

By Senator Lee

23-1048-98

1                                   A bill to be entitled  
2           An act relating to telephone billing  
3           disclosure; creating s. 364.045, F.S.;  
4           providing requirements for billing and consumer  
5           information provided to customers by local  
6           exchange companies and alternative local  
7           exchange companies; prohibiting the  
8           disconnection of a customer's local service in  
9           specified circumstances; allowing requirements  
10          to be waived by a written agreement; providing  
11          for rulemaking by the Florida Public Service  
12          Commission; providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16           Section 1. Section 364.045, Florida Statutes, is  
17 created to read:

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364.045 Billing and consumer information.--

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(1) Local exchange companies and alternative local  
20 exchange companies must resolve billing inquiries regarding  
21 charges or other items that appear on or are included with  
22 their bills. Companies must answer such inquiries orally and,  
23 if requested, must also answer in writing. Answers to  
24 inquiries must be timely provided. For each portion of its  
25 bill, a company must clearly identify a telephone number to  
26 call for billing inquiries. Calls to a billing number must be  
27 timely responded to, during normal business hours. The  
28 personnel who respond to a billing inquiry must directly  
29 answer the customer's questions without referring the customer  
30 to any other entity and, if requested, must provide a mailing  
31 address for written inquiries.

1           (2) A local exchange company or an alternative local  
2 exchange company may arrange for another entity to perform  
3 billing functions and directly to resolve inquiries, as long  
4 as those arrangements conform to the requirements of this  
5 section.

6           (3) If requested by a customer, a local exchange  
7 company or an alternative local exchange company must not, in  
8 the bill for its service, bill that customer for the products  
9 or services of any entity other than itself and the customer's  
10 presubscribed intraLATA and interLATA interexchange service  
11 providers. A company shall advise its customers of this  
12 billing option at the time local service is ordered and  
13 annually thereafter. There shall be no charge to the customer  
14 for choosing this billing option.

15           (4) If a telecommunications company bills a customer  
16 on behalf of an interexchange company as though the customer  
17 were presubscribed to that interexchange company, and it is  
18 determined that the customer did not choose the company as a  
19 presubscribed interexchange company, the customer is not  
20 responsible for the payment of such charges.

21           (5) Telecommunications companies shall clearly  
22 identify the provider of each service or product for which  
23 charges appear on a bill and shall specify the charge, taxes,  
24 and fees associated with each service or product. The  
25 commission shall adopt rules for bill format and bill content  
26 in order to assist the consumer in understanding the bill.  
27 Such rules must require that charges be clearly segregated for  
28 each type of service and each provider, shall define how a  
29 company separates the telecommunications charges from the  
30 nontelecommunications charges, shall indicate how the company  
31 issuing the bill must make clear to the customer which charges

1 must be paid in order to maintain which services, and shall  
2 describe how partial payments of a bill are to be treated.

3 (6) A local exchange company or an alternative local  
4 exchange company may not disconnect a customer's local service  
5 if the charges, taxes, and fees applicable to local service  
6 are paid. Any payment made must first be applied to local  
7 service charges, taxes, and fees.

8 (7) A company must offer service under the conditions  
9 described in subsections (1)-(6). However, as an additional  
10 option, a company may offer to bill a customer in a manner  
11 other than as specified in subsections (1)-(6). If the  
12 customer agrees in writing to receive service under that  
13 option, that written agreement controls the procedures under  
14 which the customer receives service. Such a written agreement  
15 must be a separate document that, as its sole purpose,  
16 provides a description of billing and disconnection  
17 procedures.

18 (8) The commission may by rule specify procedures for  
19 administering this section.

20 Section 2. This act shall take effect July 1, 1998.

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23 SENATE SUMMARY

24 Provides requirements for billing and consumer  
25 information relating to telephone service provided to  
26 customers by local exchange companies and alternative  
27 local exchange companies. Prohibits the disconnection of  
28 a customer's local service if the charges, taxes, and  
29 fees applicable to local service have been paid. Allows  
30 requirements set forth in this section to be waived by a  
31 written agreement between a company and its customer.  
Provides for rulemaking by the Florida Public Service  
Commission.