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FCC ANNOUNCES EFFECTIVE DATE OF REVISED SLAMMING LIABILITY RULES

Rules Become Effective on November 28, 2000

CC Docket No. 94-129

The Common Carrier Bureau of the Federal Communications Commission (FCC) announces the effective date of the slamming liability rules adopted by the FCC in its First Order on Reconsideration in the slamming proceeding, *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 and Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers*, CC Docket No. 94-129, FCC 00-135 (rel. May 3, 2000). The revised slamming liability rules will take effect on November 28, 2000.

"Slamming" is the unauthorized change of a consumer's preferred telecommunications carrier. In the First Order on Reconsideration, the FCC responded to certain petitions for reconsideration of its Second Report and Order, 14 FCC Rcd 1508 (rel. December 23, 1998), by modifying the slamming liability rules and refining the procedures for administering those rules.

Summary of Slamming Rules

Under the revised procedures, states will be able to "opt in" to become the primary forums for administering the slamming liability rules and resolving slamming complaints. If a state has not opted in, the FCC will resolve slamming complaints filed by the citizens of that state.

The strengthened slamming liability rules take the profit out of slamming and increase the incentives for authorized carriers to go after slammers. The rules also ensure that, if the FCC or the state commission finds that a slam occurred, the consumer will receive compensation. Where the consumer has not paid the unauthorized carrier, the consumer will be absolved of the obligation to pay for service for up to 30 days after a slam. Where the consumer has paid the unauthorized carrier, the rules require the unauthorized carrier to pay 150% of the charges it received from the consumer to the authorized carrier, which must, in turn, reimburse the consumer 50% of the charges paid by the consumer.

The Federal Register published a summary of the First Order on Reconsideration on August 3, 2000. 65 FR 47678. The revised liability rules adopted in the order contained information collections, which the Office of Management and Budget approved on October 3, 2000. OMB No. 3060-0787. As stated in the order, notice of the November 28, 2000 effective date will be published in the Federal Register.

For more information, contact Michele Walters or Dana Walton-Bradford, Accounting Policy Division, Common Carrier Bureau, (202) 418-7400, TTY (202) 418-0484, mwalters@fcc.gov or dwalton@fcc.gov.

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