

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION
Telecommunications BranchRESOLUTION NO. T-12085
May 11, 1988R E S O L U T I O N

PACIFIC BELL. ORDER AUTHORIZING CHANGES TO THE TARIFF CONDITIONS FOR SUBMISSION OF RETRACTIONS OF AN END USERS EASY ACCESS REQUEST BY INTEREXCHANGE CARRIERS. (ADVICE LETTER NO. 15282 AND ASSOCIATED SUPPLEMENTS 15282A, B, C AND D).

SUMMARY

This resolution approves Pacific Bell's (Pacific) Advice Letter 15282 and associated supplements, which modify Section 2, General Regulations and Section 13.3.3, Presubscription of Schedule Cal. P.U.C. No. 175-T access service. The changes will allow Interexchange Carriers (IECs) to submit to Pacific, retractions of a completed end user's Easy Access Request (EAR) without the customers having to be on the line to verify retraction. An EAR denotes a means by which the customer selects and designates a primary interexchange carrier. Upon receiving the EAR the IEC notifies Pacific that it is the customer's designated long distance toll carrier. There have been incidents whereby the EAR information has been submitted to Pacific with erroneous data for a variety of reasons. For example, through the IEC's marketing efforts, they may obtain lists that have incorrect customer information, or the Local Exchange Carriers (LECs) may provide outdated information, or the customer may change his/her mind prior to the completion of the EAR. Under this proposed tariff, if the IEC does not have a letter of authorization from the customer, the IEC will bear the Presubscription Change Charge (\$5.26) associated with the EAR completed in error as well as the Presubscription Change Charge (\$5.26) associated with restoring the customer to the previous Primary Interexchange Carrier (PIC). The IEC will then send a notice to the end user indicating that an error had occurred and has been corrected.

MCI protested this Advice Letter, and Pacific filed supplement 15282A to extend the effective date of Advice Letter No. 15282 to enable Pacific and the protestant to resolve the protest.

BACKGROUND

Pacific filed Advice Letter No. 15282 on July 31, 1987 with Supplements 15282A,B,C and D, dated September 4, 1987, February 3, 1988, February 10, 1988 and March 25, 1988, respectively. Advice Letter 15282 and associated Supplements requested Commission authorization to modify the process which allows an IEC to retract an EAR that was completed in error.

Currently, Pacific will accept a change in the customer's choice of an IEC (i.e. retraction from an IEC) by telephone from the customer. Because of the difficulty of contacting the end user, the IEC requested Pacific to provide an additional method by which retractions can be submitted.

Under Pacific's proposal, when the IEC finds that it submitted an erroneous EAR to Pacific, it will notify Pacific that there is to be an EAR retraction. If the retraction is received prior to Pacific's completing the EAR the IEC will not be charged for an easy access request. If not, the IEC will pay the Presubscription Change Charge associated with the EAR completed in error as well as the Presubscription Change Charge associated with restoring the customer to the previous Primary Interexchange Carrier. Pacific also proposes that the IEC send a notice to the end user stating that an error had occurred, but has been corrected.

Advice Letter 15282 was protested by NCI Telecommunications Corporation by letter dated August 20, 1987, arguing that:

- 1) NCI may not have the necessary information to inform an customer in writing that an erroneous EAR had been completed and that a retraction has been requested. NCI also believes that the notification may cause customer confusion and could damage any future relationship between NCI and the end user.
- 2) There are instances when an EAR can be corrected before the Pacific actually changes the customer's Primary Interexchange Carrier. NCI believes the liability should be limited to those instances when the retraction is submitted after the customer's IEC has actually been changed.
- 3) NCI requests that the language "...without the affected end-user's (sic) consent..." be removed from the proposed tariffs. There are many reasons that could cause an erroneous EAR to be submitted to an IEC, and not all are the fault of the IEC, nor do all erroneous EARs occur without customer consent. Because of a typographical error, an EAR must be retracted and resubmitted. Fault can also lie with IECs who supply IECs with marketing information.

Pacific responded to NCI's protest, by letter dated August 27, 1987, arguing that:

- 1) When Pacific completes an EAR, it will submit a list with customers billing name and address to the IEC who will then have the information necessary to notify the customer of the IEC retraction. Pacific believes that a written notification is necessary to avoid customer confusion for they would receive a bill for calls placed over the IEC's network prior to the retraction.
- 2) Pacific's tariffed definition of a "retraction" is when an IEC requests an LEC to retract a submitted EAR after the LEC has completed the transfer for which the IEC has no authorization.
- 3) The language "...without the affected end users consent..." has been omitted from the tariff language as requested by NCI in item no. 3 above.

DISCUSSION

Pacific is correct in requesting an IEC to send written notification to the customer who was erroneously changed from the designated IEC because there would be confusion for those customers who receive bills from an unrequested IEC. Pacific will submit a completion record with the billing name and address to an IEC which will enable written notification to be sent to the customer.

Advice Letter Supplements 15282B, C and D, state that an EAR charge will apply when the process of switching a customer's designated IEC has been completed in error.

We agree errors can occur even if the IEC has an end user letter of authorization. A change of a transposed number or a correction in the customer's name or address will not qualify for a Retraction Charge, and in this case, no end user notification is required for a correction.

FINDINGS

1. An additional new method to process a retraction of an erroneous Easy Access Request is necessary.
2. The IEC who submits an erroneous EAR will bear the Presubscription change charge associated with the EAR completed in error as well as the Presubscription change charge associated with restoring the customer to the previous Primary Interexchange Carrier.
3. Retraction charges will only apply when the erroneous EAR has actually resulted in a customer being switched to a different IEC.

4. The Interexchange Carrier will receive a completion record of all EARs which will have customers' billing name and address.
5. The IEC will send written notification to the customer who was erroneously switched and then restored to his/her Primary Interexchange Carrier.
6. Pacific agreed with MCI the protest in part and changed portions of its tariff language to clarify the EAR definition.
7. The Commission finds that the rates, charges and conditions in this resolution are fair and just.

IT IS ORDERED that:

- (1) Authority is granted to make the above tariff revisions effective on May 11, 1988.
- (2) MCI's protest relating to sending written notification to customers who are erroneously switched from their designated Interexchange Carriers is denied.
- (3) All tariff sheets filed under Advice Letter No. 15282 and Supplement 15282A,B,C AND D, shall be marked to show that such sheets were authorized by Resolution of the Public Utilities Commission of the State of California Number T-12085.
- (4) The effective date of this resolution is today.

I certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on May 11, 1988. The following Commissioners approved it:

STANLEY W. HULETT
President
DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners


Executive Director