

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Implementation of the Subscriber Carrier)	
Selection Changes Provisions of the)	CC Docket No. 94-129
Telecommunications Act of 1996)	
)	
Policies and Rules Concerning)	
Unauthorized Changes of Consumers)	
Long Distance Carriers)	

WORLDCOM COMMENTS

WorldCom, Inc. (d/b/a MCI, hereinafter “MCI”) respectfully submits these comments in response to the Commission’s Second Further Notice of Proposed Rulemaking (*Further Notice*), in the above-referenced dockets, released on March 17, 2003.¹

INTRODUCTION

The Commission, in its *Third Report and Order*,² established minimum content requirements for third party verifications (TPV), to provide guidance as to what practices

¹*In the Matter of Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 Policies and Rules Concerning Unauthorized Changes of Consumers’ Long Distance Carriers*, Third Order on Reconsideration and Second Further Notice of Proposed Rulemaking, CC Docket No. 94-129 (rel. Mar. 17, 2003)(*Further Notice*).

² *In the Matter of Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 Policies and Rules Concerning*

are necessary and acceptable, but declined to mandate specific language to be used during the verification process. Specifically, a third party verification shall elicit, at a minimum, the following: i) the identity of the subscriber; ii) confirmation that the person on the call is authorized to make the carrier change; iii) confirmation that the person on the call wants to make the change; iv) the names of the carrier affected by the change (not including the name of the displaced carrier); v) the telephone numbers to be switched; and vi) the types of service involved.³

In its *Further Notice* the Commission seeks comment on the need for additional requirements for third party verification calls “in order to maximize their accuracy and efficiency for consumers, carriers, and the Commission.”⁴ MCI addresses each of the proposed requirements separately below. Essentially, MCI believes the Commission, in the *Third Report and Order*, struck the appropriate balance of providing guidance on obtaining proper verification while allowing flexibility in the script used to meet the objectives of the verification process. Mandating specific statements to be made by the verifier, particularly when the statements will be inapplicable to certain situations, will only serve to increase the cost and length of the call, and consumer confusion, with no added benefit. Accordingly, with the exception of requiring a date be associated with the TPV as discussed below, the Commission should decline to adopt any additional regulations on the TPV process.

Unauthorized Changes of Consumers’ Long Distance Carriers, Third Report and Order and Second Order on Reconsideration, CC Docket No. 94-129 (2000)(*Third Report and Order*).

³ 47 CFR 64.1120(c)(3)(iii).

⁴ *Further Notice*, para. 111.

I. THE DATE THE THIRD PARTY VERIFICATION OCCURRED SHOULD BE DISCERNABLE.

The Commission seeks comments on whether the third party verifier should state the date during the taped verification process.⁵ It is important that the date the third party verification occurred be discernable in order to use the tape as a defense against an allegation of an unauthorized conversion. Otherwise, as the Commission points out in its *Further Notice*, the carrier could use a verification tape obtained for a previous carrier change to defend itself against a subsequent unauthorized change.⁶

The third party verifier, however, should not be required to state the date during the verification process as suggested in the *Further Notice*. While a verbal statement during the verification call should be one option for identifying the date of the call, verifiers should be permitted to use system stamps to satisfy a date requirement. For example, the wav. files that are used by some verifiers electronically assign the date to the file. These technological solutions reduce costs, reduce the number of impersonal statements made to the consumer during the call, and reduce risk of human error (e.g., a statement that the date is January 2, 2002 when in fact it is January 2, 2003.)

Consequently, the Commission should amend its rules to require that the date of the third party verification be discernable, but not dictate the method to satisfy this requirement.

⁵ *Id.*

⁶ *Id.*

II. NOTIFICATION CONCERNING THE HANDLING OF CONSUMER QUESTIONS SHOULD ONLY BE REQUIRED AS A REACTION TO A QUESTION BY THE CONSUMER.

The Commission seeks comments on whether the verifier should explicitly state that, if the customer has additional questions for the carrier's sales representative regarding the carrier change after verification has begun, the verification will be terminated, and further verification proceedings will not be carried out until after the customer has finished speaking with the sales representatives.⁷

If a customer asks a question during the verification process that relates to the provider or service to which they are subscribing, the verifier should inform a customer that he is unable to answer that question, but that the consumer has the option of terminating the current verification process and will then need to contact, or be transferred to, the provider of choice to obtain the additional information before the verification process can resume and the change in service provider can be effectuated. A specific Commission rule to provide such notification in response to a consumer question is unnecessary, since the notification would seem to be a natural consequence of the Commission's prior rulings. Namely, the Commission has already concluded that third party verifiers may not dispense information concerning the carrier or its services⁸ and that the third party verification must be terminated if a carrier's sales agent, that is

⁷ *Id.*, para. 112.

⁸ *Third Report and Order*, para. 42. *See also, In the Matter of Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers*, Second Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 94-129, FCC 98-334, para.72 (rel. Dec. 23, 1998).

exempt from the Commission “drop off” rule, responds to a consumer’s inquiries after a verification process has begun.⁹

Moreover, this notification should not be a proactive requirement. Mandating that a statement related to consumer questions be provided during every third party verification call, regardless of whether the customer asks a question, will unnecessarily increase the length and cost of the verification process. It may also cause confusion or make a consumer reluctant to ask a question which the third party verifier can answer, (such as a question regarding process as opposed to one regarding the service or provider), for fear that the question will restart the entire verification process.

Furthermore, termination of the process, in order for the consumer to first seek a response to his questions, should be an option for the consumer, not an automatic reaction to any consumer questions. A consumer may ask a question for which the response may have no bearing on his decision to switch providers. The Commission should allow the consumer to decide whether an answer is necessary prior to the switch, rather than unnecessarily causing the consumer to endure the ordering and verification process twice.

III. TPV NOTIFICATION REGARDING EFFECTUATION OF CARRIER CHANGE IS UNNECESSARY.

The Commission seeks comment on whether the verifier should convey to the customer that the carrier change may be effectuated without any further contact with the customer once the verification has been completed.¹⁰ The need and purpose for such action is unclear. During the verification call, the customer is authorizes the change and

⁹ *Third Order on Reconsideration*, para. 35.

¹⁰ *Id.*

therefore will expect the change to be effectuated as soon as possible. A customer who later changes his mind about switching carriers need only call his previous carrier to return to its service. If the verifier were to make a statement regarding the effectuation of the change, it is likely to prompt an inquiry by the customer as to the exact timing of the change -- a question the verifier cannot answer. Such a statement may also result in a customer being annoyed if the newly chosen carrier were to subsequently call the consumer about problems with processing the order or the need for additional information.

IV. VERIFICATION OF INTENT TO SWITCH PROVIDERS AND THE SPECIFICATION OF AFFECTED SERVICES IS ALREADY REQUIRED BY THE RULES.

The Commission seeks comment on whether verifiers should be required to make clear to a customer that she is not verifying an intention to retain existing service, but is in fact asking for a carrier change, and whether each piece of information that a TPV must gather under the Commission's rules should be the subject of a separate and distinct TPV inquiry and subscriber response.¹¹ The current rules require that the verifier confirm that the consumer wants to make a carrier change, the identity of new carrier and the specific types of service involved.¹² The current rules also require that the consumer separately confirm the change for each type of service involved, even if the confirmation occurs during the same verification call.¹³ Thus, if the verifier follows the current rules, it should be perfectly clear to a consumer that he is consenting to a change in carrier for each service stated.

¹¹ *Id.*, para. 113.

¹² 47 CFR 64.1120(c)(3)(iii).

¹³ 47 CFR 64.1120(b).

The Commission, in the *Further Notice*, refers to instances it observed where the verifier states that the customer is merely consenting to an “upgrade” in service or bill consolidation as support for requiring an additional statement to clarify the consumer’s intent to switch providers. The examples provided are blatant violations of the Commission current rules and should be addressed by enforcement, not additional rules. Stating that the consumer is not verifying an intention to retain existing service is an unnecessary statement that may cause confusion and concern among consumers. For example, consumers may think their service could somehow be cutoff for a period of time or that the service being offered by the new provider is substantially different than the customer’s existing service.

V. PROVIDING DEFINITIONS ON SERVICES SHOULD BE A REACTIVE RESPONSE.

The Commission seeks comment on whether, when verifying an interLATA service change, the verifier should specify that interLATA service encompasses both international and state-to-state calls, and whether a verifier should define the terms “intraLATA toll” and “interLATA toll” service.¹⁴

MCI does not believe it is necessary for a verifier to state that interLATA service includes international calling, as most consumers are either aware of that fact or are not interested in international service. Nonetheless, if the Commission adopts a rule to this effect, it should only require a simple statement noting the inclusion of international service to be made when applicable. For instance, such a statement would not be accurate

¹⁴ *Further Notice*, para. 113.

with regard to consumers in Hawaii since they have the option of choosing a different provider for international service than they chose for state-to-state calling.

Similarly, it is unnecessary for the verifier to provide a definition of “intraLATA toll” or “interLATA toll” unless the consumer inquires about the difference between the services. If the Commission requires the definitions be provided on every call, the terms used will vary state, which may cause more confusion for consumers. For example, some states require the use to of the terms “local toll” or “regional toll” when referring to intraLATA services. The Commission should consider whether, if it adopts a definition requirement, it should provide a standard definition for these terms.

CONCLUSION

The Commission should not adopt additional regulations with regard to the content of third party verifications, with the exception of requiring that a date be associated with the TPV.

Respectfully submitted,

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