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AT&T REPORT IN RESPONSE TO COMPLAINT INQUIRY

This report is in response to Commission Staff's inquiry on August 26, 2004, concerning the complaints regarding AT&T service received by the Florida Commission during the first eight months of 2004. Pursuant to Staff's request, AT&T has conducted its investigation of the complaints and is providing its findings in writing. This report provides a general overview, followed by specific information that addresses the areas where AT&T has experienced the largest number of complaints in 2004.

General Overview

As part of AT&T's standard operating practice, AT&T not only responds to all complaints received from the Florida Public Service Commission, but also conducts periodic reviews of customer complaints to ensure that it is providing quality service to customers and to pinpoint areas of concerns or trends that may develop. This allows AT&T to proactively address issues that arise concerning its business practices or the business practices of other companies that impact AT&T customer's experience. Building upon AT&T's own analysis, AT&T examined a significant percentage of the 2842 complaints received by the Commission from January 2004 through August 2004. This analysis revealed that the vast majority of complaints during the investigation time period were attributable to the \$3.95 Monthly Recurring Charge (MRC) billing issue that AT&T experienced in early 2004. As discussed in more detail below, AT&T took proactive steps to correct the billing mistake, including notifying the Commission of the error, resolving the cause of the error to prevent additional misbillings, and issuing credits/refunds to all Florida customers affected.

AT&T has also compared the number of complaints by category in 2004 to the same categories in 2002 and 2003. With the exception of the Improper Billing, Quality of Service, and Billing Wrong categories, AT&T has improved its performance across the board in the 50+ remaining categories utilized by the Commission. Furthermore, the increases reflected in two of the three categories, Improper Billing and Billing Wrong, are directly related to the MRC billing issue. Absent that error, AT&T's complaint performance would have improved in almost all of the more than 50 categories. In addition, and as discussed further below, AT&T has significantly increased the number of Warm Transfers over prior years, thereby reducing the number of Commission resources needed to address AT&T customer inquiries and issues. AT&T has attached the three-year complaint comparison as Attachment 1.

Finally, due to the DC Circuit Court decision in March 2004 and various decisions by the Federal Communications Commission affecting the economics of providing competitive telecommunications services, AT&T announced that it is no longer marketing traditional local and long distance service to residential customers in Florida and has ceased efforts to market these services through direct mail, by making telemarketing calls to customers or through mass media advertising. Therefore, residential marketing related complaints will likely decline throughout the remainder of 2004.

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC 1
- OTH _____

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Billing Issues

This Category addresses the vast majority of the complaints received by the Commission during 2004. The data that the Commission provided AT&T shows that the Commission received 950 improper billing complaints, 61 billing wrong complaints, and 348 alleged slamming complaints (of which AT&T has determined 140 are attributable to the \$3.95 MRC issue). Most of these billing complaints are a result of the billing errors AT&T experienced when it implemented a \$3.95 MRC at the beginning of 2004. AT&T has separated the billing complaints into two main categories: CARE Feed issues and Customer Dissatisfiers.

1. CARE Feed Issues

The CARE Feed category includes the \$3.95 MRC issue, Long Distance Disconnect complaints, PIC Errors, LEC Errors, and LEC Reassign complaints.

- **\$3.95 MRC Issue** – AT&T received 678 complaints concerning the \$3.95 MRC issue from the Florida Commission during the first eight (8) months of 2004. As noted above, AT&T also received from the Florida Commission 140 complaints that were coded as alleged slamming complaints. As part of AT&T's review of the alleged slamming complaints, AT&T discovered that these 140 complaints were misidentified. Slamming is the unauthorized change of a subscriber's presubscribed carrier. AT&T's billing error did not change any subscriber's presubscribed long distance carrier.

AT&T first identified this issue to the Florida Public Service Commission in March 2004, and subsequently provided written responses to the two sets of Commission data requests dated April 26, 2004 and May 20, 2004, respectively. As detailed in AT&T's previous correspondence to the Florida Commission, AT&T implemented a \$3.95 Monthly Recurring Charge (MRC) on January 1, 2004, for its basic state-to-state, direct-dialed schedule rate plan, after having sent advance notification to basic schedule customers to advise them of the new monthly charge. AT&T also posted advance notice of the MRC on its website, filed a tariff with the Federal Communications Commission (FCC), and filed a service guide for the MRC under AT&T's Consumer Services Agreement.

As explained in detail in AT&T's letters to the Commission dated May 6, 2004 and June 4, 2004 respectively, AT&T experienced a billing error involving the \$3.95 basic MRC primarily caused by coding and systems issues that affected both AT&T customers and non-AT&T consumers.

By June 15, 2004, AT&T completed the fixes in its residential billing system for the errors that caused these consumers to be billed incorrectly, and completed the process of automatically applying credits or as applicable, issuing refunds for Florida consumers that AT&T had identified as having been billed in error. Refunds and credits for many consumers were processed prior to that date. Consumers received their refunds or bills reflecting the credits between 60-90

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days after these adjustments were processed, and all Florida consumers received these adjustments by the end of September 2004.

In addition, in a separate effort to double check the accuracy of its records, AT&T requested and obtained a snapshot from BellSouth of customers who have AT&T as their long distance PIC to ensure that AT&T's records accurately reflect the PIC status that is in BellSouth's records. AT&T has also requested snapshots from various other LECs, and has made CARE inquiries (known as "0707" inquiries) to certain LECs for re-verification of the PIC status of AT&T basic rate long distance subscribers as reflected in the LEC records.

In summary, AT&T took proactive steps to remedy the billing error by June 2004 and has taken additional steps to verify the accuracy of its records. As such, the Commission should not expect the complaint volumes to continue at the same pace for the last 4 months of the year as they did for the first 8 months. This regrettable billing error resulted in an anomaly that is largely responsible for the increased number of customer complaints regarding AT&T filed with the Florida Commission during 2004.

- **Long Distance Disconnect** – AT&T received 129 customer complaints from the Florida Commission regarding Long Distance Disconnect. This issue deals with consumers who notified AT&T of their desire to cancel AT&T's long distance service, but for whom AT&T had not received the necessary primary interexchange carrier (PIC) change notification from the local carrier. When a customer PIC'd to AT&T wishes to move his/her long distance service away from AT&T (whether to another carrier or to a "no-PIC" status), AT&T does not have the ability to make that PIC change on behalf of the customer. As the FCC has explained:

"A subscriber may authorize a change of his or her long distance carrier, or other telecommunications carrier, by requesting the change directly from his or her local exchange carrier (LEC), or by authorizing the new carrier to request a change on his or her behalf."¹

Consistently the FCC rules that describe the framework for customers and carriers to change long distance carriers define a "Submitting Carrier" who may submit a PIC change to a LEC as a "telecommunications carrier that requests on the behalf of a subscriber that the subscriber's telecommunications carrier be changed, and seeks to provide retail services to the end user subscriber." 47 CFR Section 47.1100(a).

Unless a Submitting Carrier submits or a customer submits a PIC change to a LEC, the LEC switch will continue to send the customer's long distance calls to the carrier identified as the customer's PIC in the LEC's switch.

¹ In the Matter of Implementation of the Subscriber Carrier Selection Changes, 8 WL 1064770, para. 1 (1998).

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When a customer contacts AT&T and expresses the desire to terminate his or her AT&T 1+ service, AT&T provides the customer with clear instructions on how to effectuate the change. Specifically, the AT&T representatives are instructed to tell the customer:

- The LEC controls the switch where a change in long distance or local toll carrier takes place and only the LEC can make the change in carrier.
- Because the LEC will only take the order for a change in carrier directly from the customer or from the customer's preferred new carrier. AT&T, as the customer's current carrier, cannot make the change.
- The customer must call the LEC or his/her preferred new carrier to leave AT&T Service.
- If the customer does not, AT&T will continue to show as his/her carrier of choice for long distance/local toll.

AT&T representatives are also instructed to provide the customer with the telephone number (700-555-4141) they can call 3-5 days after they contact the LEC to confirm the PIC change.

If a customer attempts to cancel service only by calling AT&T, but does not make the necessary LEC contact to effectuate the change, then AT&T remains his or her long distance carrier and, thus, AT&T has a continuing obligation to serve the customer on a 1+ basis.

Also, consumers with AT&T as their PIC remain customers of AT&T – able to use the AT&T network on a 1+ dialing basis - until AT&T is notified by the LEC that the consumer no longer subscribes to AT&T as his or her primary long distance carrier. Indeed, all long distance carriers that are not also the local carrier of a consumer must rely on the local carrier to effectuate a consumer's change in long distance service or to have a "no PIC" status, and to convey the appropriate customer account record exchange (CARE) information on the transaction.

- **PIC Errors** – AT&T received 55 customer complaints from the Florida Commission regarding PIC Errors. This type of error occurs for one of the following reasons – 1) AT&T never received any CARE information to indicate the customer left AT&T service as PIC; as a result, billing continued as an AT&T PIC customer; 2) AT&T received CARE information from the LEC, but the CARE information contained conflicting codes which indicated the customer was still an AT&T customer; as a result the customer continues to be billed as having AT&T as the PIC; or 3) AT&T's billing system failed to process CARE data which indicated that a customer left AT&T, resulting in a small number of customers continuing to be billed as an AT&T PIC.

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As mentioned earlier in this response, in a separate effort to double check the accuracy of its PIC records, AT&T requested snapshots of customers who had AT&T as their PIC in the LEC records to ensure that AT&T's records reflected the accurate PIC status as indicated in the LEC's records.

- **LEC Errors** – AT&T received 50 customer complaints from the Florida Commission resulting from LEC Errors. These errors occur when the local company routes toll calls to the AT&T network in error. In these cases, the LEC improperly loaded the wrong carrier CIC code when switching the customer to a new carrier for his or her PIC. For example, a customer signs up for local service and chooses Sprint for his or her long distance service. The LEC representative incorrectly inputs AT&T's CIC code on the order instead of Sprint's CIC code. Thus, AT&T will receive the CARE code from the LEC indicating the customer chose AT&T, usage will flow to AT&T because the traffic is being routed to AT&T's network, and AT&T will bill this customer as having AT&T as the PIC. Unfortunately, AT&T has no control, nor knowledge, that a LEC error has occurred until a complaint is received and investigated.
- **LEC Reassign** – AT&T received 27 customer complaints from the Florida Commission resulting from LEC Reassigns. This occurs when an existing AT&T PIC'd customer disconnects his or her local service, and shortly thereafter the LEC reassigns the same telephone number to a new customer who also selects AT&T's long distance service. In these cases, when notification, or timely notification, is not provided to AT&T for both the previous and new customer activities, inaccurate billing occurs where the previous customer is billed for the new customer's usage in error.

It is important to note that all IXCs are fully reliant upon LECs to provide notification of mutual customer activities affecting switch, service, billing and other critical customer account maintenance data. When one (or more steps) in the data exchange between the LEC and IXC does not occur, the customer is negatively impacted as indicated by these complaints.

Clearly, the difficulties inherent in the current system are not unique to AT&T, and are not unique to Florida. To the contrary, the PIC change process is an industry wide issue, as evidenced by the FCC's recent Notice of Proposed Rulemaking to consider the implementation of minimum CARE obligations for all local and interexchange carriers.

In its NPRM, the FCC acknowledges that,

“CARE data is not currently exchanged in a uniform manner now that the number of LEC's has increased significantly. As a result, interexchange carriers may often be unable to identify local carrier lines in the current competitive marketplace. Interexchange carriers may therefore be unaware of whether a customer remains on the network, has switched to another local or long distance carrier, has been disconnected, or has made

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changes to BNA information. This can inhibit customers' ability to move seamlessly from one carrier to another, and can result in substantial increases in unbillable calls and customer complaints. These problems may also arise in the context of customers porting wireline telephone numbers to wireless carriers. In addition, carriers may be viewed as being responsible for double or continued billing, cramming, slamming, or violations of the Commission's truth-in-billing requirements when they do not receive accurate, timely, or complete information regarding their customers' accounts.²

And, in its conclusion paragraph, the FCC stated,

"As noted above, the aim of the CARE standards is to provide a consistent definition and data format for the exchange of common data elements. Failure to utilize consistent formats can create confusion for carriers, customers, and the Commission. These concerns are especially important given the increase in the number of local exchange carriers (and resultant escalation of customer migration) since the passage of the 1996 Act, as well as the evolution of number porting with respect to wireline to wireless carriers. As a general matter, based on our own experiences with customer complaints, we believe that uniformity amongst CLECs, ILECs, and IXC's could enhance our efforts to provide fair, consistent and efficient enforcement of our rules."³

AT&T looks forward to working with the FCC, the industry, and interested parties to develop minimum CARE standards that better meet customers' needs. AT&T believes that the CARE standards proceeding is an appropriate forum in which to raise concerns about the industry's PIC change processes.

2. Customer Dissatisfiers

The Customer Dissatisfiers category includes components relating to Price Increases, Collect Calls, Domestic Dialed Calls, Unlimited, and International Entertainment Voice and Internet Calls.

- **Price Increase** - Price Increase complaints arise when AT&T implements rate increases that have been filed with the applicable state and/or federal regulatory agency. In Florida, AT&T was notified of 187 customers who contacted the Commission regarding rate increases for their current AT&T calling plan. All customers, however, are sent notices prior to the price increase going into effect, and are instructed to call AT&T Customer Care if they wish to change calling plans. All of AT&T's intrastate rates are filed with the Florida Public Service

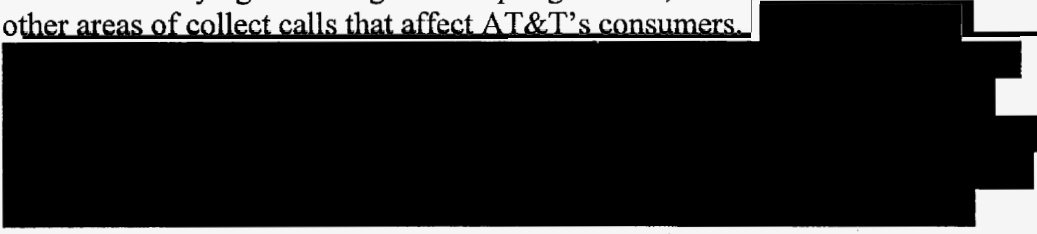
² CG Docket No. 02-386, In the Matter of Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers, at 3, para. 5 (Released March 25, 2004.)

³ Id at 11 and 12, para. 23.

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Commission, including prices for local service, which are provided in price lists, and are lawfully charged rates pursuant to company tariffs.

Collect Calls - 51 customers filed complaints with the Florida Commission concerning AT&T collect calls. All 51 of these complaints resulted from the consumer denying knowledge of accepting the call. Because AT&T's network is very accurate in recording the charges for collect calls that have been accepted, AT&T addresses these types of complaints by contacting the consumer to determine who else in the household would have accepted the call. Furthermore, while the 51 Collect Call complaints filed with the Commission only address consumers denying knowledge of accepting the call, AT&T continues to address other areas of collect calls that affect AT&T's consumers.



- **Domestic Dialed Calls** - 28 customers filed complaints with the Florida Commission concerning AT&T domestic dialed calls where the customer declined all knowledge of directly dialing these calls from their home using AT&T's network. AT&T's network is extremely accurate and only records charges when a number has been dialed by someone in the home. In most cases, the customer either denies making the call due to the charges associated with the call, the nature of the call (e.g., a sex chat line), or was unaware that another person in their home placed the call. Pursuant to AT&T's investigation, AT&T did not discover any billing error or misrouting of any calls associated with these complaints, with one exception. AT&T's practice is to contact the customer and assist in determining how the call was made and to what party. In each case (excluding the one exception described below), AT&T determined, in conjunction with the customer, that the complaint involved a misunderstanding within the customer's household as to who placed the call. In no case was AT&T determined to have misbilled or misrouted the calls. The one exception was a customer who experienced trouble with a BellSouth line (CATS No. 896404T). BellSouth tested the line, but found that the problem appeared to be a short in the customer provided equipment. AT&T provided this customer with a courtesy credit in the amount of \$254.34 based on the trouble report. Courtesy credits are provided in some cases based on the circumstances involved.
- **Unlimited** - 26 customers filed complaints with the Florida Commission concerning their AT&T Unlimited calling plan. The types of complaints varied by customer. Examples of the concerns expressed by customers included: (1) customers upset that they were responsible for payment of the entire billing cycle, even if they cancelled their service before the end of the billing cycle, (2) customer dissatisfaction with the description of the plan, and (3) customers who were upset that their self initiated PIC Freezes prevented them from enjoying the

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Unlimited plan. Concerning the first issue, the terms and conditions of AT&T's Unlimited service clearly advise customers of their responsibilities for payment and that they will not be refunded for the remainder of the billing cycle if they cancel service during the billing cycle. The terms and conditions are found in AT&T's Service Guide and Florida General Services Tariff. The second issue arises during calls with the customer. While AT&T's sales representatives are trained on AT&T's products and services, some customers feel that the representatives description did not fully explain the product or service, explained it in a confusing manner, or did not explain it at all. Going forward, AT&T expects to see a decline in these types of complaints as its telemarketing efforts are reduced. Concerning the third issue, if a customer has a PIC Freeze and attempts to sign up for AT&T service, the switch will not occur unless the customer has the PIC Freeze lifted by its current provider. Customers who fail to have the PIC Freeze lifted are charged for calls by the existing carrier to which the account is "frozen." For example, while the customer believes that they are making calls under the Unlimited plan, they in fact are not. This has caused customers to complain about the large bills they have received from their previous carrier.

- **International Entertainment Internet Calls** - 24 customers filed complaints with the Florida Commission concerning international entertainment calls. To address this complaint category, AT&T no longer offers International Entertainment Internet service ("Special Basic Internet"). A bill message educating consumers about international charges due to accessing entertainment sites began in November 2003.

Warm Transfer

AT&T increased the use of the warm transfer process established by the Commission by more than 100% over prior years (2002 and 2003) through the first eight months of 2004. During the time period covered by this investigation, AT&T handled 902 warm transfers, compared to 410 and 425 for the entire years 2002 and 2003, respectively. AT&T is pleased to see that this process is working, not only by reducing the time Commission Staff spends on handling complaints, but also by providing AT&T's customers with an efficient way to quickly and satisfactorily resolve their question, issue, or concern.

Slamming

AT&T reviewed the alleged slamming complaints from the first of the year through September 16, 2004. During that time, AT&T received 804 alleged slamming complaints from the Florida Commission. AT&T reviewed these complaints in detail since AT&T has a no-tolerance policy for slamming and has been an industry leader in establishing a

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single point of contact through the Slam Resolution Center in 1998 in an effort to understand root causes and to prevent the unauthorized switch of a customer's service. AT&T also participated in a "Best Practices" working team made up of representation from RBOCs, CLECS and long distance providers in order to establish points of contact and communications standards in the handling of slamming complaints in accordance with requirements set forth in the FCC's First Order on Reconsideration released May 3, 2000. AT&T has determined the following:

- 140 of these complaints are attributed to the \$3.95 MRC issue. As explained further in the \$3.95 MRC category response, some customers who were no longer AT&T customers inadvertently received the \$3.95 MRC. Because these consumers received a bill from AT&T in error, they thought they had been switched without authorization. However, there was no change in carrier for these consumers, and they did not have their long distance switched to AT&T. Nonetheless, these complaints were coded as slamming complaints, although none of these Florida consumers were slammed.
- 97 complaints were referred to AT&T's residential Slam Resolution Center but did not involve slamming of a residential consumer. The breakdown of these complaints is as follows: 1 wireless complaint, 48 alleged business slamming complaints, 34 billing complaints, 1 do-not-call complaint, and 13 telemarketing complaints. Regarding the 48 alleged business slamming complaints, the Commission determined that AT&T did not slam one of the customers, two of the complaints were billing questions (not slamming complaints), and the remaining 45 complaints have been responded to by AT&T and are pending review by the Commission. AT&T's investigation also revealed that none of the 13 telemarketing complaints were actual slams. Instead, these complaints against telemarketers were for an alleged misrepresentation of an offer, being rude to the customer, and failing to stop the telemarketing pitch when requested by the customer. If violations of AT&T's telemarketing policies are discovered, or the telemarketers performance does not comport with AT&T's standards, the telemarketing representative and/or telemarketing firm will be retrained or fired based on the situation observed.
- 55 of the allegations were determined by Staff to be occurrences of slamming. However, 52 of these resulted from an error made to the third party verification script and were not actual cases of slamming a customer's service. In early 2004, AT&T undertook a project to reconcile TPV scripts across the various platforms to standardize AT&T's processes across the different TPV vendors that supported AT&T. As a result of the reconciliation effort, AT&T mistakenly removed one of the required disclosures in its script, which is designed to inform customers, that: "Your local telephone company may charge a fee for each provider change." AT&T discussed this issue with Commission Staff in June 2004. AT&T believes that this omission does not equate to an unauthorized switch in provider. In June 2004, AT&T corrected this omission in the TPV script. Furthermore, AT&T attempts to contact all of the consumers who file slamming complaints in an effort

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to resolve the complaint. Out of these 52 complaints which involved the script omission, AT&T spoke with 24 consumers, and in each of these cases, the complainants acknowledged that the person who had changed the service and who had represented to AT&T that he or she was an authorized decision maker was a member of the complainant's household. Of the remaining 3 alleged slamming violations, AT&T agrees that 1 was a valid slamming violation. However, AT&T has appealed the remaining two alleged violations to the Commission, but has not received a response from the Commission.

Failure To Respond

AT&T has reviewed the Commission's Failure to Respond categories, which consists of the following Types: LB49, LB-50, LB-51, LS-49, LS-50, and LS-51. It appears that in all cases AT&T provided a response to the Commission. In some cases, AT&T was unable to meet the Commission's due date. This can be attributed to a number of factors, such as the complexity of the complaint, which may require extensive investigation prior to a resolution being provided to the Commission. In other cases, it appears that AT&T provided its response to the Commission prior to the due date, but nevertheless the complaint was coded as being a failure to respond. For the Types LS-49 LS-51, and LB-50, it appears that AT&T responded to the Commission in advance of the due date in every instance. For Type LB-50 the Commission's report indicates that AT&T provided its response prior to the due date for 7 out of the 12 complaints in this category. Furthermore, from time to time AT&T will receive and respond to a Commission complaint, only to have the same complaint resent to AT&T under a different Case Number ("CATS" Number). For example, on August 5, 2003, AT&T received CATS Number 548932T. AT&T sent its resolution of the complaint to the Commission on August 11, 2003 and the case was closed. On January 5, 2004, the same complaint was sent to AT&T, but under CATS Number 576419T. AT&T responded on the same day with the same resolution. On February 17, 2004, AT&T once again received this complaint, and responded on February 19, 2004 that this complaint was resolved. The Commission then closed this complaint. Even though AT&T had responded to this complaint on several occasions prior to the due date, the Commission's complaint system shows this complaint under Type LB-49 as being a failure to respond.

As part of AT&T's investigation, it reviewed in detail 37 out of the 61 Failure to Respond cases. Of the 37 reviewed, AT&T's records show that it received 17 of these complaints on different dates than those reflected by the Commission, which may have affected the due date by which the Commission should have received AT&T's response. Eight of the complaints reviewed were issued two CATS numbers at different times. While AT&T responded to these complaints when they were first issued, the re-issuance of the complaint appears to be counted against AT&T as a failure to respond. Nine of the complaints analyzed were actual complaints filed with the Commission that AT&T mistakenly treated as warm transfer issues. While AT&T responded to its customers in a timely manner, it did not respond to the Commission until after Commission Staff followed up with AT&T requesting a response. Finally, AT&T had three (3) complaints that were received from other agencies, in addition to the Commission. It appears that

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AT&T responded to the other agencies, but inadvertently failed to respond to the Commission.

Open Complaints

The Commission's records reflect that AT&T had 112 open complaints as of August 26, 2004. On September 13, 2004, AT&T compiled a list of all the open complaints before the Florida Public Service Commission. At that time, AT&T had only 59 open cases. Of those 59, AT&T had responded to 36 of these cases, which were pending review and closure with the Commission. Of the 23 remaining complaints, AT&T was still investigating 18 which were not yet due and 5 were shown by the Commission as being past due.

Conclusion

AT&T's overall performance in 2004, with the exception of the billing error that AT&T proactively corrected, has improved in nearly every complaint category monitored by the Florida Commission. In fact, the total number of Commission complaints filed against AT&T during 2004 represents approximately one tenth of 1% of AT&T's customer base in Florida. AT&T takes pride in serving its customers at the highest levels of satisfaction, and continues to make efforts to improve our processes and work closely with the Commission staff to quickly and efficiently resolve customer complaints here in Florida. AT&T has worked closely with the Consumer Affairs Department at the Commission this year. AT&T is not aware of any concerns expressed by Consumer Affairs regarding the promptness of responses, completeness of responses, or excessive numbers of complaints in the past year. To the contrary, AT&T has worked closely with the Consumer Affairs department to resolve consumer issues, including the identification of the billing error to the Commission, and to provide updates on the ongoing proactive efforts by AT&T to correct the mistake.

AT&T appreciates the opportunity to respond to Staff's inquiry. We are available to discuss these findings with you at your convenience. Should you have any questions, please contact Brian Musselwhite on (850) 425-6313.