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Public Service Commission

December 17, 2012

Kenneth J. Plante, Coordinator
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400

RE: Docket No. 120266-TP; Rules 25-4.083, 25-4.118, and 25-24-845, F.A.C.

Dear Mr. Plante:

Enclosed are the following materials concerning the above-referenced proposed rules:

1. A copy of the proposed rules.
2. A copy of 47 C.F.R. 64.1100 (2001), which is incorporated by reference into proposed Rule 25-4.118, F.A.C.
3. A copy of 47 C.F.R. 64.1120 (2008), which is incorporated by reference into proposed Rule 25-4.118, F.A.C.
4. A copy of 47 C.F.R. 64.1130 (2008), which is incorporated by reference into proposed Rule 25-4.118, F.A.C.
5. A copy of 47 C.F.R. 64.1190 (2008), which is incorporated by reference into proposed Rule 25-4.118, F.A.C.
6. A copy of the F.A.R. notices.
7. A statement of facts and circumstances justifying the proposed rules.
8. A federal standards statement.
9. Statement of Estimated Regulatory Costs for the rules.

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Mr. Kenneth J. Plante
December 17, 2012
Page 2

If there are any questions with respect to these rules, please do not hesitate to call me at 413-6224.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosanne Gervasi". The signature is fluid and cursive, with a prominent initial "R" and "G".

Rosanne Gervasi
Senior Attorney

Enclosures

cc: Office of Commission Clerk

1 **25-4.118 Changing of a Subscriber's Telecommunications Service and Preferred Carrier**
2 **Freeze, Local, Local Toll, or Toll Provider Selection.**

3 (1) A telecommunications company shall meet the requirements as prescribed by the
4 Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64,
5 Subpart K, Sections 64.1100 Definitions, as amended March 1, 2001, 64.1120 Verification of
6 Orders for Telecommunications Service, as amended March 12, 2008, and 64.1130 Letter of
7 Agency Form and Content, as amended March 12, 2008, which are hereby incorporated into
8 this rule by reference. ~~The provider of a customer shall not be changed without the customer's~~
9 ~~authorization. The customer or other authorized person may change the residential service. For~~
10 ~~the purposes of this section, the term "other authorized person" shall mean a person 18 years~~
11 ~~of age or older within the same household. The person designated as the contact for the local~~
12 ~~telecommunications company, an officer of the company, or the owner of the company is the~~
13 ~~person authorized to change business service. A LEC shall accept a provider change request~~
14 ~~by telephone call or letter directly from its customers; or~~

15 (2)(a) A telecommunications company shall not be deemed to have committed an
16 unauthorized carrier change infraction if the company, including its agents and contractors,
17 did the following: ~~A LEC shall accept a change request from a certified LP or IXC acting on~~
18 ~~behalf of the customer. A certificated LP or IXC shall submit a change request only if it has~~
19 ~~first certified to the LEC that at least one of the following actions has occurred:~~

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

22 1. Followed the procedures required under subsection (1) in good faith, with respect to
23 the person requesting the change; and

24 2. Complied with the credit procedures of subsection (3).

25 (b) In cases where a company fails to meet the requirements of (2)(a), the Commission

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1 will determine whether penalties or other remedies are appropriate for an unauthorized carrier
2 change infraction. In so doing, the Commission will consider the actions taken by the
3 company to mitigate or undo the effects of the unauthorized change. These actions will
4 include whether the company, including its agents and contractors: ~~The provider has received~~
5 ~~a customer-initiated call, and beginning six months after the effective date of this rule has~~
6 ~~obtained the following:~~

7 1. Followed the procedures required under subsection (1) with respect to the person
8 requesting the change in good faith; ~~The information set forth in subparagraphs (3)(a)1-~~
9 ~~through 5.; and~~

10 2. Complied with the credit procedures of subsection (3); ~~Verification data including~~
11 ~~at least one of the following:~~

12 ~~a. The customer's date of birth;~~

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

14 ~~c. The customer's mother's maiden name.~~

15 3. Took prompt action in response to the unauthorized change;

16 4. Reported to the Commission any unusual circumstances that might have adversely
17 affected customers such as system errors or inappropriate marketing practices that resulted in
18 unauthorized changes and the remedial action taken;

19 5. Reported any unauthorized carrier changes concurrently affecting a large number of
20 customers; and

21 6. Took other corrective action to remedy the unauthorized change appropriate under
22 the circumstances.

23 ~~(e) A firm that is independent and unaffiliated with the provider claiming the~~
24 ~~subscriber has verified the customer's requested change by obtaining the following:~~

25 ~~1. The customer's consent to record the requested change or the customer has been~~

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1 notified that the call will be recorded; and

2 ~~2. Beginning six months after the effective date of this rule an audio recording of the~~

3 ~~information stated in subparagraphs (3)(a)1. through 5.; or~~

4 ~~(d)1. The provider has received a customer's change request, and has responded by~~

5 ~~mailing an informational package that shall include the following:~~

6 ~~a. A notice that the information is being sent to confirm that a customer's request to~~

7 ~~change the customer's telecommunications provider was obtained;~~

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

9 ~~e. The name, address, and telephone number of both the customer and the soliciting~~

10 ~~company;~~

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

12 ~~e. A clear statement that the customer's local, local toll, or toll provider will be~~

13 ~~changed to the soliciting company only if the customer signs and returns the postcard~~

14 ~~confirming the change; and~~

15 ~~f. A notice that the customer may contact by writing the Commission's Division of~~

16 ~~Service, Safety and Consumer Assistance, 2540 Shumard Oak Boulevard, Tallahassee, Florida~~

17 ~~32399-0850, or by calling, toll free (TDD & Voice) 1 (800) 342-3552, for consumer~~

18 ~~complaints.~~

19 ~~2. The soliciting company shall submit the change request to the LP only if it has first~~

20 ~~received the postcard that must be signed by the customer.~~

21 (3)(a) Charges for unauthorized carrier changes billed on behalf of the unauthorized

22 carrier for the first 30 days or first billing cycle, whichever is longer, shall be credited to the

23 customer by the company responsible for the error within 45 days of notification to the

24 company by the customer, unless the claim is false. Upon notice from the customer of an

25 unauthorized carrier change, the telecommunications company shall change the customer

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1 back, or to another company of the customer's choice. The LOA submitted to the company
2 requesting a provider change shall include the following information (Each shall be separately
3 stated):

- 4 1. ~~Customer's billing name, address, and each telephone number to be changed;~~
- 5 2. ~~Statement clearly identifying the certificated name of the provider and the service to~~
6 ~~which the customer wishes to subscribe, whether or not it uses the facilities of another~~
7 ~~company;~~
- 8 3. ~~Statement that the person requesting the change is authorized to request the change;~~
- 9 4. ~~Statement that the customer's change request will apply only to the number on the~~
10 ~~request and there must only be one presubscribed local, one presubscribed local toll, and one~~
11 ~~presubscribed toll provider for each number;~~
- 12 5. ~~Statement that the LEC may charge a fee for each provider change;~~
- 13 6. ~~Customer's signature and a statement that the customer's signature or endorsement~~
14 ~~on the document will result in a change of the customer's provider.~~

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

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

21 (4) A telecommunications company shall make available a preferred carrier freeze
22 upon a subscriber's request and shall meet the requirements as prescribed by the Federal
23 Communications Commission in Title 47, Code of Federal Regulations, Part 64, Subpart K,
24 Section 64.1190, Preferred Carrier Freeze, as amended March 12, 2008, which is hereby
25 incorporated into this rule by reference. The LOA shall not be combined with inducements of

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

17 (5) A preferred carrier freeze shall not be required as a condition for obtaining service.

18 ~~A prospective provider must have received the signed LOA before initiating the change.~~

19 (6) A preferred carrier freeze shall be implemented or removed at no charge to the
20 subscriber. Information obtained under paragraphs (2)(a) through (d) shall be maintained by
21 the provider for a period of one year.

22 (7) A telecommunications company shall provide notification to subscribers with the
23 customer's first bill, by letter or by electronic communication, and annually thereafter, that a
24 preferred carrier freeze is available at no charge. Existing customers shall be notified annually
25 that a preferred carrier freeze is available at no charge. Any of the foregoing notifications may

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1 be provided by a standard sized message on a customer's bill. ~~Customer requests for other~~
2 ~~services, such as travel card service, do not constitute a provider change.~~

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

15 ~~(9) The company shall provide the following disclosures when soliciting a change in~~
16 ~~service from a customer:~~

17 ~~(a) Identification of the company;~~

18 ~~(b) That the purpose of the visit or call is to solicit a change of the provider of the~~
19 ~~customer;~~

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

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

23 ~~1. Any nonrecurring charge;~~

24 ~~2. Any monthly service charge or minimum usage charge;~~

25 ~~3. Company deposit practices;~~

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1 4. Any charge applicable to call attempts not answered;
2 5. A statement of when charging for a call begins and ends; and
3 6. A statement of billing adjustment practices for wrong numbers or incorrect bills.
4 ~~(10) During telemarketing and verification, no misleading or deceptive references shall~~
5 ~~be made while soliciting for subscribers.~~
6 ~~(11) A provider must provide the customer a copy of the authorization it relies upon in~~
7 ~~submitting the change request within 15 calendar days of request.~~
8 ~~(12) Each provider shall maintain a toll free number for accepting complaints~~
9 ~~regarding unauthorized provider changes, which may be separate from its other customer~~
10 ~~service numbers, and must be answered 24 hours a day, seven days a week. If the number is a~~
11 ~~separate toll free number, beginning six months after the effective date of this rule new~~
12 ~~customers must be notified of the number in the information package provided to new~~
13 ~~customers or on their first bill. The number shall provide a live operator or shall record end~~
14 ~~user complaints made to the customer service number to answer incoming calls. A~~
15 ~~combination of live operators and recorders may be used. If a recorder is used, the company~~
16 ~~shall attempt to contact each complainant no later than the next business day following the~~
17 ~~date of recording and for three subsequent days unless the customer is reached. If the customer~~
18 ~~is not reached, the company shall send a letter to the customer's billing address informing the~~
19 ~~customer as to the best time the customer should call or provide an address to which~~
20 ~~correspondence should be sent to the company. Beginning six months after the effective date~~
21 ~~of this rule, a minimum of 95 percent of all call attempts shall be transferred by the system to~~
22 ~~a live attendant or recording device prepared to give immediate assistance within 60 seconds~~
23 ~~after the last digit of the telephone number listed as the customer service number for~~
24 ~~unauthorized provider change complaints was dialed; provided that if the call is completed~~
25 ~~within 15 seconds to an interactive, menu-driven, voice response unit, the 60-second answer~~

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1 time shall be measured from the point at which the customer selects a menu option to be
2 connected to a live attendant. Station busies will not be counted as completed calls. The term
3 "answer" as used in this subsection means more than an acknowledgment that the customer is
4 waiting on the line. It shall mean the provider is ready to render assistance or accept the
5 information necessary to process the call.

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

8 1. Followed the procedures required under subsection (2) with respect to the person
9 requesting the change;

10 2. Followed these procedures in good faith; and

11 3. Complied with the credit procedures of subsection (8).

12 (b) In determining whether fines or other remedies are appropriate for an unauthorized
13 carrier change infraction, the Commission shall consider the actions taken by the company to
14 mitigate or undo the effects of the unauthorized change. These actions include but are not
15 limited to whether the company, including its agents and contractors:

16 1. Followed the procedures required under subsection (2) with respect to the person
17 requesting the change in good faith;

18 2. Complied with the credit procedures of subsection (8);

19 3. Took prompt action in response to the unauthorized change;

20 4. Reported to the Commission any unusual circumstances that might have adversely
21 affected customers such as system errors or inappropriate marketing practices that resulted in
22 unauthorized changes and the remedial action taken;

23 5. Reported any unauthorized provider changes concurrently affecting a large number
24 of customers; or

25 6. Took other corrective action to remedy the unauthorized change appropriate under

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1 the circumstances.

2 Rulemaking Authority 350.127(2), 364.01, 364.16(5) FS. Law Implemented 364.01,
3 364.16(5), 364.19, 364.285, 364.603 FS. History—New 3-4-92, Amended 5-31-95, 12-28-98,
4 5-8-05, XX-XX-XX.

5 **25-4.083 Preferred Carrier Freeze.**

6 (1) ~~A local provider shall make available a PC Freeze upon a subscriber's request.~~

7 (2) ~~A PC Freeze shall not be required as a condition for obtaining service.~~

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

9 (4) ~~In addition to the requirements listed in subsections (1) through (3) above, a local~~
10 ~~provider shall meet the requirements as prescribed by the Federal Communications~~
11 ~~Commission in Title 47, Code of Federal Regulations, Part 64, Section 64.1190, Preferred~~
12 ~~Carrier Freeze, revised as of October 1, 2007, which is hereby incorporated into this rule by~~
13 ~~reference.~~

14 *Rulemaking Authority 350.127, 364.01, 364.603 FS. Law Implemented 364.01, 364.603 FS.*
15 *History—New 9-9-04, Amended 10-21-09, Repealed XX-XX-XX.*

16 **25-24.845 Customer Relations.**

17 ~~The following rules apply to CLECs. In the following rules, the acronym "LEC" should be~~
18 ~~omitted or interpreted as "CLEC".~~

19 ~~Section Title Portions Applicable~~

20 ~~25-4.082 Number Portability All~~

21 ~~25-4.083 Preferred Carrier Freeze All~~

22 ~~25-4.110 Customer Billing Subsections (11), (12), (14), (15), (16), (17),~~
23 ~~(18), and (20)~~

24 ~~24-4.118 Local, Local Toll, or Toll Provider Selection All~~

25 *Rulemaking Authority 350.127(2), 364.337(2), 364.604(5) FS. Law Implemented 364.16,*

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1 364.337(2), 364.602, 364.603, 364.604 FS. History—New 12-28-98, Amended 7-5-00, 11-16-
2 03, 9-9-04, Repealed XX-XX-XX.
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§64.1100

47 CFR Ch. I (10-1-11 Edition)

(b) A carrier that enters into an operating or other agreement with a foreign carrier for the provision of a common carrier service on an international route is not subject to the requirements of paragraph (a) of this section if the route appears on the Commission's list of international routes that the Commission has exempted from the international settlements policy. This list is available on the International Bureau's World Wide Web site at <http://www.fcc.gov/ib>.

(c) A carrier that seeks to add a U.S. international route to the list of routes that are exempt from the international settlements policy must make its request to the International Bureau, accompanied by a showing that a U.S. carrier has entered into a benchmark-compliant settlement rate agreement with a foreign carrier that possesses market power in the country at the foreign end of the U.S. international route that is the subject of the request. The required showing shall consist of an effective accounting rate modification, filed pursuant to §64.1001, that includes a settlement rate that is at or below the Commission's benchmark settlement rate adopted for that country in IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19,806, 62 FR 45758, Aug. 29, 1997, available on the International Bureau's World Wide Web site at <http://www.fcc.gov/ib>.

(d) A carrier or other party may request Commission intervention on a route that the Commission has exempted from the international settlements policy by filing with the International Bureau a petition, pursuant to this section, demonstrating anticompetitive behavior that is harmful to U.S. customers. Carriers and other parties filing complaints must support their petitions with evidence, including an affidavit and relevant commercial agreements. The International Bureau will review complaints on a case-by-case basis and take appropriate action on delegated authority pursuant to §0.261 of this chapter. Interested parties will have 10 days from the date of issuance of a public notice of the petition to file comments or oppositions to such petitions and subsequently 7 days for replies. In the event significant, immediate harm to the public interest is

likely to occur that cannot be addressed through *post facto* remedies, the International Bureau may impose temporary requirements on carriers authorized pursuant to §63.18 of this chapter without prejudice to its findings on such petitions.

NOTE 1 TO §64.1002: For purposes of this section, *foreign carrier* is defined in §63.09 of this chapter.

NOTE 2 TO §64.1002: For purposes of this section, a *foreign carrier* shall be considered to possess market power if it appears on the Commission's list of foreign carriers that do not qualify for the presumption that they lack market power in particular foreign points. This list is available on the International Bureau's World Wide Web site at <http://www.fcc.gov/ib>.

(e) Subject to the availability of electronic forms, all filings described in this section must be filed electronically through the International Bureau Filing System (IBFS). A list of forms that are available for electronic filing can be found on the IBFS homepage. For information on electronic filing requirements, see part 1, §§1.1000 through 1.10018 of this chapter and the IBFS homepage at <http://www.fcc.gov/ibfs>. See also §§63.20 and 63.53.

[69 FR 23155, Apr. 28, 2004, as amended at 70 FR 38800, July 6, 2005]

**Subpart K—Changes in Preferred
Telecommunications Service
Providers**

§64.1100 Definitions.

(a) The term *submitting carrier* is generally any 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. A carrier may be treated as a submitting carrier, however, if it is responsible for any unreasonable delays in the submission of carrier change requests or for the submission of unauthorized carrier change requests, including fraudulent authorizations.

(b) The term *executing carrier* is generally any telecommunications carrier that effects a request that a subscriber's telecommunications carrier be changed. A carrier may be treated as an executing carrier, however, if it

is responsible for any unreasonable delays in the execution of carrier changes or for the execution of unauthorized carrier changes, including fraudulent authorizations.

(c) The term *authorized carrier* is generally any telecommunications carrier that submits a change, on behalf of a subscriber, in the subscriber's selection of a provider of telecommunications service with the subscriber's authorization verified in accordance with the procedures specified in this part.

(d) The term *unauthorized carrier* is generally any telecommunications carrier that submits a change, on behalf of a subscriber, in the subscriber's selection of a provider of telecommunications service but fails to obtain the subscriber's authorization verified in accordance with the procedures specified in this part.

(e) The term *unauthorized change* is a change in a subscriber's selection of a provider of telecommunications service that was made without authorization verified in accordance with the verification procedures specified in this part.

(f) The term *state commission* shall include any state entity with the state-designated authority to resolve the complaints of such state's residents arising out of an allegation that an unauthorized change of a telecommunication service provider has occurred that has elected, in accordance with the requirements of § 64.1110(a), to administer the Federal Communications Commission's slamming rules and remedies, as enumerated in §§ 64.1100 through 64.1190.

(g) The term *relevant governmental agency* shall be the state commission if the complainant files a complaint with the state commission or if the complaint is forwarded to the state commission by the Federal Communications Commission, and the Federal Communications Commission if the complainant files a complaint with the Federal Communications Commission, and the complaint is not forwarded to a state commission.

(h) The term *subscriber* is any one of the following:

(1) The party identified in the account records of a common carrier as

responsible for payment of the telephone bill;

(2) Any adult person authorized by such party to change telecommunications services or to charge services to the account; or

(3) Any person contractually or otherwise lawfully authorized to represent such party.

[65 FR 47690, Aug. 3, 2000, as amended at 66 FR 12892, Mar. 1, 2001]

§ 64.1110 State notification of election to administer FCC rules.

(a) *Initial Notification.* State notification of an intention to administer the Federal Communications Commission's unauthorized carrier change rules and remedies, as enumerated in §§ 64.1100 through 64.1190, shall be filed with the Commission Secretary in CC Docket No. 94-129 with a copy of such notification provided to the Consumer & Governmental Affairs Bureau Chief. Such notification shall contain, at a minimum, information on where consumers should file complaints, the type of documentation, if any, that must accompany a complaint, and the procedures the state will use to adjudicate complaints.

(b) *Withdrawal of Notification.* State notification of an intention to discontinue administering the Federal Communications Commission's unauthorized carrier change rules and remedies, as enumerated in §§ 64.1100 through 64.1190, shall be filed with the Commission Secretary in CC Docket No. 94-129 with a copy of such amended notification provided to the Consumer & Governmental Affairs Bureau Chief. Such discontinuance shall become effective 60 days after the Commission's receipt of the state's letter.

[66 FR 47691, Aug. 3, 2000, as amended at 73 FR 13149, Mar. 12, 2008]

§ 64.1120 Verification of orders for telecommunications service.

(a) No telecommunications carrier shall submit or execute a change on the behalf of a subscriber in the subscriber's selection of a provider of telecommunications service except in accordance with the procedures prescribed in this subpart. Nothing in this

section shall preclude any State commission from enforcing these procedures with respect to intrastate services.

(1) No submitting carrier shall submit a change on the behalf of a subscriber in the subscriber's selection of a provider of telecommunications service prior to obtaining:

(i) Authorization from the subscriber, and

(ii) Verification of that authorization in accordance with the procedures prescribed in this section. The submitting carrier shall maintain and preserve records of verification of subscriber authorization for a minimum period of two years after obtaining such verification.

(2) An executing carrier shall not verify the submission of a change in a subscriber's selection of a provider of telecommunications service received from a submitting carrier. For an executing carrier, compliance with the procedures described in this part shall be defined as prompt execution, without any unreasonable delay, of changes that have been verified by a submitting carrier.

(3) Commercial mobile radio services (CMRS) providers shall be excluded from the verification requirements of this part as long as they are not required to provide equal access to common carriers for the provision of telephone toll services, in accordance with 47 U.S.C. 332(c)(8).

(b) Where a telecommunications carrier is selling more than one type of telecommunications service (*e.g.*, local exchange, intraLATA toll, and interLATA toll), that carrier must obtain separate authorization from the subscriber for each service sold, although the authorizations may be obtained within the same solicitation. Each authorization must be verified separately from any other authorizations obtained in the same solicitation. Each authorization must be verified in accordance with the verification procedures prescribed in this part.

(c) No telecommunications carrier shall submit a preferred carrier change order unless and until the order has been confirmed in accordance with one of the following procedures:

(1) The telecommunications carrier has obtained the subscriber's written or electronically signed authorization in a form that meets the requirements of § 64.1130; or

(2) The telecommunications carrier has obtained the subscriber's electronic authorization to submit the preferred carrier change order. Such authorization must be placed from the telephone number(s) on which the preferred carrier is to be changed and must confirm the information in paragraph (a)(1) of this section. Telecommunications carriers electing to confirm sales electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar mechanism, that records the required information regarding the preferred carrier change, including automatically recording the originating automatic number identification; or

(3) An appropriately qualified independent third party has obtained, in accordance with the procedures set forth in paragraphs (c)(3)(i) through (c)(3)(iv) of this section, the subscriber's oral authorization to submit the preferred carrier change order that confirms and includes appropriate verification data (*e.g.*, the subscriber's date of birth or social security number). The independent third party must not be owned, managed, controlled, or directed by the carrier or the carrier's marketing agent; must not have any financial incentive to confirm preferred carrier change orders for the carrier or the carrier's marketing agent; and must operate in a location physically separate from the carrier or the carrier's marketing agent.

(i) *Methods of third party verification.* Automated third party verification systems and three-way conference calls may be used for verification purposes so long as the requirements of paragraphs (c)(3)(ii) through (c)(3)(iv) of this section are satisfied.

(ii) *Carrier initiation of third party verification.* A carrier or a carrier's sales representative initiating a three-way conference call or a call through an automated verification system must drop off the call once the three-way connection has been established.

Federal Communications Commission

§ 64.1120

(iii) *Requirements for content and format of third party verification.* Any description of the carrier change transaction by a third party verifier must not be misleading, and all third party verification methods shall elicit, at a minimum: The date of the verification; the identity of the subscriber; confirmation that the person on the call is authorized to make the carrier change; confirmation that the person on the call wants to make the carrier change; confirmation that the person on the call understands that a carrier change, not an upgrade to existing service, bill consolidation, or any other misleading description of the transaction, is being authorized; the names of the carriers affected by the change (not including the name of the displaced carrier); the telephone numbers to be switched; and the types of service involved (including a brief description of a service about which the subscriber demonstrates confusion regarding the nature of that service). Except in Hawaii, any description of interLATA or long distance service shall convey that it encompasses both international and state-to-state calls, as well as some intrastate calls where applicable. If the subscriber has additional questions for the carrier's sales representative during the verification, the verifier shall indicate to the subscriber that, upon completion of the verification process, the subscriber will have authorized a carrier change. Third party verifiers may not market the carrier's services by providing additional information, including information regarding preferred carrier freeze procedures.

(iv) *Other requirements for third party verification.* All third party verifications shall be conducted in the same language that was used in the underlying sales transaction and shall be recorded in their entirety. In accordance with the procedures set forth in 64.1120(a)(1)(ii), submitting carriers shall maintain and preserve audio records of verification of subscriber authorization for a minimum period of two years after obtaining such verification. Automated systems must provide consumers with an option to speak with a live person at any time during the call.

(4) Any State-enacted verification procedures applicable to intrastate preferred carrier change orders only.

(d) Telecommunications carriers must provide subscribers the option of using one of the authorization and verification procedures specified in §64.1120(c) in addition to an electronically signed authorization and verification procedure under 64.1120(c)(1).

(e) A telecommunications carrier may acquire, through a sale or transfer, either part or all of another telecommunications carrier's subscriber base without obtaining each subscriber's authorization and verification in accordance with §64.1120(c), provided that the acquiring carrier complies with the following streamlined procedures. A telecommunications carrier may not use these streamlined procedures for any fraudulent purpose, including any attempt to avoid liability for violations under part 64, subpart K of the Commission rules.

(1) No later than 30 days before the planned transfer of the affected subscribers from the selling or transferring carrier to the acquiring carrier, the acquiring carrier shall file with the Commission's Office of the Secretary a letter notification in CC Docket No. 00-257 providing the names of the parties to the transaction, the types of telecommunications services to be provided to the affected subscribers, and the date of the transfer of the subscriber base to the acquiring carrier. In the letter notification, the acquiring carrier also shall certify compliance with the requirement to provide advance subscriber notice in accordance with §64.1120(e)(3), with the obligations specified in that notice, and with other statutory and Commission requirements that apply to this streamlined process. In addition, the acquiring carrier shall attach a copy of the notice sent to the affected subscribers.

(2) If, subsequent to the filing of the letter notification with the Commission required by §64.1120(e)(1), any material changes to the required information should develop, the acquiring carrier shall file written notification of these changes with the Commission no more than 10 days after the transfer

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date announced in the prior notification. The Commission reserves the right to require the acquiring carrier to send an additional notice to the affected subscribers regarding such material changes.

(3) Not later than 30 days before the transfer of the affected subscribers from the selling or transferring carrier to the acquiring carrier, the acquiring carrier shall provide written notice to each affected subscriber of the information specified. The acquiring carrier is required to fulfill the obligations set forth in the advance subscriber notice. The advance subscriber notice shall be provided in a manner consistent with 47 U.S.C. 255 and the Commission's rules regarding accessibility to blind and visually-impaired consumers, 47 CFR 6.3, 6.5 of this chapter. The following information must be included in the advance subscriber notice:

(i) The date on which the acquiring carrier will become the subscriber's new provider of telecommunications service,

(ii) The rates, terms, and conditions of the service(s) to be provided by the acquiring carrier upon the subscriber's transfer to the acquiring carrier, and the means by which the acquiring carrier will notify the subscriber of any change(s) to these rates, terms, and conditions.

(iii) The acquiring carrier will be responsible for any carrier change charges associated with the transfer, except where the carrier is acquiring customers by default, other than through bankruptcy, and state law requires the exiting carrier to pay these costs;

(iv) The subscriber's right to select a different preferred carrier for the telecommunications service(s) at issue, if an alternative carrier is available,

(v) All subscribers receiving the notice, even those who have arranged preferred carrier freezes through their local service providers on the service(s) involved in the transfer, will be transferred to the acquiring carrier, unless they have selected a different carrier before the transfer date; existing preferred carrier freezes on the service(s) involved in the transfer will be lifted; and the subscribers must contact their

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local service providers to arrange a new freeze.

(vi) Whether the acquiring carrier will be responsible for handling any complaints filed, or otherwise raised, prior to or during the transfer against the selling or transferring carrier, and

(vii) The toll-free customer service telephone number of the acquiring carrier.

[65 FR 47691, Aug. 3, 2000, as amended at 66 FR 12892, Mar. 1, 2001; 66 FR 28124, May 22, 2001; 68 FR 19159, Apr. 18, 2003; 70 FR 12611, Mar. 15, 2005; 73 FR 13149, Mar. 12, 2008]

§ 64.1130 Letter of agency form and content.

(a) A telecommunications carrier may use a written or electronically signed letter of agency to obtain authorization and/or verification of a subscriber's request to change his or her preferred carrier selection. A letter of agency that does not conform with this section is invalid for purposes of this part.

(b) The letter of agency shall be a separate document (or an easily separable document) or located on a separate screen or webpage containing only the authorizing language described in paragraph (e) of this section having the sole purpose of authorizing a telecommunications carrier to initiate a preferred carrier change. The letter of agency must be signed and dated by the subscriber to the telephone line(s) requesting the preferred carrier change.

(c) The letter of agency shall not be combined on the same document, screen, or webpage with inducements of any kind.

(d) Notwithstanding paragraphs (b) and (c) of this section, the letter of agency may be combined with checks that contain only the required letter of agency language as prescribed in paragraph (e) of this section and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain in easily readable, bold-face type on the front of the check, a notice that the subscriber is authorizing a preferred carrier change by signing the check. The letter of agency language shall be

placed near the signature line on the back of the check.

(e) At a minimum, the letter of agency must be printed with a type of sufficient size and readable type to be clearly legible and must contain clear and unambiguous language that confirms:

(1) The subscriber's billing name and address and each telephone number to be covered by the preferred carrier change order;

(2) The decision to change the preferred carrier from the current telecommunications carrier to the soliciting telecommunications carrier;

(3) That the subscriber designates [insert the name of the submitting carrier] to act as the subscriber's agent for the preferred carrier change;

(4) That the subscriber understands that only one telecommunications carrier may be designated as the subscriber's interstate or interLATA preferred interexchange carrier for any one telephone number. To the extent that a jurisdiction allows the selection of additional preferred carriers (e.g., local exchange, intraLATA toll, interLATA toll, or international interexchange), the letter of agency must contain separate statements regarding those choices, although a separate letter of agency for each choice is not necessary; and

(5) That the subscriber may consult with the carrier as to whether a fee will apply to the change in the subscriber's preferred carrier.

(f) Any carrier designated in a letter of agency as a preferred carrier must be the carrier directly setting the rates for the subscriber.

(g) Letters of agency shall not suggest or require that a subscriber take some action in order to retain the subscriber's current telecommunications carrier.

(h) If any portion of a letter of agency is translated into another language then all portions of the letter of agency must be translated into that language. Every letter of agency must be translated into the same language as any promotional materials, oral descriptions or instructions provided with the letter of agency.

(i) Letters of agency submitted with an electronically signed authorization must include the consumer disclosures

required by Section 101(c) of the Electronic Signatures in Global and National Commerce Act.

(j) A telecommunications carrier shall submit a preferred carrier change order on behalf of a subscriber within no more than 60 days of obtaining a written or electronically signed letter of agency. However, letters of agency for multi-line and/or multi-location business customers that have entered into negotiated agreements with carriers to add presubscribed lines to their business locations during the course of a term agreement shall be valid for the period specified in the term agreement.

[64 FR 7760, Feb. 16, 1999. Redesignated at 65 FR 47692, Aug. 3, 2000, as amended at 66 FR 12893, Mar. 1, 2001; 68 FR 16151, Mar. 23, 2001; 68 FR 19159, Apr. 18, 2003; 73 FR 13149, Mar. 12, 2008]

§ 64.1140 Carrier liability for slamming.

(a) *Carrier Liability for Charges.* Any submitting telecommunications carrier that fails to comply with the procedures prescribed in this part shall be liable to the subscriber's properly authorized carrier in an amount equal to 150% of all charges paid to the submitting telecommunications carrier by such subscriber after such violation, as well as for additional amounts as prescribed in § 64.1170. The remedies provided in this part are in addition to any other remedies available by law.

(b) *Subscriber Liability for Charges.* Any subscriber whose selection of telecommunications services provider is changed without authorization verified in accordance with the procedures set for in this part is liable for charges as follows:

(1) If the subscriber has not already paid charges to the unauthorized carrier, the subscriber is absolved of liability for charges imposed by the unauthorized carrier for service provided during the first 30 days after the unauthorized change. Upon being informed by a subscriber that an unauthorized change has occurred, the authorized carrier, the unauthorized carrier, or the executing carrier shall inform the subscriber of this 30-day absolution period. Any charges imposed by the unauthorized carrier on the subscriber for

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charges to an allegedly unauthorized carrier.

(b) If the relevant governmental agency determines after reasonable investigation that an unauthorized change, as defined by § 64.1100(e), has occurred, it shall issue an order directing the unauthorized carrier to forward to the authorized carrier the following, in addition to any appropriate state remedies:

(1) An amount equal to 150% of all charges paid by the subscriber to the unauthorized carrier; and

(2) Copies of any telephone bills issued from the unauthorized carrier to the subscriber. This order shall be sent to the subscriber, the unauthorized carrier, and the authorized carrier.

(c) Within ten days of receipt of the amount provided for in paragraph (b)(1) of this section, the authorized carrier shall provide a refund or credit to the subscriber in the amount of 50% of all charges paid by the subscriber to the unauthorized carrier. The subscriber has the option of asking the authorized carrier to re-rate the unauthorized carrier's charges based on the rates of the authorized carrier and, on behalf of the subscriber, seek an additional refund from the unauthorized carrier, to the extent that the re-rated amount exceeds the 50% of all charges paid by the subscriber to the unauthorized carrier. The authorized carrier shall also send notice to the relevant governmental agency that it has given a refund or credit to the subscriber.

(d) If an authorized carrier incurs billing and collection expenses in collecting charges from the unauthorized carrier, the unauthorized carrier shall reimburse the authorized carrier for reasonable expenses.

(e) If the authorized carrier has not received payment from the unauthorized carrier as required by paragraph (c) of this section, the authorized carrier is not required to provide any refund or credit to the subscriber. The authorized carrier must, within 45 days of receiving an order as described in paragraph (b) of this section, inform the subscriber and the relevant governmental agency that issued the order if the unauthorized carrier has failed to forward to it the appropriate charges, and also inform the subscriber of his or

her right to pursue a claim against the unauthorized carrier for a refund of all charges paid to the unauthorized carrier.

(f) Where possible, the properly authorized carrier must reinstate the subscriber in any premium program in which that subscriber was enrolled prior to the unauthorized change, if the subscriber's participation in that program was terminated because of the unauthorized change. If the subscriber has paid charges to the unauthorized carrier, the properly authorized carrier shall also provide or restore to the subscriber any premiums to which the subscriber would have been entitled had the unauthorized change not occurred. The authorized carrier must comply with the requirements of this section regardless of whether it is able to recover from the unauthorized carrier any charges that were paid by the subscriber.

(g) When a LEC has assigned a subscriber to a non-affiliated carrier without authorization, and when a subscriber has paid the non-affiliated carrier the charges for the billed service, the LEC shall reimburse the subscriber for all charges paid by the subscriber to the unauthorized carrier and shall switch the subscriber to the desired carrier at no cost to the subscriber. When a LEC makes an unauthorized carrier change to an affiliated carrier, and when the customer has paid the charges, the LEC must pay to the authorized carrier 150% of the amounts collected from the subscriber in accordance with paragraphs (a) through (f) of this section.

[65 FR 47693, Aug. 3, 2000, as amended at 68 FR 19159, Apr. 18, 2003]

§ 64.1190 Preferred carrier freezes.

(a) A preferred carrier freeze (or freeze) prevents a change in a subscriber's preferred carrier selection unless the subscriber gives the carrier from whom the freeze was requested his or her express consent. All local exchange carriers who offer preferred carrier freezes must comply with the provisions of this section.

(b) All local exchange carriers who offer preferred carrier freezes shall offer freezes on a nondiscriminatory

basis to all subscribers, regardless of the subscriber's carrier selections.

(c) Preferred carrier freeze procedures, including any solicitation, must clearly distinguish among telecommunications services (e.g., local exchange, intraLATA toll, and interLATA toll) subject to a preferred carrier freeze. The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested.

(d) *Solicitation and imposition of preferred carrier freezes.* (1) All carrier-provided solicitation and other materials regarding preferred carrier freezes must include:

(i) An explanation, in clear and neutral language, of what a preferred carrier freeze is and what services may be subject to a freeze;

(ii) A description of the specific procedures necessary to lift a preferred carrier freeze; an explanation that these steps are in addition to the Commission's verification rules in §§ 64.1120 and 64.1130 for changing a subscriber's preferred carrier selections; and an explanation that the subscriber will be unable to make a change in carrier selection unless he or she lifts the freeze.

(iii) An explanation of any charges associated with the preferred carrier freeze.

(2) No local exchange carrier shall implement a preferred carrier freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with one of the following procedures:

(i) The local exchange carrier has obtained the subscriber's written or electronically signed authorization in a form that meets the requirements of § 64.1190(d)(3); or

(ii) The local exchange carrier has obtained the subscriber's electronic authorization, placed from the telephone number(s) on which the preferred carrier freeze is to be imposed, to impose a preferred carrier freeze. The electronic authorization should confirm appropriate verification data (e.g., the subscriber's date of birth or social security number) and the information required in §§ 64.1190(d)(3)(ii)(A) through (D). Telecommunications carriers electing to confirm preferred carrier freeze orders electronically shall estab-

lish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the preferred carrier freeze request, including automatically recording the originating automatic numbering identification; or

(iii) An appropriately qualified independent third party has obtained the subscriber's oral authorization to submit the preferred carrier freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth or social security number) and the information required in § 64.1190(d)(3)(ii)(A) through (D). The independent third party must not be owned, managed, or directly controlled by the carrier or the carrier's marketing agent; must not have any financial incentive to confirm preferred carrier freeze requests for the carrier or the carrier's marketing agent; and must operate in a location physically separate from the carrier or the carrier's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a preferred carrier freeze.

(3) *Written authorization to impose a preferred carrier freeze.* A local exchange carrier may accept a subscriber's written and signed authorization to impose a freeze on his or her preferred carrier selection. Written authorization that does not conform with this section is invalid and may not be used to impose a preferred carrier freeze.

(i) The written authorization shall comply with §§ 64.1130(b), (c), and (h) of the Commission's rules concerning the form and content for letters of agency.

(ii) At a minimum, the written authorization must be printed with a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that conforms:

(A) The subscriber's billing name and address and the telephone number(s) to be covered by the preferred carrier freeze;

(B) The decision to place a preferred carrier freeze on the telephone number(s) and particular service(s). To the

extent that a jurisdiction allows the imposition of preferred carrier freezes on additional preferred carrier selections (e.g., for local exchange, intraLATA toll, and interLATA toll), the authorization must contain separate statements regarding the particular selections to be frozen;

(C) That the subscriber understands that she or he will be unable to make a change in carrier selection unless she or he lifts the preferred carrier freeze; and

(D) That the subscriber understands that any preferred carrier freeze may involve a charge to the subscriber.

(e) *Procedures for lifting preferred carrier freezes.* All local exchange carriers who offer preferred carrier freezes must, at a minimum, offer subscribers the following procedures for lifting a preferred carrier freeze:

(1) A local exchange carrier administering a preferred carrier freeze must accept a subscriber's written or electronically signed authorization stating his or her intent to lift a preferred carrier freeze; and

(2) A local exchange carrier administering a preferred carrier freeze must accept a subscriber's oral authorization stating her or his intent to lift a preferred carrier freeze and must offer a mechanism that allows a submitting carrier to conduct a three-way conference call with the carrier administering the freeze and the subscriber in order to lift a freeze. When engaged in oral authorization to lift a preferred carrier freeze, the carrier administering the freeze shall confirm appropriate verification data (e.g., the subscriber's date of birth or social security number) and the subscriber's intent to lift the particular freeze.

[64 FR 7762, Feb. 16, 1999, as amended at 66 FR 12893, Mar. 1, 2001; 73 FR 13150, Mar. 12, 2008]

§ 64.1195 Registration requirement.

(a) *Applicability.* A telecommunications carrier that will provide interstate telecommunications service shall file the registration information described in paragraph (b) of this section in accordance with the procedures described in paragraphs (c) and (g) of this section. Any telecommunications carrier already providing interstate tele-

communications service on the effective date of these rules shall submit the relevant portion of its FCC Form 499-A in accordance with paragraphs (b) and (c) of this section.

(b) *Information required for purposes of part 64.* A telecommunications carrier that is subject to the registration requirement pursuant to paragraph (a) of this section shall provide the following information:

(1) The carrier's business name(s) and primary address;

(2) The names and business addresses of the carrier's chief executive officer, chairman, and president, or, in the event that a company does not have such executives, three similarly senior-level officials of the company;

(3) The carrier's regulatory contact and/or designated agent;

(4) All names that the carrier has used in the past; and

(5) The state(s) in which the carrier provides telecommunications service.

(c) *Submission of registration.* A carrier that is subject to the registration requirement pursuant to paragraph (a) of this section shall submit the information described in paragraph (b) of this section in accordance with the Instructions to FCC Form 499-A. FCC Form 499-A must be submitted under oath and penalty of perjury.

(d) *Rejection of registration.* The Commission may reject or suspend a carrier's registration for any of the reasons identified in paragraphs (e) or (f) of this section.

(e) *Revocation or suspension of operating authority.* After notice and opportunity to respond, the Commission may revoke or suspend the authorization of a carrier to provide service if the carrier provides materially false or incomplete information in its FCC Form 499-A or otherwise fails to comply with paragraphs (a), (b), and (c) of this section.

(f) *Imposition of fine.* After notice and opportunity to respond, the Commission may impose a fine on a carrier that is subject to the registration requirement pursuant to paragraph (a) of this section if that carrier fails to submit an FCC Form 499-A in accordance with paragraphs (a), (b), and (c) of this section.

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-4.083: Preferred Carrier Freeze

25-4.118: Local, Local Toll, or Toll Provider Selection

PURPOSE AND EFFECT: Rule 25-4.083 would be repealed and the substance of Rule 25-4.083 would be incorporated into Rule 25-4.118. Rule 25-4.118 would be amended to incorporate the substance of Rule 25-4.083, and to otherwise comply with recent changes to section 364.16(5), FS. The amendments to Rule 25-4.118 would apply to all providers of local telecommunications service, be consistent with the Telecommunications Act of 1996, provide for specific verification methods, provide for subscriber notification regarding a preferred carrier freeze at no charge, allow for a subscriber's change to be considered valid if verification is performed consistent with Commission rules, and provide remedies for violations of the rule and allow for the imposition of other penalties available under Chapter 364, FS.

Docket No. 120266-TP

SUMMARY: Rule 25-4.083 requires local providers to make a preferred carrier freeze available at no charge upon a subscriber's request, prohibits local providers from requiring a preferred carrier freeze as a condition for obtaining service, and requires local providers to meet the requirements of Title 47, Code of Federal Regulations, Part 64, Section 64.1190, revised as of October 1, 2007. These provisions would be included in Rule 25-4.118, and the reference to the federal rule would be updated. In order to implement recent changes made to Chapter 364, FS, Rule 25-4.118 would also be amended to remove the requirements concerning carrier change requests from certified local providers or interexchange carriers, and concerning the maintenance of a toll-free number for accepting complaints regarding unauthorized provider changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC .

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.127, 364.01, 364.16(5), FS

LAW IMPLEMENTED: 364.01, 364.16(5), 364.285, FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6224, rgervasi@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.118 Changing of a Subscriber's Telecommunications Service and Preferred Carrier Freeze, Local, Local Toll, or Toll Provider Selection.

(1) A telecommunications company shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Subpart K, Sections 64.1100 Definitions, as amended March 1, 2001, 64.1120 Verification of Orders for Telecommunications Service, as amended March 12, 2008, and 64.1130 Letter of Agency Form and Content, as amended March 12, 2008, which are hereby incorporated into this rule by reference. The provider of a customer shall not be changed without the customer's authorization. The customer or other authorized person may change the residential service. For the purposes of this section, the term "other authorized person" shall mean a person 18 years of age or older within the same household. The person designated as the contact for the local telecommunications company, an officer of the company, or the owner of the company is the person authorized to change business service. A LEC shall accept a provider change request by telephone call or letter directly from its customers; or

(2)(a) A telecommunications company shall not be deemed to have committed an unauthorized carrier change infraction if the company, including its agents and contractors, did the following: A LEC shall accept a change request from a certified LP or IXC acting on behalf of the customer. A certificated LP or IXC shall submit a change request only if it has first certified to the LEC that at least one of the following actions has occurred:

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

1. Followed the procedures required under subsection (1) in good faith, with respect to the person requesting the change; and

2. Complied with the credit procedures of subsection (3).

(b) In cases where a company fails to meet the requirements of (2)(a), the Commission will determine whether penalties or other remedies are appropriate for an unauthorized carrier change infraction. In so doing, the Commission will consider the actions taken by the company to mitigate or undo the effects of the unauthorized change. These actions will include whether the company, including its agents and contractors: The provider has received a customer-initiated call, and beginning six months after the effective date of this rule has obtained the following:

1. Followed the procedures required under subsection (1) with respect to the person requesting the change in good faith; The information set forth in subparagraphs (3)(a)1. through 5.; and

2. Complied with the credit procedures of subsection (3); Verification data including at least one of the following:

a. The customer's date of birth;

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

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

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 carrier changes concurrently affecting a large number of customers; and

6. Took other corrective action to remedy the unauthorized change appropriate under the circumstances.

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

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

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

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

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

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

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

- d. A postcard which the customer can use to confirm a change request;
- e. A clear statement that the customer's local, local toll, or toll provider will be changed to the soliciting company only if the customer signs and returns the postcard confirming the change; and
- f. A notice that the customer may contact by writing the Commission's Division of Service, Safety and Consumer Assistance, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or by calling, toll-free (TDD & Voice) 1 (800) 342-3552, for consumer complaints.

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

(3)(a) Charges for unauthorized carrier changes billed on behalf of the unauthorized carrier for the first 30 days or first billing cycle, whichever is longer, shall be credited to the customer by the company responsible for the error within 45 days of notification to the company by the customer, unless the claim is false. Upon notice from the customer of an unauthorized carrier change, the telecommunications company shall change the customer back, or to another company of the customer's choice. The LOA submitted to the company requesting a provider change shall include the following information (Each shall be separately stated):

- 1. Customer's billing name, address, and each telephone number to be changed;
- 2. Statement clearly identifying the certificated name of the provider and the service to which the customer wishes to subscribe, whether or not it uses the facilities of another company;
- 3. Statement that the person requesting the change is authorized to request the change;
- 4. Statement that the customer's change request will apply only to the number on the request and there must only be one presubscribed local, one presubscribed local toll, and one presubscribed toll provider for each number;
- 5. Statement that the LEC may charge a fee for each provider change;
- 6. Customer's signature and a statement that the customer's signature or endorsement on the document will result in a change of the customer's provider.

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

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

(4) A telecommunications company shall make available a preferred carrier freeze upon a subscriber's request and shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Subpart K, Section 64.1190, Preferred Carrier Freeze, as amended March 12, 2008, which is hereby incorporated into this rule by reference. The LOA shall not be combined with inducements of any kind on the same document. The document as a whole must not be misleading or deceptive. For purposes of this rule, the terms "misleading or deceptive" mean that, because of the style, format or content of the document or oral statements, it would not be readily apparent to the person signing the document or providing oral authorization that the purpose of the signature or the oral authorization was to authorize a provider change, or it would be unclear to the customer who the new provider would be; that the customer's selection would apply only to the number listed and there could only be one long distance service provider for that number; or that the customer's LP might charge a fee to switch service providers. If any part of the LOA is written in a language other than English, then it must contain all relevant information in each language. Notwithstanding the above, the LOA may be combined with checks that contain only the required LOA language as prescribed in subsection (3) of this section and the information necessary to make the check a negotiable instrument. The LOA check shall not contain any promotional language or material. The LOA check shall contain in easily readable, bold face type on the front of the check, a notice that the consumer is authorizing a primary carrier change by signing the check. The LOA language shall be placed near the signature line on the back of the check.

(5) A preferred carrier freeze shall not be required as a condition for obtaining service. A prospective provider must have received the signed LOA before initiating the change.

(6) A preferred carrier freeze shall be implemented or removed at no charge to the subscriber. Information obtained under paragraphs (2)(a) through (d) shall be maintained by the provider for a period of one year.

(7) A telecommunications company shall provide notification to subscribers with the customer's first bill, by letter or by electronic communication, and annually thereafter, that a preferred carrier freeze is available at no charge. Existing customers shall be notified annually that a preferred carrier freeze is available at no charge. Any of the foregoing notifications may be provided by a standard sized message on a customer's bill. Customer requests for other services, such as travel card service, do not constitute a provider change.

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

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

- (a) Identification of the company;
- (b) That the purpose of the visit or call is to solicit a change of the provider of the customer;
- (c) That the provider shall not be changed unless the customer authorizes the change;
- (d) Upon a customer's request, the following information will be provided verbally or in writing:
 1. Any nonrecurring charge;
 2. Any monthly service charge or minimum usage charge;
 3. Company deposit practices;
 4. Any charge applicable to call attempts not answered;
 5. A statement of when charging for a call begins and ends; and
 6. A statement of billing adjustment practices for wrong numbers or incorrect bills.

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

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

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

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

~~1. Followed the procedures required under subsection (2) with respect to the person requesting the change;~~

~~2. Followed these procedures in good faith; and~~

~~3. Complied with the credit procedures of subsection (8).~~

~~(b) In determining whether fines or other remedies are appropriate for an unauthorized carrier change infraction, the Commission shall consider the actions taken by the company to mitigate or undo the effects of the unauthorized change. These actions include but are not limited to whether the company, including its agents and contractors:~~

~~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.~~

Rulemaking Authority 350.127(2), 364.01, 364.16(5) FS. Law Implemented 364.01, 364.16(5), 364.19, 364.285, 364.603 FS. History—New 3-4-92, Amended 5-31-95, 12-28-98, 5-8-05, XX-XX-XX.

25-4.083 Preferred Carrier Freeze.

~~(1) A local provider shall make available a PC Freeze upon a subscriber's request.~~

~~(2) A PC Freeze shall not be required as a condition for obtaining service.~~

~~(3) A PC Freeze shall be implemented or removed at no charge to the subscriber.~~

~~(4) In addition to the requirements listed in subsections (1) through (3) above, a local provider shall meet the requirements as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 64, Section 64.1190, Preferred Carrier Freeze, revised as of October 1, 2007, which is hereby incorporated into this rule by reference.~~

Rulemaking Authority 350.127, 364.01, 364.603 FS. Law Implemented 364.01, 364.603 FS. History—New 9-9-04, Amended 10-21-09, Repealed XX-XX-XX.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Bates

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 38, Number 59, October 26, 2012; Volume 37, Number 45, November 10, 2011

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Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-24.845: Customer Relations

PURPOSE AND EFFECT: Rule 25-24.845 would be repealed as obsolete due to statutory changes to chapter 364, FS, made by the Regulatory Reform Act of 2011.

Docket No. 120266-TP

SUMMARY: Rule 25-24.845 currently applies to competitive local exchange companies. The rule is obsolete by its terms, and would be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.127(2), 364.337(2), 364.604(5), FS

LAW IMPLEMENTED: 364.16, 364.337(2), 364.602, 364.603, 364.604, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6224, rgervasi@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-24.845 Customer Relations.

The following rules apply to CLECs. In the following rules, the acronym "LEC" should be omitted or interpreted as "CLEC":

~~Section Title~~ — ~~Portions Applicable~~

~~25-4.082~~ ~~Number Portability~~ — ~~All~~

~~25-4.083~~ ~~Preferred Carrier Freeze~~ — ~~All~~

~~25-4.110~~ ~~Customer Billing Subsections (11), (12), (14), (15), (16), (17), (18), and (20)~~

~~24-4.118~~ ~~Local, Local Toll, or Toll Provider Selection~~ ~~All~~

Rulemaking Authority 350.127(2), 364.337(2), 364.604(5) FS. Law Implemented 364.16, 364.337(2), 364.602, 364.603, 364.604 FS. History—New 12-28-98, Amended 7-5-00, 11-16-03, 9-9-04, Repealed XX-XX-XX.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Bates

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 38, Number
28, July 13, 2012.

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Rules 25-4.083, 25-4.118, and 25-
24.845, F.A.C.
Docket No. 120266-TP

STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE

Rule 25-4.083 would be repealed and Rule 25-4.118 would be amended to incorporate the substance of Rule 25-4.083 and to otherwise comply with recent changes to section 364.16(5), FS, concerning the unauthorized changing of a subscriber's telecommunications service. Rule 25-24.845 currently applies to competitive local exchange companies and would be repealed as obsolete.

STATEMENT ON FEDERAL STANDARDS

The proposed rules are no more restrictive than the federal standards.

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: November 6, 2012
TO: Rosanne Gervasi, Senior Attorney, Office of the General Counsel
FROM: William B. McNulty, Economic Analyst, Division of Economic Regulation
RE: Statement of Estimated Regulatory Costs for Proposed Rule Amendment to Rule 25-4.118, F.A.C., and Proposed Repeal of Rules 25-4.083 and 25-24.845, F.A.C.

Summary of Rules

Rule 25-4.118, Florida Administrative Code (F.A.C.), Local, Local Toll, and Toll Provider Selection, prohibits the change of a customer's telecommunications service provider without the customer's authorization and identifies the following:

- which type of entities may provide such authorization;
- what information must be included in a letter of agency authorizing a provider change;
- procedures for changing customers back to their original provider after notification of unauthorized change and for crediting charges for unauthorized provider changes to the customer; and
- conditions under which a provider is not deemed to have committed an unauthorized carrier change.

The draft changes to Rule 25-4.118, F.A.C., (the draft rule amendment) would incorporate the substance of Rule 25-4.083, F.A.C., Preferred Carrier Freeze (PC-Freeze), into Rule 25-4.118, F.A.C. Rule 25-4.083, F.A.C., requires that:

- local providers make available a PC freeze upon a subscriber's request;
- a PC freeze shall not be required as a condition for obtaining service;
- no charges will be assessed customers for implementing or removing PC-Freezes; and
- local providers shall meet the requirements of the Federal Communications Commission in Title 47, Code of Federal Regulation, Part 64, Section 64.1190, Preferred Carrier Freeze, revised October 1, 2007.

The draft changes to Rule 25-4.118, F.A.C., also include a requirement that local service providers shall provide notification to subscribers of the ability to obtain a PC-Freeze, at no charge, with the customer's first bill and annually thereafter. PC-Freeze notification at no charge is required by Section 364.16(5), Florida Statutes (F.S.).

Rule 25-24.845, F.A.C., Customer Relations, identifies four rules which apply to competitive local exchange carriers, or CLECs. Rule 25-24.845, F.A.C., contains no other provisions and is recommended for proposed repeal. Rule 25-24.845, F.A.C., is obsolete due to the following circumstances pertaining to the rules it references;

- the rule has been repealed (Rule 25-4.110, F.A.C.),
- the rule is currently recommended for repeal in this recommendation (Rule 25-4.083, F.A.C.),
- the rule is applicable, by its terms, to all local service providers (Rule 25-4.082, F.A.C.), or
- the draft amendment to the rule is applicable, by its terms, to all local service providers (Rule 25-4.118, F.A.C.).

Economic Analysis Showing Whether the Rule Is Likely to Increase Regulatory Costs In Excess of \$1 Million Within 5 Years

Section 120.541.(2)(a)3, F.S., requires an economic analysis showing whether the draft rule directly or indirectly is likely to increase regulatory cost, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

Regulatory costs include both estimated transactional costs and estimated cost to the agency. Since the intent of the draft changes to Rule 25-4.118, F.A.C., is to incorporate the substance of an existing rule, regulatory costs should be largely unaffected. As discussed in the section entitled "Estimated Transactional Costs to Individual and Entities," the estimated transactional costs by CLECs and ILECs required to comply with the requirements of the draft rule amendment is \$75,620 during the five years following the implementation of the rule. As discussed in the section entitled "Rule Implementation and Enforcement Costs," there are no estimated agency costs associated with the draft rule amendment.

Based on this analysis, the draft amendment to Rule 25-4.118, F.A.C., is not likely to increase regulatory cost, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the draft rule amendment.

No increase in regulatory costs are associated with the draft repeals of Rules 25-4.083 and 25-24.845, F.A.C.

Economic Analysis Showing Whether the Rule Is Likely to Have an Adverse Impact on Either Economic Growth or Business Competitiveness In Excess of \$1 Million Within 5 Years

Section 120.541(2)(a)1, F.S., requires an economic analysis showing whether the draft rule directly or indirectly is likely to have an adverse impact on economic growth, private sector job creation or employment, or private sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule. Similarly, Section 120.541(2)(a)2, F.S., requires an economic analysis showing whether the draft rule directly or indirectly is likely to have an adverse impact on business competitiveness in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

The main intent of the draft amendment to Rule 25-4.118, F.A.C., is to incorporate the substance of an existing rule. Subparagraph 25-4.118(7) of the draft rule amendment, pertaining to PC-Freeze notification, may increase the cost to some CLECs and ILECs by an estimated total of \$75,620 over the five years following the implementation of the rule. If the draft rule amendment becomes effective, small business customers, small counties, and small cities are expected to experience only minimal impacts, if any. Thus, the draft rule amendment is unlikely to have adverse impacts on either economic growth or business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule.

The draft repeals of Rules 25-4.083 and 25-24.845, F.A.C., are unlikely to have any adverse impacts on either economic growth or business competitiveness within 5 years after the implementation of the rule.

Estimated Number of Entities Required to Comply and General Description of Individuals Affected

Section 120.541(2)(b), F.S., requires a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a general description of the types of individuals anticipated to be affected by the rule. The number of telecommunications companies which would be required to comply with the draft amendment to Rule 25-4.118, F.A.C., include 313 telecommunications companies, which consist of 10 incumbent local exchange companies (ILECs), 286 competitive local exchange companies (CLECs), and 17 local providers.

The draft repeals of Rules 25-4.083 and 25-24.845, F.A.C., would eliminate all compliance requirements on the part of all 313 telecommunication companies for those specific rules.

Rule Implementation and Enforcement Costs and Impact on Revenues For The Agency and Other State and Local Government Entities

Section 120.541(2)(c), F.S., requires a good faith estimate of the cost to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues. No incremental costs are associated with the draft amendment to Rule 25-4.118, F.A.C., because the provisions of the amendment reflect current requirements, with the exception of the PC-Freeze notification requirement, which is expected to require only minimal staff time to implement and enforce. The draft amendment to Rule 25-4.118, F.A.C., is not expected to have any impact on state or local revenues.

No rule implementation and enforcement costs are associated with the draft repeals of Rules 25-4.083 and 25-24.845, F.A.C. The draft rule repeals are not expected to have any impact on state or local revenues.

Estimated Transactional Costs to Individual and Entities

Section 120.541(2)(d), F.S., requires a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the rule. Since the intent of the draft amendment to Rule 25-4.118, F.A.C., is to incorporate the substance of an existing rule, transactional costs should be largely unaffected. However, draft Subparagraph 25-4.118(7) of the draft rule contains PC-Freeze notification requirements for CLECs that do not appear in existing rules, with certain transactional cost impacts.

The draft amended rule section states, "A local service provider shall provide notification to subscribers of the ability to freeze the subscriber's choice of carriers, at no charge, with the customer's first bill, via letter, or by electronic communications, and annually thereafter that a PC-Freeze is available at no charge. Existing customers shall be notified annually that a PC-Freeze is available at no charge." Section 364.15(5), F.S., requires PC-Freeze notification at no charge for both CLECs and ILECs, but the specifics of the draft rule amendment requiring both first bill notification and annual notifications are not otherwise contained in a rule at this time. Rule 25-4.110(13), F.A.C., contained the notification requirement of a PC-Freeze at no charge, including first bill and annual notifications for ILECs. However, Rule 25-4.110, F.A.C., was repealed in its entirety in 2011.

Staff issued a data request to CLECs and ILECs on April 17, 2012, to collect information about the cost impact of Subparagraph 25-4.118(7) of the draft rule amendment regarding PC-Freeze notification. Forty-five CLECs providing service in Florida responded to the PC-Freeze notification data request out of the 295 CLECs certificated in Florida at the time staff's data requests were issued. Thirty-six of the 45 responding CLECs indicated that the draft rule section would result in minimal cost, no cost, or costs less than \$1,000 over the five year period following the effective date of the rule. Six CLECs reported total five year costs of \$1,000 or more. The remaining three CLECs reported that they either did not know what the costs would be (two CLECs) or they couldn't estimate the cost (one CLEC).

Seven of ten ILECs responded to staff's data request. The seven reporting ILECs estimated that the draft rule section would result in no increase in cost or minimal/insignificant increase in cost over the five year period following the effective date of the rule. The total estimated transactional cost of the draft rule amendment by reporting CLECs and ILECs required to comply with the requirements of the draft rule amendment is \$75,620.

No transactional costs are associated with the draft repeals of Rules 25-4.083 and 25-24.845, F.A.C.

Impact On Small Businesses, Small Counties, Or Small Cities

Section 120.541.(2)(e), F.S., requires an analysis of the impact of the proposed changes on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined in Section 120.52, F.S. Since the intent of the draft

Rosanne Gervasi

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amendment to Rule 25-4.118, F.A.C., is mainly to incorporate the substance of an existing rule, the draft rule is expected to have minimal, if any, impact on small businesses, small counties, and small cities. CLECs and ILECs indicate that Subparagraph 25-4.118(7) of the draft rule amendment, including modifications to the PC-Freeze notification requirements, will have minimal, if any, impact on small business customers, small counties, or small cities.

No impacts on small businesses, small counties, or small cities are expected to result from the draft repeals of Rules 25-4.083 and 25-24.845, F.A.C.

Additional Information Deemed Useful By The Agency

None.

cc: Beth Salak
Mark Long
Dale Mailhot
Jim Dean