LOUISIANA PUBLIC SERVICE COMMISSION

GENERAL ORDER

LOUISIANA PUBLIC SERVICE COMMISSION,
EX PARTE

Docket No. U-24050 - In re: **Rules and regulations concerning Telecommunications Service Provider ("TSP") billing.**

(Decided at Business and Executive Session held June 21, 2000)

This docket was originally initiated to develop rules and regulations applicable to the billing practices and procedures of all jurisdictional utilities. Prior to the issuance of any proposed rules, the Louisiana Public Service Commission voiced an increasing concern with eliminating "cramming", i.e. the unauthorized addition of services and charges on a consumer's telephone bill. In order to specifically address this concern in an expeditious manner, Staff issued a notice of proposed rulemaking in the above docket number applicable only to Telecommunications Service Providers. The initial notice contained a proposed set of requirements that would amend the Commission's Local Competition Rules.

Staff received interventions and comments from numerous telecommunications service providers, including BellSouth, AT&T, MCI WorldCom, Eatel, e.spire, Cox Telecom, Actel, Radiofone and the Small Company Committee on the proposed requirements. Subsequent to the review of these comments, Staff issued an initial recommendation. The initial recommendation removed the proposed guidelines from the Local Competition Rules and created a new set of rules which would be contained in a separate order applicable only to Telecommunications Service Providers billing. Comments were taken and reviewed on this initial recommendation.

In order to address new concerns carriers discovered in attempting to comply with similar regulations imposed by the FCC, Staff issued an interim recommendation and request for comments. Once again comments were received and reviewed and considered in connection with all previous comments prior to the issuance of a final recommendation. A final recommendation was drafted containing, among others, the following requirements.

First, a printed bill must be submitted to the customer every month, unless the customer agrees to an alternative billing method or frequency and the carrier offers such an arrangement and frequency. Second, all services shall be billed within 90 days of the date the customer incurs the charges, with some exception. Third, when a bill contains charges for which failure to pay will result in the disconnection of basic local service and those for which non-payment will not result in the disconnection of basic local service, the bill shall distinguish between those charges. Fourth, the charges on a bill must be separated by company when the bill contains charges for more than one company. Finally, when a bill reflects a change in service or service provider or a new service or provider, it shall be printed in a manner to put the customer on notice.

The above specific requirements and others contained in the final recommendation were presented to the Commission for its consideration at the June 21, 2000 Business and Executive Session. On motion of Commissioner Filed, seconded by Commissioner Owen, the Staff recommendation was unanimously adopted. Discussion ensued on the issue of wireless carriers and whether they were exempted from these billing requirements. In order to address this issue, a motion to reconsider was made by Commissioner Sittig, seconded by Commissioner Blossman and unanimously adopted. On reconsideration, Commissioner Sittig moved to exempt wireless carriers from the regulations approved by the Commission. The motion was seconded by Commissioner Blossman and unanimously adopted.

IT IS THEREFORE ORDERED

(1) The Rules and Regulations Concerning Telecommunications Service Provider Billing, attached hereto as attachment "A", are hereby adopted.

(2) Wireless TSP's, as defined in the Regulations shall be exempted from the regulations.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
JULY 14, 2000

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APPENDIX "A"

RULES AND REGULATIONS CONCERNING TELECOMMUNICATIONS SERVICE PROVIDER BILLING

PREAMBLE

The Louisiana Public Service Commission ("LPSC" or "Commission") hereby promulgates the following regulations (the "Regulations") to curtail confusing billing practices which provide a venue for unscrupulous companies to profit at the expense of consumers. These Regulations also arise out of a Commission concern to eliminate cramming, the unauthorized addition of services and charges to a consumer's telephone bill.

The Commission imposes these Regulations to protect the public safety and welfare and to protect the rights of consumers while ensuring that the regulations required of telecommunications services providers are just and reasonable.

SECTION 101. Definitions

1. Basic Local Service - those telecommunications services required to provide residential and single-line business customers with each of the items comprising the definition of Universal Service as specified in Commission General Order, dated May 22, 1995.

2. Commission - the Louisiana Public Service Commission.

3. Local Telecommunications Services - telecommunications services traditionally provided by an ILEC as a local service, including but not limited to, exchange access services, private line services, basic local services, and public pay phone services.

4. LPSC - the Louisiana Public Service Commission.

5. Telecommunications- the bi-directional transmission of information of the user's choosing between or among points specified by the user, including voice, data, image, graphics and video, without change in the form or content of the information as sent and received, by means of an electromagnetic and/or fiber optic transmission medium, including all instrumentalities, facilities, apparatus and services (including the collection, storage, forwarding, switching and delivery of such information) essential to such transmission.

6. Telecommunications Service - the offering and/or providing of telecommunications for compensation or monetary gain to the public, or to such classes of users as to be effectively available to the public regardless of the facilities used to transmit the telecommunications services.

7. Telecommunications Service Charge or Telecommunications Charge - any charge levied against a consumer for the provision of a Telecommunications Service.

8. Telecommunications Services Provider (TSP) - a generic term used to refer to any person or entity offering and/or providing telecommunications services for compensation or monetary gain.

9. Wireless Telecommunication Service Provider- any TSP that utilizes equipment, service or technology for transporting information without wires, but rather through the airways, through means such as radios, lasers and/or microwaves.

SECTION 201. Public Interest

Based on the complete record before the Commission in this docket, and considering the present state of the telecommunications billing structure, the Louisiana Public Service Commission hereby finds, determines and declares that the promotion of these billing requirements for all telecommunications providers in Louisiana is in the public interest.

SECTION 301. Billing

A. A printed bill must be supplied to each customer unless the TSP offers an alternative billing arrangement and the customer positively accepts such an alternative billing arrangement (i.e. electronic bill). An alternative bill must comply with all LPSC billing requirements unless specifically exempted. The customers acceptance may not be through negative option literature. (i.e. A mail out that allows the change if the customer does not respond.)

B. A Bill must be supplied to the customer at least once a month unless the TSP offers a less frequent billing arrangement and the customer positively elects to be billed less frequently.

C. All billing for telecommunications services must be presented for payment to the consumer within ninety (90) days of the date the consumer incurs the charge unless the consumer elects to be billed less frequently, in which case the consumer must be billed as specified in the carrier's tariff on file with the LPSC. In the instance a TSP receives the billing information for international or O+ calls at a date that prohibits the rendering of a bill for the charge within ninety (90) days, the TSP shall render a bill within sixty (60) days of the receipt of the billing information.

D. Deniable and non-deniable charges. As provided in Section 401, where a bill contains charges for basic local service and charges for additional services, the bill must distinguish between charges for which non-payment will result in disconnection of Basic Local Service and charges for which non-payment will not result in such disconnection. Each TSP is responsible for ensuring the bill or billing carrier clearly and conspicuously identifies on the bill those charges for which non-payment will not result in disconnection of Basic Local Service.

If the billing carrier receives only a partial payment without specifying what the payment is for, the amount rendered shall be applied first to those charges for which non-payment will result in the disconnection of basic local service and then to charges for other services.

E. Clear and conspicuous disclosure of Inquiry contacts. Telephone bills must contain clear and conspicuous disclosure of any information that the customer may need to make inquiries about, or contest charges, on the bill.

1. Where a bill contains charges for more than one company, the charges must be separated by company. The bill shall also clearly identify the name under which the certificated carrier is rendering service to a customer, whether the certificated name of the TSP or a d/b/a actually on file with the Commission.

2. Common carriers must prominently display on each bill a toll free number or numbers by which customers may inquire or dispute any charge contained on a bill. A carrier may list a toll-free number for a billing agent, clearinghouse or other third party provided that such a party possesses sufficient information to answer questions concerning the customer's account and is fully authorized to resolve consumer complaints on the carrier's behalf.

Each carrier must make its business address, certificated name (if the bill only provides a name under which the company is doing business) and toll free number (if the toll free number listed on the bill is not the toll free number of the carrier) available upon request to consumers through the toll free number listed on the bill.

E. Change of Service/ New Service Provider

When a bill reflects for the first time a change of a service, service provider or a new service or service provider, the bill shall be printed in a manner to put the customer on notice of the change or new service. (I.E. highlighting, bold type, asterisks, etc.) For purposes of this section, "new service provider" means a service provider that did not bill the subscriber for service during the service provider's last billing cycle. This definition shall include only providers that have continuing relationships with the subscriber that will result in periodic charges on the subscriber's bill, unless the service is subsequently canceled.

F. The terms, conditions and frequency of any alternative billing arrangement offered by a TSP must be included in the TSP's tariff on file with the Commission.

Section 401. Disconnection of Service

No carrier shall disconnect a consumer's Basic Local Service for nonpayment of charges not regulated by the Louisiana Public Service Commission or the Federal Communications Commission.(i.e. Internet charges).

Section 501. Violations

After notice and hearing, the Commission may impose monetary fines, penalties or revoke a provider's certificate for violation of any portion of this order.

Section 601. Exemption

These regulations shall not apply to any TSP that operates exclusively as a wireless TSP.