

ORIGINAL
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1 25-4.110 Customer Billing.

2 (1) Each company shall issue bills monthly. Each bill shall
3 show the delinquent date, set forth a clear listing of all charges
4 due and payable, and not later than December 1, 1982, contain the
5 following statement: "Written itemization of local billing
6 available upon request."

7 (a) Each local exchange company shall provide an itemized
8 bill for local service:

- 9 1. With the first bill rendered after local exchange
- 10 service to a customer is initiated or changed; and
- 11 2. to every customer at least once each twelve
- 12 months.

13 (b) The annual itemized bill shall be accompanied by a bill
14 stuffer which explains the itemization and advises the customer to
15 verify the items and charges on the itemized bill. This bill
16 stuffer shall be submitted to the Division of Communications for
17 prior approval. The itemized bill provided to residential
18 customers and to business customers with less than 10 access lines
19 per service location shall be in easily understood language. The
20 itemized bill provided to business customers with 10 or more access
21 lines per service location may be stated in service order code,
22 provided that it contains a statement that, upon request, an easily
23 understood translation is available in written form without charge.
24 An itemized bill shall include, but not be limited to the following
25 information, separately stated:

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- 1 1. Number and types of access lines;
- 2 2. Charges for access to the system, by type of
- 3 line;
- 4 3. zone charges;
- 5 4. touch tone service charges;
- 6 5. charges for custom calling features, separated by
- 7 feature;
- 8 6. unlisted number charges;
- 9 7. local directory assistance charges;
- 10 8. other tariff charges;
- 11 9. other nontariffed, regulated charges contained in
- 12 the bill.

13 (c) Each bill rendered by a local exchange company shall:

- 14 1. separately state the following items:
 - 15 a. any discount or penalty, if applicable,
 - 16 b. past due balance,
 - 17 c. unregulated charges, identified as unregulated,
 - 18 d. long-distance charges, if included in the bill,
 - 19 e. franchise fee, if applicable,
 - 20 f. taxes as applicable on purchases of local and long
 - 21 distance service; and
- 22 2. contain a statement that nonpayment of regulated
- 23 charges may result in discontinuance of service and
- 24 that the customer may contact the business office
- 25 (at a stated number) to determine the amount of

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1 regulated charges in the bill.

2 (2) Each company shall make appropriate adjustments or
3 refunds where the subscribers's service is interrupted by other
4 than the subscriber's negligent or willful act, and remains out of
5 order in excess of twenty-four (24) hours after the subscriber
6 notifies the company of the interruption. The refund to the
7 subscriber shall be the pro rata[e] part of the month's charge for
8 the period of days and that portion of the service and facilities
9 rendered useless or inoperative; except that the refund shall not
10 be applicable for the time that the company stands ready to repair
11 the service and the subscriber does not provide access to the
12 company for such restoration work. The refund may be accomplished
13 by a credit on a subsequent bill for telephone service.

14 (3) (a) Bills shall not be considered delinquent prior to
15 the expiration of fifteen (15) days from the date of mailing or
16 delivery by the utility. However, the company may demand immediate
17 payment under the following circumstances:

- 18 1. Where service is terminated or abandoned.
- 19 2. Where toll service is two (2) times greater than
20 the subscriber's average usage as reflected on the
21 monthly bills for the three (3) months prior to the
22 current bill or, in the case of a new customer who
23 has been receiving service for less than four (4)
24 months, where the toll service is twice the
25 estimated monthly toll service.

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1 3. Where the company has reason to believe that a
2 business subscriber is about to go out of business
3 or that bankruptcy is imminent for that
4 subscriber.

5 (b) The demand for immediate payment shall be
6 accompanied by a bill which itemizes the charges for which payment
7 is demanded or, if the demand is made orally, an itemized bill
8 shall be mailed or delivered to the customer within three (3) days
9 after the demand is made.

10 (c) If the company cannot present an itemized bill, it
11 may present a summarized bill which includes the customer's name
12 and address and the total amount due. However, a customer may
13 refuse to make payment until an itemized bill is presented. The
14 company shall inform the customer that he may refuse payment until
15 an itemized bill is presented.

16 (4) Each telephone company shall include a bill insert
17 advising each subscriber of the directory closing date and the
18 subscriber's opportunity to correct any error or make such changes
19 as the subscriber deems necessary in advance of the closing date.
20 It shall also state that at no additional charge and upon the
21 request of any residential subscriber, the exchange company shall
22 list an additional first name or initial under the same address,
23 telephone number and surname of the subscriber. Such notice shall
24 be included in the billing cycle closest to sixty (60) days
25 preceding the directory closing date.

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1 (5) Annually, each telephone company shall include a bill
2 insert advising each residential subscriber of the option to have
3 his/her name placed on the "No Sales Solicitation" list maintained
4 by the Department of Agriculture and Consumer Services, Division of
5 Consumer Services, and the 800 number to contact to receive more
6 information.

7 (6) Where any undercharge in billing of a customer is the
8 result of a company mistake, the company may not backbill in
9 excess of twelve months. Nor may the company recover in a
10 ratemaking proceeding any lost revenue which inures to the
11 company's detriment on account of this provision.

12 (7) Franchise fees and municipal telecommunications taxes.

13 (a) When a municipality charges a company any franchise fee,
14 or municipal telecommunications tax authorized by Section 166.231
15 F.S., the company may collect that fee only from its subscribers
16 receiving service within that municipality. When a county charges
17 a company any franchise fee, the company may collect that fee only
18 from its subscribers receiving service within that county.

19 (b) A company may not incorporate any franchise fee or
20 municipal telecommunications tax into its other rates for service.

21 (c) This subsection shall not be construed as granting a
22 municipality or county the authority to charge a franchise fee or
23 municipal telecommunications tax. This subsection only specifies
24 the method of collection of a franchise fee if a municipality or
25 county, having authority to do so, charges a franchise fee or

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1 municipal telecommunications tax.

2 (8) (a) When a company elects to add the Gross Receipts Tax
3 onto the customer's bill as a separately stated component of that
4 bill, the company must first remove from the tariffed rates any
5 embedded provisions for the Gross Receipts Tax.

6 (b) If the tariffed rates in effect have a provision for
7 gross receipts tax, the rates must be reduced by an amount equal to
8 the gross receipts tax liability imposed by Chapter 203, Florida
9 Statutes, thereby rendering the customer's bill uneffected by the
10 election to add the Gross Receipts Tax as a separately stated tax.

11 (c) This subsection shall not be construed as a mandate
12 to elect to separately state the Gross Receipts Tax. This
13 subsection only specifies the method of applying such an election.

14 (d) All services sold to another telecommunications
15 vendor, provided that the applicable rules of the Department of
16 Revenue are satisfied, must be reduced by an amount equal to the
17 gross receipts tax liability imposed by Chapter 203, Florida
18 Statutes, unless those services have been adjusted by some other
19 Commission action.

20 (e) When a nonrate base regulated telecommunications
21 company exercises the option of adding the gross receipts tax as a
22 separately stated component on the customer's bill then that
23 company must file a tariff indicating such. No corresponding rate
24 reduction is required for nonrate base regulated telephone
25 companies.

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1 (9) Each local exchange company shall apply partial payment
2 of an end user/customer bill first towards satisfying any unpaid
3 regulated charges. The remaining portion of the payment (if any)
4 shall be applied to nonregulated charges.

5 (10) This section applies to local exchange companies and
6 interexchange carriers that provide transmission services and/or
7 bill and collect on behalf of Pay Per Call providers. Pay Per Call
8 services are defined as switched telecommunications services
9 between locations within the State of Florida which permit
10 communications between an end use customer and an information
11 provider's program at a per call charge to the end user/customer.
12 Pay Per Call services include 976 Services provided by the local
13 exchange companies and 900 services provided by interexchange
14 carriers.

15 (a) Charges for Pay Per Call service (900 or 976) shall be
16 segregated from charges for regular long distance or local charges
17 by appearing separately under a heading that reads as follows:
18 "Pay Per Call (900 or 976) nonregulated charges". The following
19 information shall be clearly and conspicuously disclosed on each
20 section of the bill containing Pay Per Call service (900 or 976)
21 charges:

- 22 1. Nonpayment of Pay Per Call service (900 or 976)
23 charges will not result in disconnection of local
24 service;
- 25 2. End users/customers can obtain free blocking of Pay

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1 Per Call service (900 or 976) from the local
2 exchange telephone company;

3 3. The local or toll-free number the end user/customer
4 can call to dispute charges;

5 4. With 900 service, the name of the interexchange
6 carrier providing 900 service; and

7 5. The Pay Per Call service (900 or
8 976) program name.

9 (b) Pay Per Call Service (900 and 976) Billing. Local
10 exchange companies and interexchange carriers who have a tariff or
11 contractual relationship with a Pay Per Call (900 or 976) provider
12 shall not provide Pay Per Call transmission service and/or billing
13 services, unless the provider does each of the following:

14 1. Provides a preamble to the program which states the
15 per minute and total minimum charges for the Pay
16 Per Call service (900 and 976); child's parental
17 notification requirement is announced on preambles
18 for all programs where there is a potential for
19 minors to be attracted to the program; child's
20 parental notification requirement in any preamble
21 to a program targeted to children must be in
22 language easily understandable to children;
23 programs that do not exceed \$3.00 in total charges
24 may omit the preamble, except as provided in
25 Section (10)(b)3.

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- 1 2. Provides an 18 second billing grace period in which
2 the end user/customer can disconnect the call
3 without incurring a charge; from the time the call
4 is answered at the Pay Per Call provider's
5 premises, the preamble message must be no longer
6 than 15 seconds. The program may allow an end
7 user/customer to affirmatively bypass a preamble.
- 8 3. Provides on each program promotion targeted at
9 children (defined as 18 years of age) clear and
10 conspicuous notification, in language
11 understandable to children, of the requirement to
12 obtain parental permission before placing or
13 continuing with the call. The parental consent
14 notification shall appear prominently in all
15 advertising and promotional materials, and in the
16 program preamble. Children's programs shall not
17 have rates in excess of \$5.00 per call, and shall
18 not include the enticement of a gift or premium.
- 19 4. Promotes its services without the use of an
20 autodialer or broadcasting of tones that dial a Pay
21 Per Call (900 and 976) number;
- 22 5. Prominently discloses the additional cost per
23 minute or per call for any other telephone number
24 that an end user/customer is referred to either
25 directly or indirectly;

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1 6. In all advertising and promotional materials,
2 displays charges immediately above, below or next
3 to the Pay Per Call number, in type size that can
4 be seen as clearly and conspicuously at a glance as
5 the Pay Per Call number. Broadcast television
6 advertising charges, in Arabic numerals, must be
7 shown on the screen for the same duration as the
8 Pay Per Call number is shown, each time the Pay Per
9 Call number is shown. Oral representations shall
10 be equally as clear.

11 7. Provides on Pay Per Call services that involve
12 sales of products or merchandise clear preamble
13 notification of the price that will be incurred if
14 the end user/customer stays on the line, and a
15 local or toll free number for consumer complaints;

16 8. Meets internal standards established by the local
17 exchange company or the interexchange carrier as
18 defined in the applicable tariffs or contractual
19 agreement between the LEC and the IXC; or between
20 the LEC/IXC and the Pay Per Call (900 or 976)
21 provider which when violated, would result in the
22 termination of a transmission and/or billing
23 arrangement.

24 (c) Pay Per Call (900 and 976) Blocking. Each local exchange
25 company shall provide blocking (where technically feasible) of Pay

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1 Per Call service (900 and 976), at the request of the end
2 user/customer at no charge. Each local exchange company or
3 interexchange carrier must implement a bill adjustment tracking
4 system to aid its efforts in adjusting and sustaining Pay Per Call
5 charges. The carrier will adjust the first bill containing Pay Per
6 Call charges upon the end user's/customer's stated lack of
7 knowledge that Pay Per Call service (900 and 976) has a charge. A
8 second adjustment will be made if necessary to reflect calls billed
9 in the following month which were placed prior to the Pay Per Call
10 service inquiry. At the time the charge is removed, the end
11 user/customer may agree to free blocking of Pay Per Call service
12 (900 and 976).

13 (d) Dispute resolution for Pay Per Call service (900 and
14 976). Charges for Pay Per Call service (900 and 976) shall be
15 automatically adjusted upon complaint that:

- 16 1. The end user/customer did not receive a price
17 advertisement, the price of the call was
18 misrepresented to the consumer, or the price
19 advertisement received by the consumer was false,
20 misleading, or deceptive;
- 21 2. The end user/customer was misled, deceived, or
22 confused by the Pay Per Call (900 or 976)
23 advertisement;
- 24 3. The Pay Per Call (900 or 976) program was
25 incomplete, garbled, or of such quality as to

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1 render it inaudible or unintelligible, or the end
2 user/customer was disconnected or cut off from the
3 service;

4 4. The Pay Per Call (900 and/or 976) service provided
5 out-of-date information;

6 5. The end user/customer terminated the call during
7 the preamble described in 25-4.110 (10) (b) (2),
8 but was charged for the Pay Per Call service (900
9 or 976).

10 e) If the end user/customer refuses to pay a disputed Pay
11 Per Call service (900 or 976) charge which is subsequently
12 determined by the LEC to be valid, the LEC or IXC may implement Pay
13 Per Call (900 and 976) blocking on that line.

14 (f) Credit and Collection. Local exchange companies and
15 interexchange carriers billing Pay Per Call (900 and 976) charges
16 to an end user/customer in Florida shall not;

17 1. Collect or attempt to collect Pay Per Call service
18 (900 or 976) charges which are being disputed or
19 which have been removed from an end
20 user's/customer's bill;

21 2. Report the end user/customer to a credit bureau or
22 collection agency solely for non-payment of Pay Per
23 Call (900 or 976) charges.

24 (g) Local exchange companies and interexchange carriers
25 billing Pay Per Call service (900 and 976) charges to end

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1 users/customers in Florida shall implement safeguards to prevent
2 the disconnection of phone service for non-payment of Pay Per Call
3 (900 or 976) charges.

4 Specific Authority: 350.127, F.S.

5 Law Implemented: 364.17, 350.113, 364.03, 364.04, 364.05, F.S.

6 History: New 12/1/68, Amended 3/31/76, 12/31/78, 1/17/79, 7/28/81,
7 9/8/81, 5/3/82, 11/21/82, 4/13/86, 10/30/86, 11/28/89, 3/31/91, -

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SUMMARY OF RULE

The proposed rules provide that partial payments by customers be applied by local exchange companies first to satisfying any unpaid regulated charges. The proposed rules provide a definition of pay per call services and change "900/976 services" to "pay per call services (900 or 976)".

The proposed rules provide requirements for pay per call services in the areas of notification, children's parental consent, promotion of children's programs, disclosure of prices for merchandise, meeting internal standards of local exchange companies and interexchange carriers and program promotion which must be met for transmission and or billing services to be provided.

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

SUMMARY OF HEARING

The hearing took place on October 8, 1991, at 9:30 a.m. in Room 106 of the Fletcher Building, 101 E. Gaines Street, Tallahassee, Florida. Parties attending were the Public Counsel, Attorney General, Fax Interactive, Inc., Ryder Communications, Inc., Southern Bell Telephone & Telegraph, General Telephone of

Florida, Central Telephone, American Telephone & Telegraph and the Florida Public Service Commission.

Comments were received concerning standardization of an 18 second grace period and 15 second descriptive preamble, limitation of children's parental consent notice to children's programs and programs with the potential to attract minors and non-deceptive advertising standards.

A broad consensus in favor of adoption of the rule with changes reflecting the above listed comments was achieved and the Commission so ruled from the bench.

FACTS AND CIRCUMSTANCES JUSTIFYING THE RULE

There is a need for increased consumer protection in the area of pay per call (900 or 976) services, with specific reference to notice of charges, notice on bills of relevant information, child's parental consent and dispute resolution.

CERTIFICATION OF
PUBLIC SERVICE COMMISSION ADMINISTRATIVE RULES
FILED WITH THE
DEPARTMENT OF STATE

I do hereby certify:

(1) The time limitations prescribed by paragraph 120.54(11)(a), F.S., have been complied with; and

(2) There is no administrative determination under section 120.54(4), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(11)(b), F.S. They are filed not less than 28 days after the notice required by subsection 120.54(1), F.S., and;

(a) And are filed not more than 90 days after the notice; or

(b) Are filed not more than 90 days after the notice not including days an administrative determination was pending; or

(c) Are filed within 21 days after the adjournment of the final public hearing on the rule; or

(d) Are filed within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(e) Are filed within 21 days after the date the transcript was received by this agency.

Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the

undersigned agency by and upon their filing with the Department of State.

<u>Rule No.</u>	<u>Rulemaking Authority</u>	<u>Specific Law Being Implemented, Interpreted or Made Specific</u>
25-4.110, F.A.C.	350.127, F.S.	364.17, 350.113, 364.03, 364.04, 364.05, F.S.

Under the provision of paragraph 120.54(13)(a), F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(month) (day) (year)

Kay Flynn for

Steve Tribble
Director, Division of Records & Reporting
Title

Number of Pages Certified

(S E A L)