

Pat Wood, III
Chairman

Judy Walsh
Commissioner

Brett A. Perlman
Commissioner

W. Lane Lanford
Executive Director



Public Utility Commission of Texas DOCKET FILE COPY ORIGINAL

RECEIVED

September 8, 2000

SEP 13 2000

RE: CC Docket No. 94-129

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

FCC MAIL ROOM

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 Public Utility Commission of Texas (PUCT) is electing to take primary responsibility for resolving Texas 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 47 C.F.R. § 64.1110(a) and ¶ 29 of the May Order is provided below:

PUCT Complaint Process

Method of Filing: Consumers may contact the PUCT regarding their slamming complaints by letter, fax, online electronic complaint form or telephone call to the commission.

Location of Filing:

Mailing address:

Public Utility Commission of Texas
Customer Protection Division
PO Box 13326
Austin, TX 78711-3326

Toll-free consumer complaints phone number: [1-888-782-8477]
Fax phone number: [512-936-7003]
Internet Online complaint form: [<http://www.puc.state.tx.us>]

Filing Fees:

None

No. of Copies rec'd _____
List A B C D E

Documentation Consumer Must Provide: Staff will request a copy of the ~~page~~ of the consumer's telephone bill that contains the alleged unauthorized carrier's charges and a document containing the consumer's legal signature (usually a copy of a driver's license). An investigator will

contact the alleged unauthorized carrier and request proof that, prior to switching the consumer, the carrier obtained authorization from the consumer.

Procedure (Safeguards, Deadlines, Appeal Rights):

The alleged unauthorized carrier is required by PUCT rule to respond to the complaint investigator within twenty-one calendar days. The FCC's rules require a carrier to remove all unpaid charges from a subscriber's bill pending a determination of whether an unauthorized charge has occurred – if it has not already done so. Upon receipt of the carrier's proof of authorization, typically either a tape-recorded independent third-party verification or a letter of authorization, the investigator listens to the tape or reads the LOA in order to determine if the verification complies with state law and PUCT rules. Our verification requirements meet or exceed the requirements of the FCC's rules. Any evidence supplied by the consumer is also taken into account. If the investigator determines the carrier verification provided by the carrier complies with state law, the consumer is notified that the PUCT found no slam occurred. If the investigator determines the verification was inadequate, then the carrier and consumer are informed that a slam did occur and, in accordance with 47 U.S.C. § 258 (b)¹, both the federal and state remedies apply. If the carrier fails to provide proof of authorization or does not respond to the complaint at all, the investigator determines a slam did occur and notifies the carrier and 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.

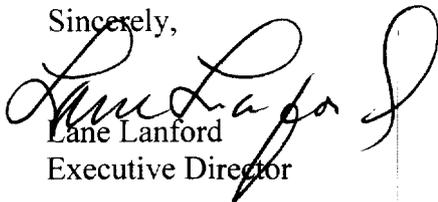
FCC-State Coordination:

Reporting: The PUCT complaints staff enters each slamming complaint that is investigated into our complaints database. In accordance with ¶ 34 of the May Order, we agree to regularly file information with the FCC that details slamming activity in our state to facilitate joint enforcement activities.

Coordination: The primary contact for the FCC for coordination of FCC complaint referrals and State reporting is Patricia Dolese, Director of Customer Assistance, 512-936-7125, patricia.dolese@puc.state.tx.us. Email complaint referrals should be directed to customer@puc.state.tx.us, while complaints delivered via U.S. mail should be directed to the address listed above.

The PUCT looks forward to working with the FCC to eradicate slamming altogether.

Sincerely,



Lane Lanford
Executive Director

cc: FCC Consumer Information Bureau Chief
Patricia Dolese, Director, Customer Protection, PUCT

¹ Section 258(b) says specifically that the federal procedures created to implement subsection (b)'s remedies for slamming, as prescribed in the FCC's Rules, are "in addition to any other remedies available by law."