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Public Service Commission

April 8, 2005

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HAND DELIVER

Mr. Scott Boyd, Executive Director
Joint Administrative Procedures Committee
Room 120 Holland Building
Tallahassee, FL 32399-1300

RE: Docket No. 041017-TI-Revisions to intrastate interexchange telecommunications company rules in Chapters 25-4 and 25-24, F.A.C., to reflect 2003 statutory changes.

Dear Mr. Boyd:

The Commission has approved the adoption of Rules 25-4.003, 4.044, 4.079, 4.115, and 4.118, without changes.

We plan to file the rule for adoption on April 18, 2005.

Sincerely,

Marlene K. Stern

Marlene K. Stern
Associate General Counsel

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c: Division of the Commission Clerk
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FPSC-COMMISSION CLERK

1 **25-4.003 Definitions.**

2 For the purpose of Chapter 25-4, F.A.C., the definitions of the following terms apply:

3 (1) "Access Line" or "Subscriber Line." The circuit or channel between the
4 demarcation point at the customer's premises and the serving end or class 5 central office.

5 ~~(2) "Competitive Local Exchange Telecommunications Company (CLEC)." Any~~
6 ~~company certificated by the commission to provide local exchange telecommunications~~
7 ~~services in Florida on or after July 1, 1995.~~

8 (23) "Average Busy Season-Busy Hour Traffic." The average traffic volume for the
9 busy season busy hours.

10 (34) "Billing Party." Any ~~telecommunications company~~ entity that bills an end user
11 ~~consumer~~ on its own behalf or on behalf of an originating party.

12 (45) "Busy Hour." The continuous one-hour period of the day during which the
13 greatest volume of traffic is handled in the office.

14 (56) "Busy Season." The calendar month or period of the year (preferably 30 days
15 but not to exceed 60 days) during which the greatest volume of traffic is handled in the office.

16 (67) "Call." An attempted telephone message.

17 (78) "Central Office." A location where there is an assembly of equipment that
18 establishes the connections between subscriber access lines, trunks, switched access circuits,
19 private line facilities, and special access facilities with the rest of the telephone network.

20 (89) "Commission." The Florida Public Service Commission.

21 (940) "Company," "Telecommunications Company," "Telephone Company," or
22 "Utility." These terms may be used interchangeably herein and shall mean

23 "telecommunications company" as defined in Section 364.02 (~~1342~~), Florida Statutes.

24 (10) "Competitive Local Exchange Telecommunications Company (CLEC)." Any
25

1 company certificated by the commission to provide local exchange telecommunications
2 services in Florida on or after July 1, 1995.

3 (11) "Completed call." A call which has been switched through an established path
4 so that two-way conversation or data transmission is possible.

5 (12) "Disconnect" or "Disconnection." The dissociation or release of a circuit. In the
6 case of a billable call, the end of the billable time for the call whether intentionally terminated
7 or terminated due to a service interruption.

8 (13) "Drop or Service Wire." The connecting link that extends from the local
9 distribution service terminal to the protector or telephone network interface device on the
10 customer's premises.

11 (14) "Exchange." The entire telephone plant and facilities used in providing
12 telephone service to subscribers located in an exchange area. An exchange may include more
13 than one central office unit.

14 (15) "Exchange (Service) Area." The territory of a local exchange company (LEC)
15 within which local telephone service is furnished at the exchange rates applicable within that
16 area.

17 (16) "Extended Area Service." A type of telephone service whereby subscribers of a
18 given exchange or area may complete calls to, and receive messages from, one or more other
19 exchanges or areas without toll charges, or complete calls to one or more other exchanges or
20 areas without toll message charges.

21 (17) "Extension Station." An additional station connected on the same circuit as the
22 main station and subsidiary thereto.

23 (18) "Foreign Exchange Service." A classification of LEC exchange service
24 furnished under tariff provisions whereby a subscriber may be provided telephone service
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1 from an exchange other than the one from which he would normally be served.

2 (19) "Information Service." Telephone calls made to 900 or 976 type services, but
3 does not include Internet services.

4 (20) "Intercept Service." A service arrangement provided by the
5 telecommunications company whereby calls placed to an unequipped non-working,
6 disconnected, or discontinued telephone number are intercepted by operator, recorder, or
7 audio response computer and the calling party informed that the called telephone number is
8 not in service, has been disconnected, discontinued, or changed to another number, or that
9 calls are received by another telephone. This service is also provided in certain central offices
10 and switching centers to inform the calling party of conditions such as system blockages,
11 inability of the system to complete a call as dialed, no such office code, and all circuits busy.

12 ~~(21) "Interexchange Company (IXC)." Any telecommunications company, as~~
13 ~~defined in Section 364.02(12), Florida Statutes, which provides telecommunications service~~
14 ~~between local calling areas as those areas are described in the approved tariffs of individual~~
15 ~~LECs. IXC includes, but is not limited to, MLDA as defined in subsection (37) of these~~
16 ~~definitions.~~

17 (21~~22~~) "Inter-office Call." A telephone call originating in one central office but
18 terminating in another central office, both of which are in the same designated exchange area.

19 (22~~23~~) "Interstate Toll Message." Those toll messages ~~which~~ that do not originate and
20 terminate within the same state.

21 (23~~24~~) "Intertoll Trunk." A line or circuit between two toll offices, two end offices, or
22 between an end office and toll office, over which toll calls are passed.

23 (24~~25~~) "Intra-office Call." A telephone call originating and terminating within the
24 same central office.
25

- 1 (25) “Intrastate Interexchange Company (IXC).” Any entity that provides intrastate
2 interexchange telecommunications services.
- 3 (26) “Intrastate Intra-state Toll Message.” Those toll messages which originate and
4 terminate within the same state.
- 5 (27) “Invalid Number.” A number comprised of an unassigned area code number or
6 a non-working central office code (NXX).
- 7 (28) “Large LEC.” A LEC certificated by the Commission prior to July 1, 1995, that
8 had in excess of 100,000 access lines in service on July 1, 1995.
- 9 (29) “Local Access and Transport Area (LATA)” or “Market Area.” A geographical
10 area, which is loosely based on standard metropolitan statistical areas (SMSAs), within which
11 a LEC may transport telecommunication signals.
- 12 (30) “Local Exchange Telecommunications Company (LEC).” Any
13 telecommunications company, certificated by the Commission prior to July 1, 1995, to provide
14 local exchange telecommunications services as defined in Section 364.02(6), Florida Statutes.
- 15 (31) “Local Provider (LP).” Any telecommunications company providing local
16 telecommunications service, excluding pay telephone providers and call aggregators.
- 17 (32) “Local Service Area” or “Local Calling Area.” The area within which
18 telephone service is furnished subscribers under a specific schedule of rates and without toll
19 charges. A LEC’s local service area may include one or more exchange areas or portions of
20 exchange areas.
- 21 (33) “Local Toll Provider (LTP).” Any entity telecommunications company
22 providing intraLATA or intramarket area long distance telecommunications service.
- 23 (34) “Main Station.” The principal telephone associated with each service to which
24 a telephone number is assigned and which is connected to the central office equipment by a an
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1 individual or party line circuit or channel.

2 (35) "Message." A completed telephone call.

3 (36) "Mileage Charge." A tariff charge for circuits and channels connecting other
4 services that are auxiliary to local exchange service such as off premises extensions, foreign
5 exchange and foreign central office services, private line services, and tie lines.

6 ~~(37) "Multiple Location Discount Aggregator (MLDA)." An entity that offers~~
7 ~~discounted long distance telecommunications services from an underlying IXC to unaffiliated~~
8 ~~entities. An entity is a MLDA if one or more of the following criteria applies:~~

9 ~~(a) It collects fees related to interexchange telecommunications services directly~~
10 ~~from subscribers,~~

11 ~~(b) It bills for interexchange telecommunications services in its own name,~~

12 ~~(c) It is responsible for an end user's unpaid interexchange telecommunications~~
13 ~~bill, or~~

14 ~~(d) A customer's bill cannot be determined by applying the tariff of the underlying~~
15 ~~IXC to the customer's individual usage.~~

16 (3738) "Normal Working Days." The normal working days for installation and
17 construction shall be all days except Saturdays, Sundays, and holidays. The normal working
18 days for repair service shall be all days except Sundays and holidays. Holidays shall be the
19 days which are observed by each individual telephone company utility.

20 (3839) "Optional Calling Plan." An optional service furnished under tariff provisions
21 which recognizes the need of some subscribers for extended area calling without imposing the
22 cost on the entire body of subscribers.

23 (3940) "Originating Party." Any person, firm, corporation, or other entity, including a
24 telecommunications company or a billing clearinghouse, that provides any
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1 telecommunications service or information service to a customer or bills a customer through a
2 billing party, except the term “originating party” does not include any entity specifically
3 exempted from the definition of “telecommunications company” as provided in Section
4 364.02(13)(a) through (f), Florida Statutes~~(12), Florida Statutes~~.

5 (4041) “Out of Service.” The inability, as reported by the customer, to complete either
6 incoming or outgoing calls over the subscriber’s line. “Out of Service” shall not include:

7 (a) Service difficulties such as slow dial tone, circuits busy, or other network or
8 switching capacity shortages;

9 (b) Interruptions caused by a negligent or willful act of the subscriber; and

10 (c) Situations in which a company suspends or terminates service because of
11 nonpayment of bills, unlawful or improper use of facilities or service, or any other reason set
12 forth in approved tariffs or Commission rules.

13 (4142) “Outside Plant.” The telephone equipment and facilities installed on, along, or
14 under streets, alleys, highways, or on private rights-of-way between the central office and
15 subscribers’ locations or between central offices of the same or different exchanges.

16 (4243) “Pay Telephone Service Company.” Any telecommunications company that
17 provides pay telephone service as defined in Section 364.3375, Florida Statutes.

18 (4344) “PC-Freeze.” (Preferred Carrier Freeze) A service offered that restricts the
19 customer’s carrier selection until further notice from the customer.

20 (4445) “Provider.” Any ~~telecommunications company~~ entity providing
21 telecommunication service, excluding pay telephone providers and call aggregators (i.e., local,
22 local toll, and toll providers).

23 (4546) “Service Objective.” A quality of service which is desirable to be achieved
24 under normal conditions.
25

1 (4647) "Service Standard." A level of service which a telecommunications company,
2 nder normal conditions, is expected to meet in its certificated territory as representative of
3 dequate services.

4 (4748) "Small LEC." A LEC certificated by the Commission prior to July 1, 1995,
5 which had fewer than 100,000 access lines in service on July 1, 1995.

6 (4849) "Station." A telephone instrument consisting of a transmitter, receiver, and
7 ssociated apparatus so connected as to permit sending or receiving telephone messages.

8 (4950) "Subscriber" or "Customer." These terms may be used interchangeably herein
9 and shall mean any person, firm, partnership, corporation, municipality, cooperative
10 rganization, or governmental agency supplied with communication service by a
11 elecommunications company.

12 (5051) "Subscriber Line." See "Access Line."

13 (5152) "Switching Center." Location at which telephone traffic, either local or toll, is
14 switched or connected from one circuit or line to another. A local switching center may be
15 comprised of several central office units.

16 (5253) "Toll Connecting Trunk." A trunk which connects a local central office with its
17 toll operating office.

18 (5354) "Toll Message." A completed telephone call between stations in different
19 exchanges for which message toll charges are applicable.

20 (5455) "Toll Provider (TP)." Any entity~~telecommunications company~~ providing
21 interLATA long distance telecommunications service.

22 (5556) "Traffic Study." The process of recording usage measurements which can be
23 translated into required quantities of equipment.

24 (5657) "Trouble Report." Any oral or written report from a subscriber or user of
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1 telephone service to the telephone company indicating improper function or defective
2 conditions with respect to the operation of telephone facilities over which the telephone
3 company has control.

4 (5758) "Trunk." A communication channel between central office units or entities, or
5 private branch exchanges.

6 (5859) "Valid Number." A number for a specific telephone terminal in an assigned
7 area code and working central office which is equipped to ring and connect a calling party to
8 such terminal number.

9 *Specific Authority 350.127(2) FS.*

10 *Law Implemented 364.01, 364.02, 364.32, 364.335, 364.337, 364.3375, 364.3376, 364.602,*
11 *364.603, 364.604 FS.*

12 *History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.03, Amended 2-23-87, 3-4-92, 12-*
13 *21-93, 3-10-96, 12-28-98, 7-5-00.*

14 **25-4.044 Private Line/Special Access Cost Manual.**

15 ~~(1) Any person who requests a change in the rates, charges, terms or conditions of~~
16 ~~private line/special access service shall provide cost support for the request in accordance with~~
17 ~~the sample forms and methods prescribed by Form PSC/CMU 30 (12/86), which is~~
18 ~~incorporated into this rule by reference. However, changes in rates pursuant to such studies~~
19 ~~may only be implemented pursuant to a general revenue requirements proceeding. Form~~
20 ~~PSC/CMU 30 (12/86), entitled Private Line/Special Access Cost Manual, was effective on~~
21 ~~December 14, 1986 and may be obtained from the Commissions Division of~~
22 ~~Telecommunications. A person is not precluded from providing cost information of its choice~~
23 ~~in addition to that prescribed by Form PSC/CMU 30 (12/86).~~

24 ~~(2) A person subject to this rule may, in a particular case, request that the~~
25

1 ~~Commission waive the requirements of this rule in whole or part. Such a request may be~~
2 ~~granted when compliance would be impractical or would impose excessive cost, or where the~~
3 ~~requested change is of a nature that does not justify a cost analysis. The Commission may~~
4 ~~impose alternative requirements as a condition of a waiver. A telephone company with fewer~~
5 ~~than 1,750 private line/special access circuits may adopt a study previously filed with the~~
6 ~~Commission in lieu of providing its own study under Form PSC/CMU 30 or it may~~
7 ~~incorporate portions of a previously filed study into its own study.~~

8 ~~—— (3) — The purpose of this rule is to provide the Commission with a measure of cost of~~
9 ~~private line/special access service. A study using Form PSC/CMU 30 is required whenever a~~
10 ~~local exchange or major interexchange company proposes a change involving existing service.~~
11 ~~This rule does not affect Commission policy regarding how rates, charges, terms or conditions~~
12 ~~of such service are prescribed.~~

13 *Specific Authority 350.127(2) FS.*

14 *Law Implemented 364.14, 364.17 FS*

15 *History—New 12-15-86, Repealed.*

16 **25-4.079 Hearing/Speech Impaired Persons.**

17 (1) The telephone directory published by each local exchange telephone company
18 (LEC) shall:

19 (a) list, with other emergency numbers at the beginning of the directory,
20 Telecommunications Devices for the Deaf (TDD) numbers for emergency services, which
21 shall be denoted by the universal symbol for the hearing/speech impaired, i.e., a picture of an
22 ear with a slash across it;

23 (b) list the company's business office TDD number, which shall also be denoted by
24 said universal symbol, for communicating with hearing/speech impaired persons;
25

1 (c) at the option of and without charge to TDD users, have a special notation by
2 each TDD user's number indicating TDD or TDD plus voice capability;

3 (d) at the option of and without charge to hearing/speech impaired customers, not
4 list the number of any hearing/speech impaired customer who requests that it not be published.

5 (2) Each LEC shall provide directory and operator assistance to TDD users. The
6 numbers for these services shall be listed in the front of the directory and denoted by the
7 universal symbol.

8 (3) Each LEC shall compile informational literature about the services it makes
9 available to hearing/speech impaired persons and shall maintain this literature for public
10 inspection in the company's business office. Each company shall send this literature at no
11 charge to anyone requesting it and shall include this literature or a summary of it, once a year,
12 in the company's informational mailings.

13 (4) Intrastate toll message rates for TDD users shall be evening rates for daytime
14 calls and night rates for evening and night calls. These discounts shall be offered by all
15 ~~interexchange carriers~~ and LECs.

16 (5) Each LEC shall, pursuant to tariff, provide specialized customer premises
17 equipment (CPE), for lease or sale, to hearing/speech impaired persons. This specialized CPE
18 shall be priced to cover fully allocated costs without inclusion of a rate of return on investment
19 component. Each LEC company shall provide at least one type of each of the following
20 categories of specialized CPE:

- 21 (a) audible ring signalers;
22 (b) visual ring signalers;
23 (c) TDDs;
24 (d) volume control handsets.
25

1 *Specific Authority 350.127(2) FS*

2 *Law Implemented 364.01(4), 364.02, 364.025, 364.03, 364.04 FS*

3 *History—New 4-5-88, Amended 6-3-90.*

4 **25-4.115 Directory Assistance.**

5 (1) Directory assistance service provided by any telephone company shall be
6 subject to the following:

7 (a) Charges for directory assistance shall be reflected in tariffs filed with the
8 Commission and shall apply to the end-user.

9 (b) The tariff shall state the number of telephone numbers that may be requested by
10 a customer per directory assistance call.

11 (2) Charges for calls within a local calling area or within a customer's Home
12 Numbering Plan Area (HNPA) shall be at rates prescribed in the general service tariff of the
13 local exchange company originating the call and shall be subject to the following:

14 (a) There shall be no charge for directory assistance calls from lines or trunks
15 serving individuals with disabilities. As used in this rule subpart and paragraph (3)(a) thereof,
16 "disability" means, with respect to an individual – A physical or mental impairment that
17 prohibits a customer from using the telephone directory.

18 (b) The same charge shall apply for calls within a local calling area and calls
19 within an HNPA.

20 (c) The tariff shall state the number of calls per billing month per individual line or
21 trunk to the number designated for local directory assistance (i.e., 411, 311 or 611) for which
22 no charges will apply. The local exchange company shall charge for each local directory
23 assistance call in excess of this allowance. The charge shall not apply for calls from pay
24 stations.
25

1 (d) The local exchange company shall apply the charge for each call to the number
2 designated for long distance directory assistance within the customer's HNPA (i.e., 1 + (850)
3 555-1212).

4 ~~(3) Charges for intrastate calls to directory assistance outside of the caller's HNPA~~
5 ~~shall be at rates prescribed in the general services tariff of the interexchange companies and~~
6 ~~shall be subject to the following:~~

7 ~~(a) There shall be no charge for up to fifty calls per billing cycle from lines or~~
8 ~~trunks serving individuals with disabilities. See paragraph (2)(a) of this rule for the definition~~
9 ~~of "disability". The interexchange carrier shall charge its prevailing tariff rates for every call~~
10 ~~in excess of 50 within a billing cycle.~~

11 *Specific Authority 350.127 FS.*

12 *Law Implemented 364.02, 364.025, 364.03, 364.04, 364.07, 364.08 FS.*

13 *History—New 6-12-86, Amended 6-3-90, 5-31-93, 11-21-95.*

14 **25-4.118 Local, Local Toll, or Toll Provider Selection.**

15 (1) The provider of a customer shall not be changed without the customer's
16 authorization. The customer or other authorized person may change the residential service. For
17 the purposes of this section, the term "other authorized person" shall mean a person 18 years
18 of age or older within the same household. The person designated as the contact for the local
19 telecommunications company, an officer of the company, or the owner of the company is the
20 person authorized to change business service. A LEC shall accept a provider change request
21 by telephone call or letter directly from its customers; or (2) A LEC shall accept a change
22 request from a certified LP or IXC acting on behalf of the customer. A certificated LP or IXC
23 shall submit a change request only if it has first certified to the LEC that at least one of the
24 following actions has occurred:
25

1 (a) The provider has a letter of agency (LOA), as described in subsection (3), from
2 the customer requesting the change;

3 (b) The provider has received a customer-initiated call, and beginning six months
4 after the effective date of this rule has obtained the following:

5 1. The information set forth in subparagraphs (3)(a)1. through 5.; and

6 2. Verification data including at least one of the following:

7 a. The customer's date of birth;

8 b. The last four digits of the customer's social security number; or

9 c. The customer's mother's maiden name.

10 (c) A firm that is independent and unaffiliated with the provider claiming the
11 subscriber has verified the customer's requested change by obtaining the following:

12 1. The customer's consent to record the requested change or the customer has
13 been notified that the call will be recorded; and

14 2. Beginning six months after the effective date of this rule an audio recording
15 of the information stated in subparagraphs (3)(a)1. through 5.; or

16 (d)1. The provider has received a customer's change request, and has responded by
17 mailing an informational package that shall include the following:

18 a. A notice that the information is being sent to confirm that a customer's
19 request to change the customer's telecommunications provider was obtained;

20 b. A description of any terms, conditions, or charges that will be incurred;

21 c. The name, address, and telephone number of both the customer and the
22 soliciting company;

23 d. A postcard which the customer can use to confirm a change request;

24
25

1 e. A clear statement that the customer's local, local toll, or toll provider will be
2 changed to the soliciting company only if the customer signs and returns the postcard
3 confirming the change; and,

4 f. A notice that the customer may contact by writing the Commission, 2540
5 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or by calling, toll-free
6 (TDD & Voice) 1 (800) 342-3552, for consumer complaints.

7 2. The soliciting company shall submit the change request to the LP only if it
8 has first received the postcard that must be signed by the customer.

9 (3)(a) The LOA submitted to the company requesting a provider change shall include
10 the following information (Each shall be separately stated):

11 1. Customer's billing name, address, and each telephone number to be changed;

12 2. Statement clearly identifying the certificated name of the provider and the
13 service to which the customer wishes to subscribe, whether or not it uses the facilities
14 of another company;

15 3. Statement that the person requesting the change is authorized to request the
16 change;

17 4. Statement that the customer's change request will apply only to the number
18 on the request and there must only be one presubscribed local, one presubscribed local
19 toll, and one presubscribed toll provider for each number;

20 5. Statement that the LEC may charge a fee for each provider change;

21 6. Customer's signature and a statement that the customer's signature or
22 endorsement on the document will result in a change of the customer's provider.
23

1 (b) The soliciting company's provider change fee statement, as described in
2 subparagraph (a)5. above, shall be legible, printed in boldface at least as large as any other text
3 on the page, and located directly above the signature line.

4 (c) The soliciting company's provider change statement, as described in
5 subparagraph (a)6. above, shall be legible, printed in boldface at least as large as any other text
6 on the page, and located directly below the signature line.

7 (4) The LOA shall not be combined with inducements of any kind on the same
8 document. The document as a whole must not be misleading or deceptive. For purposes of this
9 rule, the terms "misleading or deceptive" mean that, because of the style, format or content of
10 the document or oral statements, it would not be readily apparent to the person signing the
11 document or providing oral authorization that the purpose of the signature or the oral
12 authorization was to authorize a provider change, or it would be unclear to the customer who
13 the new provider would be; that the customer's selection would apply only to the number
14 listed and there could only be one long distance service provider for that number; or that the
15 customer's LP might charge a fee to switch service providers. If any part of the LOA is
16 written in a language other than English, then it must contain all relevant information in each
17 language. Notwithstanding the above, the LOA may be combined with checks that contain
18 only the required LOA language as prescribed in subsection (3) of this section and the
19 information necessary to make the check a negotiable instrument. The LOA check shall not
20 contain any promotional language or material. The LOA check shall contain in easily
21 readable, bold-face type on the front of the check, a notice that the consumer is authorizing a
22 primary carrier change by signing the check. The LOA language shall be paced near the
23 signature line on the back of the check.
24
25

1 (5) A prospective provider must have received the signed LOA before initiating the
2 change.

3 (6) Information obtained under paragraphs (2)(a) through (d) shall be maintained
4 by the provider for a period of one year.

5 (7) Customer requests for other services, such as travel card service, do not
6 constitute a provider change.

7 (8) Charges for unauthorized provider changes and all 1+ charges billed on behalf
8 of the unauthorized provider for the first 30 days or first billing cycle, whichever is longer,
9 shall be credited to the customer by the company responsible for the error within 45 days of
10 notification to the company by the customer, unless the claim is false. After the first 30 days
11 up to 12 months, all 1+ charges over the rates of the preferred company will be credited to the
12 customer by the company responsible for the error within 45 days of notification to the
13 company by the customer, unless the claim is false. Upon notice from the customer of an
14 unauthorized provider
15 change, the LEC shall change the customer back, or to another company of the customer's
16 choice. The change must be made within 24 hours excepting Saturday, Sunday, and holidays,
17 in which case the change shall be made by the end of the next business day. The provisions of
18 this subsection apply whether or not the change is deemed to be an authorized carrier change
19 infraction under subsection (13).

20 (9) The company shall provide the following disclosures when soliciting a change
21 in service from a customer:

22 (a) Identification of the company;

23 (b) That the purpose of the visit or call is to solicit a change of the provider of the
24 customer;
25

1 (c) That the provider shall not be changed unless the customer authorizes the change;

2 ~~and~~

3 ~~(d) All information as referenced in subsection 25-24.490(3), F.A.C.~~

4 (d) Upon a customer's request, the following information will be provided verbally or
5 in writing:

6 (d) 1. Any nonrecurring charge;

7 (e) 2. Any monthly service charge or minimum usage charge;

8 (f) 3. Company deposit practices;

9 (g) 4. Any charge applicable to call attempts not answered;

10 (h) 5. A statement of when charging for a call begins and ends; and

11 (i) 6. A statement of billing adjustment practices for wrong numbers or incorrect bills.

12 (10) During telemarketing and verification, no misleading or deceptive references
13 shall be made while soliciting for subscribers.

14 (11) A provider must provide the customer a copy of the authorization it relies upon
15 in submitting the change request within 15 calendar days of request.

16 (12) Each provider shall maintain a toll-free number for accepting complaints
17 regarding unauthorized provider changes, which may be separate from its other customer
18 service numbers, and must be answered 24 hours a day, seven days a week. If the number is a
19 separate toll-free number, beginning six months after the effective date of this rule new
20 customers must be notified of the number in the information package provided to new
21 customers or on their first bill. The number shall provide a live operator or shall record end
22 user complaints made to the customer service number to answer incoming calls. A
23 combination of live operators and recorders may be used. If a recorder is used, the company
24 shall attempt to contact each complainant no later than the next business day following the
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1 date of recording and for three subsequent days unless the customer is reached. If the customer
2 is not reached, the company shall send a letter to the customer's billing address informing the
3 customer as to the best time the customer should call or provide an address to which
4 correspondence should be sent to the company. Beginning six months after the effective date
5 of this rule, a minimum of 95 percent of all call attempts shall be transferred by the system to
6 a live attendant or recording device prepared to give immediate assistance within 60 seconds
7 after the last digit of the telephone number listed as the customer service number for
8 unauthorized provider change complaints was dialed; provided that if the call is completed
9 within 15 seconds to an interactive, menu-driven, voice response unit, the 60-second answer
10 time shall be measured from the point at which the customer selects a menu option to be
11 connected to a live attendant. Station busies will not be counted as completed calls. The term
12 "answer" as used in this subsection means more than an acknowledgment that the customer is
13 waiting on the line. It shall mean the provider is ready to render assistance or accept the
14 information necessary to process the call.

15 (13)(a) A company shall not be deemed to have committed an unauthorized carrier
16 change infraction if the company, including its agents and contractors, did the following:

- 17 1. Followed the procedures required under subsection (2) with respect to the
18 person requesting the change;
- 19 2. Followed these procedures in good faith; and
- 20 3. Complied with the credit procedures of subsection (8).

21 (b) In determining whether fines or other remedies are appropriate for an
22 unauthorized carrier change infraction, the Commission shall consider the actions taken by the
23 company to mitigate or undo the effects of the unauthorized change. These actions include but
24 are not limited to whether the company, including its agents and contractors:
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1. Followed the procedures required under subsection (2) with respect to the person requesting the change in good faith;
2. Complied with the credit procedures of subsection (8);
3. Took prompt action in response to the unauthorized change;
4. Reported to the Commission any unusual circumstances that might have adversely affected customers such as system errors or inappropriate marketing practices that resulted in unauthorized changes and the remedial action taken;
5. Reported any unauthorized provider changes concurrently affecting a large number of customers; or
6. Took other corrective action to remedy the unauthorized change appropriate under the circumstances.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.19, 364.285, 364.603 FS.

History—New 3-4-92, Amended 5-31-95, 12-28-98.

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