BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Requests for temporary partial waiver of Rule 25-4.110, F.A.C., pertaining to customer billing.	DOCKET NO. 911116-TL ORDER NO. 25510 ISSUED: 12/20/91

The following Commissioners participated in the disposition of this matter:

THOMAS BEARD, Chairman
SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY

ORDER GRANTING REQUESTS BY UNITED, SOUTHERN BELL AND QUINCY TELEPHONE COMPANIES FOR TEMPORARY WAIVER OF RULE 25-4.110, F.A.C., PERTAINING TO CUSTOMER BILLING

BY THE COMMISSION:

A hearing was held on October 8, 1991, on proposed Pay Per Call rules. The Commission reached a consensus in favor of adoption of the proposed rule with some modifications and so ruled from the bench at the hearing. The rules governing the provision of 900 Pay Per Call became effective November 11, 1991.

Pay Per Call rules provide that partial payments by customers first be applied, by local exchange companies (LECs), to satisfy any unpaid regulated charges. The rules provide a definition of pay per call services. The rules require notification of children's parental consent in promotion of children's programs. They also establish requirements that Pay Per Call providers must meet before transmission and or billing services will be provided by the local exchange companies and interexchange carriers.

The rules also provide for the availability of free LEC blocking of pay per call services and for dispute resolution, including adjustment of certain complaints, requirements relating to collection and safeguards against disconnection for failure to pay charges for pay per call services.

At hearing, several local exchange companies stated that they may need additional time to implement changes needed to comply with the rule. We stated that we would entertain requests for rule waivers on a case-by-case basis. This Order will address such requests on behalf of Southern Bell, United, and Quincy telephone companies.

United has requested waivers of only portions of the Pay Per Call rule due to modifications needed in its billing system. United stated that it will be able to implement all of the changes required by the new rule except for two portions. Specifically, the Company will not be able to implement Section 10(a) 1. and 2. and Section 10(b) 2. of the amended rule.

United notes that these changes required that the Company's billing system be modified. While the Company's billing system has already been modified, the changes have not yet been tested. United indicates that debugging of the billing system should be completed by January 17, 1992.

Section 10(a)1. and 2. requires a separate section of the bill for Pay Per Call services and statements in that section that "nonpayment of Pay Per Call service charges will not result in a disconnection of local service," and that "End Users/Customers can obtain free blocking of Pay Per Call service from the local exchange company". United notes that these changes required the Company's billing system to be modified. Again, the changes have not yet been tested. United indicates that debugging of the billing system should be completed by January 17, 1992.

Section 10(b) 2. requires an 18 second grace period in which the customer can disconnect the call without incurring a charge. The section also provides that the end user may affirmatively bypass the preamble to a Pay Per Call message. United asserts that the Company should be able to implement this provision for 900 providers with minimal problems. The same is not true for 976 providers. While United provides the recording, rating and billing for these services, United has not identified a method of providing the grace period without disrupting other services. United believes that it can develop and test a program to address the 976 problem by January 1, 1992.

We believe that the request for rule waiver is valid. We do not believe a bill insert should be required since no requests for rule waivers beyond January 1 and January 17, 1992, were made and the Company will not have adequate time to provide notice to its customers of those. Therefore, we approve United's request for temporary waiver of certain portions of the Pay Per Call rules as filed.

On November 12, 1991, Southern Bell filed a request for waiver of Rule 25-4.110(10)(a) and (10)(b)2. Section (10)(a) requires the Company to segregate Pay Per Call charges from regular long distance and local charges. Section 10(b) 2. requires an 18 second grace period in which the customer can disconnect the call without incurring a charge. The section also allows the end user to affirmatively bypass the preamble to a Pay Per Call message.

Southern Bell states that these rules will require extensive programming changes to its billing systems. The Company asserts that it will be able to implement these changes by January 10, 1992.

We believe that Southern Bell's request for rule waiver is valid. We do not, however, believe that a bill insert is needed since no waiver beyond January 10, 1992, was requested, and the Company will not have adequate time to provide notice to its customers. We therefore approve Southern Bell's request for waiver of Rule 25-4.110(10)(a) and (10)(b)2. until January 10, 1992, as filed.

On November 8, 1991, Quincy Telephone filed for temporary waiver of Rule 25-4.110(10)(a) and (10)(a) 1., 2. and 3. Section 10(a) 1. and 2. and 3. requires a separate section of the bill for Pay Per Call services and statements in that section that "nonpayment of Pay Per Call service changes will not result in a disconnection of local service," that "End Users/Customers can obtain free blocking of Pay Per Call service from the local exchange company" and a local or toll free number that end users/customers can call to dispute charges. Quincy states that these changes will require the Company's billing system to be modified.

Quincy indicates that the cost to modify the existing billing system will be $30,000. The Company states that a new billing system will be put in place during the third quarter of 1992 which can incorporate all of the rule requirements. Quincy proposes to prepare a monthly bill insert for all customers notifying them of the information required in Rule 25-4.110 until the new billing system is implemented.

We believe that Quincy's request for waiver of Rule 25-4.110(10)(a) and (10)(a) 1., 2., and 3. is reasonable and therefore approve the waiver with an ending date of October 1, 1992. Customers are to receive monthly notice of these rule provisions through bill inserts beginning with the next billing cycle and continuing until the new billing system is activated.

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Finally, this docket should remain open until remaining filings for waiver of Rule 25-4.110 have been resolved.

In view of the above, it is

ORDERED by the Florida Public Service Commission that the requests for waiver of Rule 25-4.110, F.A.C., filed by United, Southern Bell and Quincy Telephone companies are approved as filed. It is further

ORDERED that this docket should remain open until remaining requests for waiver of Rule 25-4.110 are resolved.

By ORDER of the Florida Public Service Commission, this 20th day of DECEMBER, 1991.

Steve Tribble

STEVE TRIBBLE, Director
Division of Records and Reporting

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