

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
)  
Truth-in-Billing ) CC Docket No. 98-170  
)  
and )  
)  
Billing Format )

Comments of the Public Service Commission of West Virginia  
to the Notice of Proposed Rulemaking

The Public Service Commission of West Virginia (WVPSC) hereby submits the following comments in response to the Federal Communications Commission's (FCC) Notice of Proposed Rulemaking (Notice), CC Docket No. 98-170 (Released September 17, 1998).

**General Comments:**

Unfortunately, the WVPSC's experience parallels the FCC's with respect to telephone subscriber billing complaints. Accordingly, the WVPSC supports the FCC's efforts in this proceeding and the ends the Notice seeks to achieve. Slamming and cramming are problems which have plagued citizens of West Virginia for years and the WVPSC does not believe that this situation will ever improve without appropriate regulatory action as contemplated by the Notice.

Generally the WVPSC supports the FCC's proposals in the Notice, inasmuch as those proposals will result in telephone bills which adequately inform the telecommunications consumer what he or she is being charged for and by whom . . . as well as how to make inquiries and seek resolution of billing disputes. Below are comments regarding certain proposals in the Notice which the WVPSC feels are of particular importance. The WVPSC also sets forth two items which it would like the FCC to consider in this proceeding.

**Specific FCC Proposals:**

Notice, &8:

The WVPSC is concerned about telephone utilities= billing of charges for non-telecommunications services, particularly when this practice results in a loss of statutory protections as compared to credit card billings. The billing of charges for non-telecommunications services should be banned altogether, or alternatively, any service or product billed by a local telecommunications exchange company (LEC) that could have been billed by credit card should receive identical protections and rights.

Notice, &17:

The WVPSC feels that bills should be organized by service provider, with service types (e.g., local fixed charges, local usage charges, DA charges, toll charges, etc.) listed for each provider. This is a logical way to provide important information to the bill recipient in a Auser friendly≡ manner.

Notice, &24:

Service interruptions or denials should be allowed only for failure to timely pay legitimate, bona fide, non-disputed charges for services provided by the telecommunications carrier whose service(s) would actually be interrupted for such nonpayment. In other words, a LEC should not be able to deny local telephone service for failure to pay charges for toll service provided by a carrier other than the LEC. An interexchange carrier (IXC) should not be able to deny toll service for failure to pay for a service (e.g., voice mail) provided by another entity. These restrictions should apply regardless of who does the billing.

The WVPSC wholeheartedly supports the concept of Adeniable≡ and Anon-deniable≡ charges on phone bills.

Notice, &33:

The WVPSC strongly agrees that telephone bills must have full information necessary for bill recipients to make inquiries and to seek resolution of billing disputes. A consumer should not have to spend an inordinate amount of time simply determining who generated a given charge on his or her bill, nor should the consumer be required to make more than one phone call (or send more than one fax, mail more than one letter, or post more than one E-mail message) in order to reach a party who can answer legitimate inquiries and resolve bona fide problems concerning any particular item on a phone bill.

Accordingly, the WVPSC recommends that every telephone bill, for every entity

responsible for one or more charges on the bill, must contain the following information which should be sufficient to allow consumers to contact personnel empowered to resolve any billing dispute:

1. Business name;
2. Business mailing address;
3. Toll-free telephone number;
4. Toll-free fax number; and
5. E-mail address.

Of course, the telephone bill should make it clear which entities are responsible for which charges.

### **Additional Recommendations:**

1. ABilling Freeze.≡

With one obvious exception, the customer of record should be able to specify which charges, and from whom, the customer is willing to have appear on his or her telephone bill. The customer of record is held financially liable for an instrument over which the customer has decreasing control. Customer choice is the backbone of economic competition and no choice is more fundamental than the right to control by whom one is billed. The one exception is that an entity would always be able to issue a bill directly to a subscriber for legitimate charges for services actually rendered by itself. This concept is similar to the so-called APIC freezes≡ which have been necessitated by the epidemic of slamming. Similarly, ABilling freezes≡ would be a powerful defense for telephone subscribers against cramming practices.

2. Customer Service Access.

The WVPSC has previously commented regarding the importance of requiring that telephone bills contain mailing addresses, toll-free telephone numbers, toll-free fax numbers and E-mail addresses of entities responsible for the appearance of charges on those bills. Of at least equal importance is a stringently enforced requirement that the subject entities have sufficient resources in place to timely answer and respond to mail, telephone, fax and E-mail inquiries from customers. The WVPSC has received numerous complaints that even though a bill contains the A800" number of the vendor, that number is continually busy or the customer service representative never actually comes on the line. An A800" number that is too often busy makes a mockery of the reasonable requirement of the inclusion of a toll-free contact number on the telephone bill.

Respectfully submitted,

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