

The Public Service Commission
State of South Carolina

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Executive Director
Gary E. Walsh

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Columbia, SC 29211
Koger Executive Center
101 Executive Center Dr.
Columbia, SC 29210

Consumer Services Department
(803) 896-5230
Complaint Wats (800) 922-1531

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Magalie Roman Salas
FCC Secretary
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W., TW-A325
Washington, D.C. 20554

IN RE: CC Docket No. 99-129

Dear Ms. Salas:

Pursuant to the procedures established in the FCC's First Order on Reconsideration in CC Docket No. 94-129 released May 3, 2000, the South Carolina Public Service Commission hereby notifies the FCC that it elects to take primary responsibility for resolving South Carolina consumers' slamming complaints as of the effective date of the FCC's modified unauthorized carrier change rules. The information required to be included in the state notification by § 64.1110(a) CFR is provided below.

Complaint filing process

Consumers may contact the South Carolina PSC regarding their slamming complaints by letter, fax, electronic mail, or telephone call to the South Carolina PSC. There is no fee.

Mailing address

South Carolina PSC
P O Drawer 11649
Columbia, SC 29211

Intrastate Toll-free consumer complaints phone number: 1-800-922-1531

Local phone number: 803-896-5230

Fax phone number: 803-896-4750

Online complaint on South Carolina Internet web site: www.psc.state.sc.us

The South Carolina PSC complaints staff will request that the consumer provide a copy of that page of his or her telephone bill that contains the alleged unauthorized carrier's charges.

Slamming enforcement procedures

When the South Carolina PSC receives a slamming complaint, a complaint investigator contacts the alleged unauthorized carrier and requests proof that, prior to switching the consumer, the carrier obtained authorization from the consumer in accordance with the FCC's carrier change verification rules adopted by the South Carolina Public Service Commission.

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The alleged unauthorized carrier is required by South Carolina PSC rule to respond to the complaint investigator within seven (7) days for oral complaints and fourteen (14) days for written complaints. Upon receipt of the carrier's proof of authorization which, in our experience, is either a tape-recorded independent third-party verification, or a letter of authorization (LOA). The complaint investigator listens to the tape, or reviews the LOA in order to determine if the verification complies with FCC rules adopted by the state. Evidence supplied by the consumer is also taken into account. If the investigator determines the verification provided by the carrier complies with FCC carrier change verification requirements, the consumer is notified that the PSC staff found no slam occurred. Therefore, charges billed by the carrier are owed by the consumer. If the investigator determines the verification does not comply with the FCC carrier change verification requirements, then the carrier and the consumer are informed a slam did occur and, the charges billed by the unauthorized carrier are re-rated to the consumer's chosen carrier's rates along with adjustments to remove any switching fees. If the carrier fails to provide proofs of authorization or does not respond to the complaint at all, the investigator determines a slam did occur and notifies the carrier and the consumer of that finding.

A carrier or consumer who is not satisfied with the informal resolution of a slamming complaint may pursue the matter further by filing a formal complaint with the Commission.

The South Carolina PSC complaints staff enters each slamming complaint that is investigated into our complaints tracking system (CTS) database. We are prepared to regularly file information with the FCC that details slamming activity in South Carolina.

In addition to resolving individual consumers' slamming complaints, the South Carolina PSC may also issue a Rule to Show Cause order to a carrier regarding complaints against it.

The South Carolina PSC looks forward to working with the FCC and other states to eradicate slamming altogether.

Sincerely,



Gary E. Walsh
Executive Director

c: FCC Consumer Information Bureau Chief