



DOCKET FILE COPY ORIGINAL

State of North Carolina  
Utilities Commission

PO Box 29510  
Raleigh, NC 27626-0510

COMMISSIONERS  
JO ANNE SANFORD, Chair  
RALPH A. HUNT  
JUDY HUNT

COMMISSIONERS  
WILLIAM R. PITTMAN  
J. RICHARD CONDER  
ROBERT V. OWENS, JR.  
SAM J. ERVIN, IV

September 26, 2000

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

RECEIVED  
OCT 2 2000  
FCC MAIL ROOM

RE: CC Docket No. 94-129

Dear Secretary 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 North Carolina Utilities Commission (NCUC) is electing to take primary responsibility for resolving North 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 47 § C.F.R. 64.110(a) and ¶ 29 of the May Order is provided below:

**Complaint Process**

The NCUC has a bifurcated staff consisting of the Commission Staff, which provides direct assistance and support to the Commission, and the Public Staff. The Public Staff is an independent body within the NCUC specifically charged with representing the interests of the using and consuming public. The Public Staff Consumer Services Division receives slamming complaints in the first instance and attempts to resolve them through an informal process. After that, dissatisfied complainants and respondents may file formal complaints with the Commission.

*Method of Filing:* Customers should contact the Public Staff Consumer Services Division regarding their slamming complaints by letter, fax, e-mail, online electronic complaint form or telephone call.

No. of Copies rec'd 018  
List ABCDE

RECEIVED  
OCT 2 2000  
FCC MAIL ROOM

*Location of Filing:*

Mailing address: Slamming Section  
Consumer Services Division  
Public Staff -- North Carolina Utilities Commission  
4326 Mail Service Center  
Raleigh, North Carolina 27699-4326

Consumer complaints phone number: 919-733-9277

Fax phone number: 919-733-4744

Internet Online complaint form: [www.pubstaff.commerce.state.nc.us](http://www.pubstaff.commerce.state.nc.us)

*Filing fees:* None

*Documentation to be Provided:*

The Public Staff's Consumer Analyst (Analyst) obtains the following from the customer and/or local exchange company (LEC):

1. Name on the account.
2. Telephone numbers for the lines involved.
3. Name of alleged unauthorized carrier (AUC).
4. Copies of bill pages showing charges in dispute and confirming identity of AUC.
5. Name of LEC.
6. Status of account (pending disconnection, current, etc.).
7. Duration of problem or the period covered.
8. History of preferred interexchange carrier (PIC) assignments.
9. Copies of typical bill page from PIC.
10. Amount of money customer perceives to be in dispute.
11. Agreement from LEC that the account will not be treated while the charges are in dispute.

The Analyst obtains the following from the AUC:

1. Proof of authorization to request switch by LEC: copy of letter of authorization (LOA) or third-party verification (TPV).

2. Agreement to remove the customer from its database for soliciting.

The Analyst contacts the customer to confirm whether or not a valid authorization occurred. If necessary, the Analyst verifies the signature on the LOA with the customer's drivers license, earlier correspondence, or the like. With TPV, the Analyst determines whether or not the person speaking has authority to switch, and if so, whether he was fully aware he was authorizing a switch.

*Procedure (Safeguards, Deadlines, Appeal Rights):*

The general procedure to be followed is set out below:

1. Customer complains to the Public Staff's Consumer Services Division.
2. The Consumer Services Division gathers information as set out above.
3. The Consumer Services Division notifies the AUC of the complaint, instructs the AUC that FCC rules require it to remove all unpaid charges from the subscriber's bill pending a determination of whether or not an authorized change has occurred (if the AUC has not already done so), and requires proof of verification from the AUC within 21 days. North Carolina's verification requirements meet or exceed the requirements of the FCC's rules.
4. Based upon the information received from the subscriber and the AUC, the Consumer Services Division assesses the information and advises the AUC and subscriber whether or not it appears that a slam has occurred. If it does appear that a slam has occurred, the Consumer Services Division asks the AUC to provide the remedies authorized by 47 U.S.C. § 258(b).
5. If either the customer or AUC disagrees with the Consumer Services Division's assessment, either party may file a formal complaint with the Commission. If the Commission finds that verification is inadequate, federal and state remedies in accordance with 47 U.S.C. § 258(b)<sup>1</sup> will apply.

*FCC-State Coordination:*

*Reporting:* The Public Staff's Consumer Services Division enters each slamming complaint that is investigated into its complaints database. In accordance with ¶ 34 of the May Order, the Consumer Services Division will regularly file information with

---

<sup>1</sup> Section 258(b) states 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 by law."

Secretary Salas  
Page 4  
September 26, 2000

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:

Carol Kimbell Stahl, Director  
Consumer Services Division  
Phone: 919-733-9277  
Fax: 919-733-4744  
e-mail: [consumer.services@ncmail.net](mailto:consumer.services@ncmail.net)

The NCUC and Public Staff look forward to working with the FCC to eradicate slamming altogether.

Sincerely,



Jo Anne Sanford, Chair



Robert Gruber  
Executive Director - Public Staff

Enclosures

cc: FCC Consumer Information Bureau Chief  
Senator Eric Reeves

REC-100

OCT 2 2000

FCC MAIL ROOM