

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.083: Preferred Carrier Freeze

PURPOSE AND EFFECT: Rule 25-4.083 is amended to clarify, simplify, and streamline the rule. Docket No. 080641-TP

SUMMARY: Rule 25-4.083 is amended to require local providers to meet the requirements of the Federal Preferred Carrier Freeze rule, and duplicative provisions of the rule are deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The rule amendments benefit the Commission, companies, and customers by having a more simple, streamlined, and clarified rule, and companies' administrative costs would likely decrease.

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.

SPECIFIC AUTHORITY: 350.127, 364.01, 364.603 FS

LAW IMPLEMENTED: 364.01, 364.603 FS

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6216.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.083 Preferred Carrier Freeze.

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

~~(2)(1) A PC-Freeze shall not be imposed or removed on a subscriber's account without the subscriber's authorization and shall not be required as a condition for obtaining service.~~

~~(3)(2) A PC-Freeze shall be implemented or removed at no charge to the subscriber.~~

~~(3) The subscriber's authorization shall be obtained for each service for which a PC Freeze is requested. Procedures implemented by local exchange providers must clearly distinguish among telecommunications services (e.g., local, local toll, and toll) subject to a PC Freeze.~~

~~(4) All notification material regarding PC-Freezes must include:~~

~~(a) An explanation of what a PC Freeze is and what services are subject to a freeze;~~

~~(b) A description of the specific procedures necessary to lift a PC Freeze and an explanation that the subscriber will be unable to make a change in provider selection unless the subscriber authorizes lifting of the PC Freeze; and~~

~~(c) An explanation that there are no charges for implementing or removing a PC Freeze.~~

DOCUMENT NUMBER-DATE

00373 JAN 14 8

FPSC-COMMISSION CLERK

(5) A local provider shall not solicit, market, or induce subscribers to request a PC Freeze. A local provider is not prohibited, however, from informing an existing or potential new subscriber who expresses concerns about slamming about the availability of a PC Freeze.

(6) A local exchange provider shall not implement a PC Freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with one of the following procedures:

(a) The local exchange provider has obtained the subscriber's written or electronically signed authorization in a form that meets the requirements of subsection (7);

(b) The local exchange provider has obtained the subscriber's electronic authorization, placed from the telephone number(s) on which the PC Freeze is to be imposed. The electronic authorization should confirm appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in paragraphs (7)(a) through (d). Telecommunications providers electing to confirm PC Freeze orders 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 PC Freeze request, including automatically recording the originating automatic numbering identification; or

(c) An independent third party has obtained the subscriber's oral authorization to submit the PC Freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the information required in paragraphs (7)(a) through (d). The independent third party must not be owned, managed, or directly controlled by the provider or the provider's marketing agent; must not have any financial incentive to confirm PC Freeze requests for the provider or the provider's marketing agent; and must operate in a location physically separate from the provider or the provider's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a PC Freeze.

(7) A local exchange provider shall accept a subscriber's written and signed authorization to impose a PC Freeze on a preferred provider selection. A written authorization shall be printed in a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:

(a) The subscriber's billing name and address and the telephone number(s) to be covered by the PC Freeze;

(b) The specific service, (e.g., local, local toll, and toll), separately stated, on which a PC Freeze will be imposed;

(c) That the subscriber understands that to make a change in provider selection, the subscriber must lift the PC Freeze; and

(d) That there will be no charge to the subscriber for a PC Freeze.

(8) All local exchange providers shall, at a minimum, offer subscribers the following procedures for lifting a PC Freeze:

(a) Acceptance of a subscriber's written or electronically signed authorization; and

(b) Acceptance of a subscriber's oral authorization along with a mechanism that allows the submitting provider to conduct a three-way conference call between the provider administering the PC Freeze and the subscriber. The provider administering the PC Freeze shall confirm appropriate verification data (e.g., the subscriber's date of birth or the last four digits of the subscriber's social security number) and the subscriber's intent to lift a specific PC Freeze.

(9) Information obtained under subsection (6) and paragraph (8)(a) shall be retained by the provider for a period of one year.

~~(10) A PC Freeze shall not prohibit a local provider from changing wholesale services when serving the same end user.~~

~~(11) Local providers shall make available an indicator on the customer service record that identifies whether the subscriber currently has a PC Freeze in place.~~

~~(12) Local providers shall make available the ability for the subscriber's new local provider to initiate a local PC Freeze using the local service request.~~

(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 incorporated into this rule by reference.

Specific Authority 350.127, 364.01, 364.603 FS. Law Implemented 364.01, 364.603 FS. History--New 9-9-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Mailhot, Division of Regulatory Compliance, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 (850) 413-6418.

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 06, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Volume 34, Number 39, September 26, 2008

I:\FAW-notices\080641tp-8.doc



Florida Department of State: State Library and Archives of Florida

FLORIDA ADMINISTRATIVE WEEKLY & FLORIDA ADMINISTRATIVE CODE

[Home](#) [Search](#) [Subscribe](#) [Comment](#) [About Us](#) [Contact Us](#) [Help](#)

[Log Out](#)
(instead of closing the browser window)

Notices Submitted to ACW or Confirmed by ACW

Notices Submitted to ACW

ID	Rule No/ Organization	Rule Title	Section	Issue	Date
6650434	1/9/2009	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	1/23/2009 Vol. 35/03	1/14/2009
6650337	1/9/2009	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	1/23/2009 Vol. 35/03	1/14/2009
6664984	25-4.023,...	Report of Interruptions, Extension of Facilities - Contributions in Aid of Construction, Intercept Service, Information to Customers, Initiation of Service	Proposed	1/23/2009 Vol. 35/03	1/14/2009
6664208	25-4.110	Customer Billing for Local Exchange Telecommunications Companies	Proposed	1/23/2009 Vol. 35/03	1/14/2009
6663529	25-4.109	Customer Deposits	Proposed	1/23/2009 Vol. 35/03	1/14/2009
6663335	1/13/2009	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	1/23/2009 Vol. 35/03	1/14/2009
6662753	25-4.083	Preferred Carrier Freeze	Proposed	1/23/2009 Vol. 35/03	1/14/2009
6662656	1/13/2009	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	1/23/2009 Vol. 35/03	1/14/2009
6662171	1/13/2009	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	1/23/2009 Vol. 35/03	1/14/2009
6661880	25-4.073	Answering Time	Proposed	1/23/2009 Vol. 35/03	1/14/2009
6661395	25-4.071	Adequacy of Service	Proposed	1/23/2009 Vol. 35/03	1/14/2009
6660813	25-4.070	Customer Trouble Reports	Proposed	1/23/2009 Vol. 35/03	1/14/2009
6660037	25-4.066	Availability of Service	Proposed	1/23/2009 Vol. 35/03	1/14/2009
6659261	25-4.046	Incremental Cost Data Submitted by Local Exchange Companies	Proposed	1/23/2009 Vol. 35/03	1/14/2009
6658582	25-4.0185	Periodic Reports	Proposed	1/23/2009 Vol. 35/03	1/14/2009
6657612	25-4.002	Application and Scope	Proposed	1/23/2009 Vol. 35/03	1/14/2009
6637533	1/7/2009	psc	Meeting	1/16/2009 Vol. 35/02	1/7/2009

Notices Confirmed by ACW

None.

[Back to Agency Home](#)

Copyright and Privacy Policies Accessibility Statement
Copyright ©1999-2007 State of Florida, Department of State