490, 25-24.585, and 25-24.845, which would make these rules consistent with Chapter 202.

More specifically, in Rule 25-4.110, staff recommends that references to "franchise fees" and "municipal telecommunications taxes" in subsection (11) (page 13, lines 16-17) be removed and replaced with "Local Communications Services Tax" in conformance with Chapter 202. Subsection (11) of the rule (page 13, beginning on line 18) should also be revised to state what is included in the Local Communications Services Tax. Moreover, subsection (12) of the rule (page 14, beginning on line 17) should be amended to list what is included in the State Communications Services Tax. Staff also recommends removal of the implementation deadlines set forth in the rule (page 6, lines 8-9, and page 23, lines 4-5) that are no longer relevant.

Rule 25-24.490 (page 25) applies to interexchange companies. Rule 25-24.585 (page 28) applies to shared tenant service companies. Rule 25-24.845 (page 30) applies to competitive local exchange companies. The rule amendment would add subsections (11) and (12) of Rule 25-4.110 to the list of rules incorporated into each of these rules.

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Statement of Estimated Regulatory Costs:

The Florida Administrative Procedure Act encourages an agency to prepare a Statement of Estimated Regulatory Costs (SERC). A SERC was not prepared for the recommended rule amendments. Staff notes, however, that regulated telecommunications companies must comply with Chapter 202 and should not have any significant costs complying with the proposed rule changes.

Based on the above, staff recommends that the Commission should propose the amendment of Rules 25-4.110, 25-24.490, 25-24.585, and 25-24.845, Florida Administrative Code.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If no requests for hearing or comments are filed, the rules as proposed should be filed for adoption with the Secretary of State and the docket should be closed. (CIBULA)

STAFF ANALYSIS: Unless requests for hearing or comments are filed, the rules as proposed may be filed with the Secretary of State without further Commission action. The docket may then be closed.

Attachments:

Rule

SERC Memorandum

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3 **25-4.110 Customer Billing for Local Exchange Telecommunications**
4 **Companies.**

5 (1) Each company shall issue bills monthly or may offer
6 customers a choice of billing intervals that includes a monthly
7 billing interval.

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

11 (a) There shall be a heading for each originating party which
12 is billing to that customer account for that billing period. The
13 heading shall clearly and conspicuously indicate the originating
14 party's name. If the originating party is a certificated
15 telecommunications company, the certificated name must be shown.
16 If the originating party has more than one certificated name, the
17 name appearing in the heading must be the name used to market the
18 service.

19 (b) The toll-free customer service number for the service
20 provider or its customer service agent must be conspicuously
21 displayed in the heading, immediately below the heading, or
22 immediately following the list of charges for the service provider.
23 For purposes of this subparagraph, the service provider is defined
24 as the company which provided the service to the end user. If the
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3 service provider has a customer service agent, the toll-free number
4 must be that of the customer service agent and must be displayed
5 with the service provider's heading or with the customer service
6 agent's heading, if any. For purposes of this subparagraph, a
7 customer service agent is a person or entity that acts for any
8 originating party pursuant to the terms of a written agreement.
9 The scope of such agency shall be limited to the terms of such
10 written agreement.

11 (c) Each charge shall be described under the applicable
12 originating party heading.

13 (d) 1. Taxes, fees, and surcharges related to an originating
14 party heading shall be shown immediately below the charges
15 described under that heading. The terminology for Federal
16 Regulated Service Taxes, Fees, and Surcharges must be consistent
17 with all FCC required terminology.

18 2. The billing party shall either:

19 a. Identify Florida taxes and fees applicable to charges on
20 the customer's bill ~~as (including but not limited to) "Florida~~
21 ~~gross receipts tax," "Franchise fees," "Municipal utility tax," and~~
22 ~~"Sales tax,"~~ and identify the assessment base and rate for each
23 percentage based tax, fee, and surcharge, or

24 b.(i) Provide a plain language explanation of any line item
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3 and applicable tax, fee, and surcharge to any customer who contacts
4 the billing party or customer service agent with a billing question
5 and expresses difficulty in understanding the bill after discussion
6 with a service representative.

7 (ii) If the customer requests or continues to express
8 difficulty in understanding the explanation of the authority,
9 assessment base or rate of any tax, fee or surcharge, the billing
10 party shall provide an explanation of the state, federal, or local
11 authority for each tax, fee, and surcharge; the line items which
12 comprise the assessment base for each percentage based tax, fee,
13 and surcharge; or the rate of each state, federal, or local tax,
14 fee, and surcharge consistent with the customer's concern. The
15 billing party or customer service agent shall provide this
16 information to the customer in writing upon the customer's request.

17 (e) If each recurring charge due and payable is not itemized,
18 each bill shall contain the following statement:

19 "Further written itemization of local billing available upon
20 request."

21 (3) Each LEC shall provide an itemized bill for local
22 service:

23 (a) With the first bill rendered after local exchange service
24 to a customer is initiated or changed; and

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3 (b) To every customer at least once each twelve months.

4 (4) The annual itemized bill shall be accompanied by a bill
5 stuffer which explains the itemization and advises the customer to
6 verify the items and charges on the itemized bill. This bill
7 stuffer shall be submitted to the Commission's Division of
8 Competitive Markets and Enforcement ~~Telecommunications~~ for prior
9 approval. The itemized bill provided to residential customers and
10 to business customers with less than ten access lines per service
11 location shall be in easily understood language. The itemized bill
12 provided to business customers with ten or more access lines per
13 service location may be stated in service order code, provided that
14 it contains a statement that, upon request, an easily understood
15 translation is available in written form without charge. An
16 itemized bill shall include, but not be limited to the following
17 information, separately stated:

18 (a) Number and types of access lines;

19 (b) Charges for access to the system, by type of line;

20 (c) Touch tone service charges;

21 (d) Charges for custom calling features, separated by
22 feature;

23 (e) Unlisted number charges;

24 (f) Local directory assistance charges;

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3 (g) Other tariff charges;

4 (h) Other nontariffed, regulated charges contained in the
5 bill;

6 (5) All bills rendered by a local exchange company shall
7 clearly state the following items:

8 (a) Any discount or penalty. The originating party is
9 responsible for informing the billing party of all such penalties
10 or discounts to appear on the bill, in a form usable by the billing
11 party;

12 (b) Past due balance;

13 (c) Items for which nonpayment will result in disconnection
14 of the customer's basic local service, including a statement of the
15 consequences of nonpayment;

16 (d) Long-distance monthly or minimum charges, if included in
17 the bill;

18 (e) Long-distance usage charges, if included in the bill;

19 (f) Usage-based local charges, if included in the bill;

20 (g) Telecommunications Access System Surcharge, per Rule 25-
21 4.160(3);

22 (h) "911" fee per Section 365.171(13), Florida Statutes; and

23 (i) Delinquent date.

24 (6) Each company shall make appropriate adjustments or
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3 refunds where the subscriber's service is interrupted by other than
4 the subscriber's negligent or willful act, and remains out of order
5 in excess of 24 hours after the subscriber notifies the company of
6 the interruption. The refund to the subscriber shall be the pro
7 rata part of the month's charge for the period of days and that
8 portion of the service and facilities rendered useless or
9 inoperative; except that the refund shall not be applicable for the
10 time that the company stands ready to repair the service and the
11 subscriber does not provide access to the company for such
12 restoration work. The refund may be accomplished by a credit on a
13 subsequent bill for telephone service.

14 (7) (a) Bills shall not be considered delinquent prior to
15 the expiration of 15 days from the date of mailing or delivery by
16 the company. However, the company may demand immediate payment
17 under the following circumstances:

- 18 1. Where service is terminated or abandoned;
- 19 2. Where toll service is two times greater than the
20 subscriber's average usage as reflected on the monthly bills for
21 the three months prior to the current bill, or, in the case of a
22 new customer who has been receiving service for less than four
23 months, where the toll service is twice the estimated monthly toll
24 service; or

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3 3. Where the company has reason to believe that a business
4 subscriber is about to go out of business or that bankruptcy is
5 imminent for that subscriber.

6 (b) The demand for immediate payment shall be accompanied by
7 a bill which itemizes the charges for which payment is demanded,
8 or, if the demand is made orally, an itemized bill shall be mailed
9 or delivered to the customer within three days after the demand is
10 made.

11 (c) If the company cannot present an itemized bill, it may
12 present a summarized bill which includes the customer's name and
13 address and the total amount due. However, a customer may refuse
14 to make payment until an itemized bill is presented. The company
15 shall inform the customer that he may refuse payment until an
16 itemized bill is presented.

17 (8) Each telephone company shall include a bill insert
18 advising each subscriber of the directory closing date and of the
19 subscriber's opportunity to correct any error or make changes as
20 the subscriber deems necessary in advance of the closing date. It
21 shall also state that at no additional charge and upon the request
22 of any residential subscriber, the exchange company shall list an
23 additional first name or initial under the same address, telephone
24 number, and surname of the subscriber. The notice shall be
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3 included in the billing cycle closest to 60 days preceding the
4 directory closing date.

5 (9) Annually, each telephone company shall include a bill
6 insert advising each residential subscriber of the option to have
7 the subscriber's name placed on the "No Sales Solicitation" list
8 maintained by the Department of Agriculture and Consumer Services,
9 Division of Consumer Services, and the 800 number to contact to
10 receive more information.

11 (10) Where any undercharge in billing of a customer is the
12 result of a company mistake, the company may not backbill in excess
13 of 12 months. Nor may the company recover in a ratemaking
14 proceeding, any lost revenue which inures to the company's
15 detriment on account of this provision.

16 (11) Local Communications Services Tax ~~Franchise fees and~~
17 ~~municipal telecommunications taxes.~~

18 (a) The Local Communications Services Tax is comprised of the
19 discretionary communications services tax levied by the governing
20 authority of each municipality and county authorized by Chapter
21 202, Florida Statutes.

22 (~~ba~~) When a municipality or county levies ~~charges a company~~
23 ~~any franchise fee, or municipal telecommunications~~ the Local
24 Communications Services Tax authorized by Chapter 202 Section
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3 ~~166.231~~, Florida Statutes, the local exchange company may collect
4 that tax fee only from its subscribers receiving service within
5 that municipality or county. ~~When a county charges a company any~~
6 ~~franchise fee, the company may collect that fee only from its~~
7 ~~subscribers receiving service within that county.~~

8 (cb) A local exchange company may not incorporate any portion
9 of the Local Communications Services Tax franchise fee or municipal
10 telecommunications tax into its other rates for service.

11 ~~(c) This subsection shall not be construed as granting a~~
12 ~~municipality or county the authority to charge a franchise fee or~~
13 ~~municipal telecommunications tax. This subsection only specifies~~
14 ~~the method of collection of a franchise fee, if a municipality or~~
15 ~~county, having authority to do so, charges a franchise fee or~~
16 ~~municipal telecommunications tax.~~

17 (12) State Communications Services Tax.

18 (a) The State Communications Services Tax is comprised of
19 ~~when a company elects to add the Gross Receipts Tax imposed by~~
20 Chapter 203, Florida Statutes, the communications services sales
21 tax imposed by Chapter 202, Florida Statutes, and any local option
22 sales tax. ~~onto the customer's bill as a separately stated~~
23 ~~component of that bill, the company must first remove from the~~
24 ~~tariffed rates any embedded provisions for the Gross Receipts Tax.~~

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3 (b) A local exchange company may not incorporate any portion
4 of the State Communications Services Tax into its other rates for
5 service. ~~If the tariffed rates in effect have a provision for~~
6 ~~gross receipts tax, the rates must be reduced by an amount equal to~~
7 ~~the gross receipts tax liability imposed by Chapter 203, Florida~~
8 ~~Statutes, thereby rendering the customer's bill unaffected by the~~
9 ~~election to add the Gross Receipts Tax as a separately stated tax.~~

10 ~~(c) This subsection shall not be construed as a mandate to~~
11 ~~elect to separately state the Gross Receipts Tax. This subsection~~
12 ~~only specifies the method of applying such an election.~~

13 ~~(d) All services sold to another telecommunications vendor,~~
14 ~~provided that the applicable rules of the Department of Revenue are~~
15 ~~satisfied, must be reduced by an amount equal to the gross receipts~~
16 ~~tax liability imposed by Chapter 203, Florida Statutes, unless~~
17 ~~those services have been adjusted by some other Commission action.~~

18 ~~(e) When a nonrate base regulated telecommunications company~~
19 ~~exercises the option of adding the gross receipts tax as a~~
20 ~~separately stated component on the customer's bill then that~~
21 ~~company must file a tariff indicating such.~~

22 (13) Each LEC shall apply partial payment of an end
23 user/customer bill first towards satisfying any unpaid regulated
24 charges. The remaining portion of the payment, if any, shall be
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3 applied to nonregulated charges.

4 (14) All bills produced shall clearly and conspicuously
5 display the following information for each service billed in regard
6 to each company claiming to be the customer's presubscribed
7 provider for local, local toll, or toll service:

8 (a) The name of the certificated company;

9 (b) Type of service provided, i.e., local, local toll, or
10 toll; and

11 (c) A toll-free customer service number.

12 (15) This section applies to LECs that provide transmission
13 services or bill and collect on behalf of Pay Per Call providers.
14 Pay Per Call services are defined as switched telecommunications
15 services between locations within the State of Florida which permit
16 communications between an end use customer and an information
17 provider's program at a per call charge to the end user/customer.
18 Pay Per Call services include 976 services provided by the LECs and
19 900 services provided by interexchange carriers.

20 (a) Charges for Pay Per Call service (900 or 976) shall be
21 segregated from charges for regular long distance or local charges
22 by appearing separately under a heading that reads as follows:
23 "Pay Per Call (900 or 976) nonregulated charges." The following
24 information shall be clearly and conspicuously disclosed on each
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3 section of the bill containing Pay Per Call service (900 or 976)
4 charges:

5 1. Nonpayment of Pay Per Call service (900 or 976) charges
6 will not result in disconnection of local service;

7 2. End users/customers can obtain free blocking of Pay Per
8 Call service (900 or 976) from the LEC;

9 3. The local or toll-free number the end user/customer can
10 call to dispute charges;

11 4. The name of the IXC providing 900 service; and

12 5. The Pay Per Call service (900 or 976) program name.

13 (b) Pay Per Call Service (900 and 976) Billing. LECs and
14 IXCs who have a tariff or contractual relationship with a Pay Per
15 Call (900 or 976) provider shall not provide Pay Per Call
16 transmission service or billing services, unless the provider does
17 each of the following:

18 1. Provides a preamble to the program which states the per
19 minute and total minimum charges for the Pay Per Call service (900
20 and 976); child's parental notification requirement is announced on
21 preambles for all programs where there is a potential for minors to
22 be attracted to the program; child's parental notification
23 requirement in any preamble to a program targeted to children must
24 be in language easily understandable to children; and programs that
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3 do not exceed \$3.00 in total charges may omit the preamble, except
4 as provided in Section (11)(b)3.;

5 2. Provides an 18-second billing grace period in which the
6 end user/customer can disconnect the call without incurring a
7 charge; from the time the call is answered at the Pay Per Call
8 provider's premises, the preamble message must be no longer than 15
9 seconds. The program may allow an end user/customer to
10 affirmatively bypass a preamble;

11 3. Provides on each program promotion targeted at children
12 (defined as younger than 18 years of age) clear and conspicuous
13 notification, in language understandable to children, of the
14 requirement to obtain parental permission before placing or
15 continuing with the call. The parental consent notification shall
16 appear prominently in all advertising and promotional materials,
17 and in the program preamble. Children's programs shall not have
18 rates in excess of \$5.00 per call and shall not include the
19 enticement of a gift or premium;

20 4. Promotes its services without the use of an autodialer or
21 broadcasting of tones that dial a Pay Per Call (900 and 976)
22 number;

23 5. Prominently discloses the additional cost per minute or
24 per call for any other telephone number that an end user/customer
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3 is referred to either directly or indirectly;

4 6. In all advertising and promotional materials, displays
5 charges immediately above, below, or next to the Pay Per Call
6 number, in type size that can be seen as clearly and conspicuously
7 at a glance as the Pay Per Call number. Broadcast television
8 advertising charges, in Arabic numerals, must be shown on the
9 screen for the same duration as the Pay Per Call number is shown,
10 each time the Pay Per Call number is shown. Oral representations
11 shall be equally as clear;

12 7. Provides on Pay Per Call services that involve sales of
13 products or merchandise clear preamble notification of the price
14 that will be incurred if the end user/customer stays on the line,
15 and a local or toll free number for consumer complaints; and

16 8. Meets internal standards established by the LEC or IXC as
17 defined in the applicable tariffs or contractual agreement between
18 the LEC and the IXC; or between the LEC/IXC and the Pay Per Call
19 (900 or 976) provider which when violated, would result in the
20 termination of a transmission or billing arrangement.

21 (c) Pay Per Call (900 and 976) Blocking. Each LEC shall
22 provide blocking where technically feasible of Pay Per Call service
23 (900 and 976), at the request of the end user/customer at no
24 charge. Each LEC or IXC must implement a bill adjustment tracking
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3 system to aid its efforts in adjusting and sustaining Pay Per Call
4 charges. The LEC or IXC will adjust the first bill containing Pay
5 Per Call charges upon the end user's/customer's stated lack of
6 knowledge that Pay Per Call service (900 and 976) has a charge. A
7 second adjustment will be made if necessary to reflect calls billed
8 in the following month which were placed prior to the Pay Per Call
9 service inquiry. At the time the charge is removed, the end
10 user/customer may agree to free blocking of Pay Per Call service
11 (900 and 976).

12 (d) Dispute resolution for Pay Per Call service (900 and
13 976). Charges for Pay Per Call service (900 and 976) shall be
14 automatically adjusted upon complaint that:

15 1. The end user/customer did not receive a price
16 advertisement, the price of the call was misrepresented to the
17 consumer, or the price advertisement received by the consumer was
18 false, misleading, or deceptive;

19 2. The end user/customer was misled, deceived, or confused
20 by the Pay Per Call (900 or 976) advertisement;

21 3. The Pay Per Call (900 or 976) program was incomplete,
22 garbled, or of such quality as to render it inaudible or
23 unintelligible, or the end user/customer was disconnected or cut
24 off from the service;

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3 4. The Pay Per Call (900 and/or 976) service provided
4 out-of-date information; or

5 5. The end user/customer terminated the call during the
6 preamble described in 25-4.110(11)(b)2., but was charged for the
7 Pay Per Call service (900 or 976).

8 (e) If the end user/customer refuses to pay a disputed Pay
9 Per Call service (900 or 976) charge which is subsequently
10 determined by the LEC to be valid, the LEC or IXC may implement Pay
11 Per Call (900 and 976) blocking on that line.

12 (f) Credit and Collection. LECs and IXCs billing Pay Per
13 Call (900 and 976) charges to an end user/customer in Florida shall
14 not:

15 1. Collect or attempt to collect Pay Per Call service (900
16 or 976) charges which are being disputed or which have been removed
17 from an end user's/customer's bill; or

18 2. Report the end user/customer to a credit bureau or
19 collection agency solely for non-payment of Pay Per Call (900 or
20 976) charges.

21 (g) LECs and IXCs billing Pay Per Call service (900 and 976)
22 charges to end users/customers in Florida shall implement
23 safeguards to prevent the disconnection of phone service for
24 non-payment of Pay Per Call (900 or 976) charges.

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3 (16) Companies that bill for local service must provide
4 notification with the customer's first bill or via letter, and
5 annually thereafter that a PC Freeze is available. Existing
6 customers must be notified annually that a PC Freeze is available.

7 (17) The customer must be given notice on the first or second
8 page of the customer's next bill in conspicuous bold face type when
9 the customer's presubscribed provider of local, local toll, or toll
10 service has changed.

11 (18) If a customer notifies a billing party that they did not
12 order an item appearing on their bill or that they were not
13 provided a service appearing on their bill, the billing party shall
14 promptly provide the customer a credit for the item and remove the
15 item from the customer's bill, with the exception of the following:

16 (a) Charges that originate from:

- 17 1. Billing party or its affiliates;
- 18 2. A governmental agency;
- 19 3. A customer's presubscribed intraLATA or interLATA
20 interexchange carrier; and

21 (b) Charges associated with the following types of calls:

- 22 1. Collect calls;
- 23 2. Third party calls;
- 24 3. Customer dialed calls for; and

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3 4. Calls using a 10-10-xxx calling pattern.

4 (19) (a) ~~Upon~~ Within one year of the effective date of this
5 ~~rule and upon~~ request from any customer, a billing party must
6 restrict charges in its bills to only:

7 1. Those charges that originate from the following:

8 a. Billing party or its affiliates;

9 b. A governmental agency;

10 c. A customer's presubscribed intraLATA or interLATA
11 interexchange carrier; and

12 2. Those charges associated with the following types of
13 calls:

14 a. Collect calls;

15 b. Third party calls;

16 c. Customer dialed calls; and

17 d. Calls using a 10-10-xxx calling pattern.

18 (b) Customers must be notified of this right by billing
19 parties annually and at each time a customer notifies a billing
20 party that the customer's bill contained charges for products or
21 services that the customer did not order or that were not provided
22 to the customer.

23 (c) Small local exchange telecommunications companies as
24 defined in Section 364.052(1), F.S., are exempted from this
25

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3 subsection.

4 (20) Nothing prohibits originating parties from billing
5 customers directly, even if a charge has been blocked from a
6 billing party's bill at the request of a customer.

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

8 Law Implemented: 364.17, 350.113, 364.03, 364.04, 364.05, 364.052,
9 364.19, 364.602, 364.604, F.S.

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

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3 **25-24.490 Customer Relations; Rules Incorporated.**

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

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
25-4.110	Customer Billing	Subsections, <u>(11)</u> , <u>(12)</u> , 8 (14), (15), (17), (18), 9 and (20)
25-4.111	Customer Complaint and 11 Service Requests	All except Subsection (2)
25-4.112	Termination of Service by 13 Customer	All
25-4.113	Refusal or Discontinuance of 15 Service by Company	All
25-4.114	Refunds	All
25-4.117	800 Service	All
25-4.118	Local, Local Toll, or Toll 18 Provider Selection	All

19 (2) An IXC may require a deposit as a condition of service
20 and may collect advance payments for more than one month of service
21 if it maintains on file with the Commission a bond covering its
22 current balance of deposits and advance payments (for more than one
23 month's service). A company may apply to the Commission for a
24 waiver of the bond requirement by demonstrating that it possesses
25

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3 the financial resources and income to provide assurance of
4 continued operation under its certificate over the long term.

5 (3) Upon request, each company shall provide verbally or in
6 writing to any person inquiring about the company's service:

7 (a) any nonrecurring charge,

8 (b) any monthly service charge or minimum usage charge,

9 (c) company deposit practices,

10 (d) any charges applicable to call attempts not answered,

11 (e) a statement of when charging for a call begins and ends,

12 and

13 (f) a statement of billing adjustment practices for wrong
14 numbers or incorrect bills.

15 In addition, the above information shall be included in the first
16 bill, or in a separate mailing no later than the first bill, to all
17 new customers and to all customers presubscribing on or after the
18 effective date of this rule, and in any information sheet or
19 brochure distributed by the company for the purpose of providing
20 information about the company's services. The above information
21 shall be clearly expressed in simple words, sentences and
22 paragraphs. It must avoid unnecessarily long, complicated or
23 obscure phrases or acronyms.

24 Specific Authority: 350.127(2), 364.604(5), F.S.
25

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3 Law Implemented: 364.03, 364.14, 364.15, 364.603, 364.19, 364.337
4 364.602, 364.604, F.S.

5 History: New 02-23-87, Amended 10-31-89, 03-05-90, 03-04-92, 03-
6 13-96, 07-20-98, 12-28-98, 07-05-00, mm-dd-yr.

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3 **25-24.585 Rules Incorporated.**

4 (1) The following rules are incorporated herein by reference
5 and apply to shared tenant service companies:

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS</u> <u>APPLICABLE</u>
25-4.019	Records and Reports in General	All
25-4.020	Location and Preservation of Records	All except (1) and (3)
25-4.036	Design and Construction of Plant	All
25-4.043	Response to Commission Staff Inquiries	All
25-4.0161	Regulatory Assessment Fees; Telecommunication Companies	All
<u>25-4.110</u>	<u>Customer Billing</u>	<u>(11) and (12)</u>
25-4.160	Operation of Telecommunications Relay Service	All

19
20 (2) Each shared tenant service company shall file with the
21 Commission's Division of Competitive Markets and Enforcement
22 updated information for the following items within ten days after
23 either such change occurs.

24 (a) The mailing address of the certificate holder.

25 (b) Name, title, and phone number of individual responsible

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3 for Commission contacts.

4 Specific Authority: 350.127(2), 427.704(8), F.S.

5 Law Implemented: 350.113, 364.016, 364.17, 364.18, 364.183,
6 364.185, 364.339, F.S.

7 History--New 1/28/91, Amended 12/29/91, 11/13/95, 7/29/97,
8 04/08/98, mm-dd-yr.

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1 DOCKET NO. 030415-TP
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3 **25-24.845 Customer Relations; Rules Incorporated.**

4 The following rules are incorporated herein by reference and
5 apply to CLECs. In the following rules, the acronym 'LEC' should
6 be omitted or interpreted as 'CLEC'.

<u>SECTION</u>	<u>TITLE</u>	<u>PORTIONS APPLICABLE</u>
25-4.110	Customer Billing	Subsections <u>(11)</u> , <u>(12)</u> , (14), (15), (16), (17), (18), and (20)
24-4.118	Local, Local Toll, or Toll Provider Selection	All

13 Specific Authority: 350.127(2) and 364.337(2), 364.604(5), F.S.

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

15 History: New 07-20-98, Amended 12-28-98, 07-05-00, mm-dd-yr.

25 CODING: Words underlined are additions; words in ~~struck~~
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State of Florida



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: April 16, 2003
TO: Office of the General Counsel (Cibula)
FROM: Division of Economic Regulation (Hewitt) *BH* *MA* *TD*
RE: Statement of Estimated Regulatory Costs for Proposed Amendments to Rules 25-4.011, 25-24.490(1), 25-24.585(1), 25.845 F.A.C., Telco Customer Billing and Relations

Rules 25-4.011, 25-24.490(1), 25-24.585(1), 25.845 F.A.C., Telco Customer Billing and Relations, prescribe the methods by which local exchange companies bill their customers. The proposed rule amendments would revise language concerning obsolete taxation methods and remove antiquated "disclaimer type" statements. The rule language changes would comply with the State and Local Communications Services Taxes in Section 202, Florida Statutes.

The Florida Administrative Procedures Act encourages an agency to prepare a Statement of Estimated Regulatory Costs (SERC). However, regulated companies must comply with Florida Statutes and should not have any significant costs complying with the proposed rule changes. Therefore, a SERC will not be prepared for the proposed rule.

cc: Mary Andrews Bane
Dale Buys
Hurd Reeves