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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers	)	CC Docket 94-129

Comments of General Communication, Inc.

General Communication, Inc. (GCI) hereby comments on the Commission's Notice of Proposed Rulemaking.[1] The Notice invites comment on various rules relating to the form and content of Letters of Agency (LOA).

Introduction

The Commission, own its own motion, began this proceeding to review the policies and propose rules regarding unauthorized changes of consumers' long distance carriers due to the numerous complaints filed with the Commission over the past several years. Many of the complaints involve the use of misleading or confusing LOAs. The Commission believes that it is necessary to ensure that when consumers sign a LOA, they are aware that they are authorizing a change in their long distance carrier. GCI supports a clearer and independent LOA format. However, as outlined below, GCI has concerns about the Commission's

[1]Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, FCC 94-292, released November 10, 1994.

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rules as proposed.

The Proposed Form And Content Rules Must Be Altered

The Commission has proposed that a LOA must be obtained from subscribers that conforms with section 64.1150. As proposed, the rule requires language that is incompatible with the "2-PIC" system now operating in Alaska. Today, a subscriber in Alaska can pick an intrastate interexchange carrier that is different from the subscriber's interstate interexchange carrier. The regulations of the Alaska Public Utilities Commission (APUC) for intrastate interexchange competition require intrastate equal access that enables a subscriber to pick different interexchange carriers in the different jurisdictions, if the customer so desires.[2] "2-PIC" equal access exists in all exchanges where GCI offers originating service. Subscribers can pick GCI as their primary interexchange carrier for interstate calling and another interexchange carrier in Alaska, Alascom, as their primary interexchange carrier for intrastate calling, or vice versa. Obviously, the subscriber can also pick the same carrier to provide both interstate and intrastate service. Therefore, based on regulations of the APUC, it is possible to have more than one primary interexchange carrier.[3]

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[2]See, 3 AAC 52.333 and 52.334.

[3]Many other states are considering or working toward implementation of 2-PIC.

The proposed rule requiring all LOA's to state "the subscriber understands that only one interexchange carrier may be designated as the subscriber's primary interexchange carrier for any one telephone number and that selection of multiple carriers will invalidate all such selections"[4] is incompatible with regulations in Alaska. The statement would be both incorrect and confusing to subscribers. Even if the language were modified to be technically correct by referring to "interstate interexchange carrier", the language would still be confusing to subscribers.

GCI now uses language informing the subscriber that they can choose a different carrier for in-state calling and out-of-state calling.[5] The subscriber is asked to check the appropriate box: GCI Both In-State and Out-of-State; GCI In-State; or, GCI Out-of-State. The language is clear and accurate and fully informs the subscriber of the available choices. GCI requests that the Commission modify its proposed rule by deleting 64.1150(d)(4).

The Commission is striving in its proposed rules to have clear and unambiguous language. The proposed rule frequently uses the phrase "primary interexchange carrier." Subscribers understand "long distance carrier", not interexchange carrier. Also, the use of the work "primary" will be very confusing in any jurisdiction with any form of

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[4]Proposed 64.1150(d)(4).

[5]Attached is a copy of a GCI LOA.

2-PIC.[6] The concept of two different "primary" interexchange carriers is confusing, if not an oxymoron. Therefore, the Commission should delete all references to primary throughout the proposed rules and should determine that the specific language in (d) is not required so long as the correct meaning is clearly and unambiguously included.

Also, the Commission should delete 64.1150(d)(3). The subsection states that the LOA must say "that the subscriber designates the interexchange carrier to act as the subscriber's agent for the primary interexchange carrier change." The idea of designating an "agent" is confusing to subscribers, who view the action as solely selecting a carrier. The language required in this subsection adds nothing to the subscriber's understanding. Further, 64.1150(d)(2) highlights the relevant issue for the subscriber.

Miscellaneous Issues

The Commission seeks comment on several issues relating to LOAs. The issues include comment on what carriers' names should appear on the LOA; if business and residential customers should be treated differently; who should be liable for long distance charges for unauthorized PIC changes; and, what restrictions should be placed on marketing practices of interexchange carriers and their 800

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[6]Of course, the Commission should change its proposed rules so that carriers do not have to send out two different LOAs for the interstate and intrastate jurisdiction.

numbers. GCI outlines its position on these points below.

The LOA should only contain the name of the carrier that directly provides the service to the subscriber. Allowing names of other carriers to be listed on the LOA will only confuse the subscriber. Most carriers use other carriers facilities to provide services to subscribers. These connecting or underlying carriers to the primary provider could change. If the Commission allowed the listing of those carriers many issues would arise. For example, if any of the carrier listed on the LOA changed, would the carrier be required to notify the customer and get a new LOA? To avoid these problems, the LOA should only list the carrier that sets the rates and provides the service to the subscriber.

Business and residential subscribers should not be treated differently. The proposed rules, as modified above, are adequate to protect all subscribers. Business customers as well as marketing personnel for interexchange carriers are knowledgeable about who is the person authorized to select or change interexchange carriers.

Subscribers must be liable for their long distance charges. If the Commission implements rules requiring either forgiveness or reimbursement for long distance charges related to authorized PIC changes, then customer fraud would increase. First of all, there would be many more instances of claimed unauthorized changes. These

issues are now usually resolved between the subscriber and the carrier. However, if long distance charges could be forgiven fully, unauthorized claims and potential fraud could increase.

Lastly, there should be no restrictions on marketing by interexchange carriers when a potential customer calls the carriers' 800 number. If a subscriber calls an interexchange carriers' 800 number, the subscriber is in some way interested in the carrier and its service offerings. The carrier should not be precluded from encouraging those customers to switch to that carrier.

Conclusion

The Commission should modify its proposed rules as outlined above to accommodate states that have implemented 2-PIC. The Commission should require that the carrier providing the service and setting the rates be the only carrier listed on the LOA. Also, rules should not be implemented that could increase consumer fraud. Lastly, a

carrier should not be precluded from encouraging interested customers who dial an 800 number to switch carriers.

Respectfully submitted,

GENERAL COMMUNICATION, INC.

Kathy L. Shobert
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January 9, 1995

STATEMENT OF VERIFICATION

I have read the foregoing, and to the best of my knowledge, information and belief there is good ground to support it, and that it is not interposed for delay. I verify under penalty of perjury that the foregoing is true and correct. Executed January 9, 1995.

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LONG-DISTANCE AUTHORIZATION

If you wish to sign up for GCI long-distance service, simply complete this form and mail it back to GCI.

Customer Name _____
First name Middle initial Last name

Mailing Address _____

_____

City _____ State _____ Zip _____

I authorize GCI to be my long-distance carrier (by checking the appropriate category) on the telephone numbers listed below. I understand that my local telephone company may charge up to $10 to change my long-distance carrier and that I will be reimbursed by GCI if that occurs.

In any area GCI services you can choose a different carrier for in-state and out-of-state. Please check the appropriate box.

☐ GCI Both In-State and Out-of-State ☐ GCI In-State ☐ GCI Out-of-State

Phone number(s) _____ _____

Authorized Signature _____ Date _____

You may also choose a GCI savings plan by checking a box below.

☐ **friends & family®**
☐ OnePlan
☐ OnePlus Plan
☐ Call International

☐ In-State Prime Option
☐ In-State 800
☐ Personal 800
☐ Calling Card

☐ Hourly Flat Rate
  ☐ Daytime bonus
☐ Hourly Flat Rate Plus
  ☐ Daytime bonus
☐ EasyRate In-State*
☐ EasyRate Out-of-State*
☐ Savings Plus

** You may combine the* **friends & family** *program with either/both EasyRate plans.*

GCI

Alaska's Long-Distance Choice

Customer Service statewide,
call **1-800-800-4800**
In Anchorage, call **265-5400**

CERTIFICATE OF SERVICE

I, Kathy L. Shobert, do hereby certify that on this 9th day of January, 1995, a copy of the foregoing was mailed by first class mail, postage prepaid, to the parties listed below.

Kathy L. Shobert

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