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# Public Service Commission

September 15, 2009

HAND DELIVER

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

RE: Docket No. 080641-TP - Rule No. 25-4.083

Dear Mr. ~~Boyd~~: *Scott*:

The Commission has approved the amendment of Rule 25-4.083 without changes.

We plan to file the rule for adoption on September 29, 2009.

Sincerely,

Cindy Miller  
Associate General Counsel

Enclosure

c: Office of Commission Clerk

4-083 Adopt Ltr.cm.doc

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1 **25-4.083 Preferred Carrier Freeze.**

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

3 (2) (1) A PC-Freeze shall not be imposed or removed on a subscriber's account  
4 without the subscriber's authorization and shall not be required as a condition for obtaining  
5 service.

6 (3) (2) A PC-Freeze shall be implemented or removed at no charge to the subscriber.

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

11 ~~\_\_\_\_\_ (4) All notification material regarding PC Freezes must include:~~

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

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

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

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

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

24 ~~(a) The local exchange provider has obtained the subscriber's written or electronically~~

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1 signed authorization in a form that meets the requirements of subsection (7);

2 ~~\_\_\_\_\_ (b) The local exchange provider has obtained the subscriber's electronic authorization,~~  
3 ~~placed from the telephone number(s) on which the PC Freeze is to be imposed. The electronic~~  
4 ~~authorization should confirm appropriate verification data (e.g., the subscriber's date of birth~~  
5 ~~or the last four digits of the subscriber's social security number) and the information required~~  
6 ~~in paragraphs (7)(a) through (d). Telecommunications providers electing to confirm PC Freeze~~  
7 ~~orders electronically shall establish one or more toll-free telephone numbers exclusively for~~  
8 ~~that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or~~  
9 ~~similar mechanism that records the required information regarding the PC Freeze request,~~  
10 ~~including automatically recording the originating automatic numbering identification; or~~

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

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

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

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

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

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

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

9 ~~\_\_\_\_\_ (a) Acceptance of a subscriber's written or electronically signed authorization; and~~  
10 ~~\_\_\_\_\_ (b) Acceptance of a subscriber's oral authorization along with a mechanism that allows~~  
11 ~~the submitting provider to conduct a three-way conference call between the provider~~  
12 ~~administering the PC Freeze and the subscriber. The provider administering the PC Freeze~~  
13 ~~shall confirm appropriate verification data (e.g., the subscriber's date of birth or the last four~~  
14 ~~digits of the subscriber's social security number) and the subscriber's intent to lift a specific~~  
15 ~~PC Freeze.~~

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

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

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

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

24 (4) In addition to the requirements listed in subsections (1) through (3) above, a local

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1 provider shall meet the requirements as prescribed by the Federal Communications  
2 Commission in Title 47, Code of Federal Regulations, Part 64, Section 64.1190, Preferred  
3 Carrier Freeze, revised as of October 1, 2007, which is hereby incorporated into this rule by  
4 reference.

5 Specific Authority 350.127, 364.01, 364.603 FS. Law Implemented 364.01, 364.603 FS.

6 History—New 9-9-04, Amended \_\_\_\_\_.

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9 Rule 4-083.cm.doc

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