

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of rulemaking to amend and repeal rules in Chapters 25-4 and 25-9, F.A.C., pertaining to telecommunications. | DOCKET NO. 080641-TP  
ORDER NO. PSC-09-0659-FOF-TP  
ISSUED: October 2, 2009

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman  
LISA POLAK EDGAR  
KATRINA J. McMURRIAN  
NANCY ARGENZIANO  
NATHAN A. SKOP

NOTICE OF ADOPTION OF RULE

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted the amendments to Rule 25-4.083, Florida Administrative Code, relating to preferred carrier freeze without changes.

The rule was filed with the Department of State on October 1, 2009, and will be effective on October 21, 2009. A copy of the rule as filed with the Department is attached to this Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission this 2nd day of October, 2009.



ANN COLE  
Commission Clerk

(SEAL)

CM

DOCUMENT NUMBER-DATE  
10198 OCT-2 09  
FPSC-COMMISSION CLERK

**25-4.083 Preferred Carrier Freeze.**

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

~~(2) (4)~~ 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.

~~—— (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 hereby incorporated into this rule by reference.

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

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