

**New England Conference of Public Utilities Commissioners
Comments to FCC NPRM: “Rules and Regulations Implementing Minimum
Customer Account Record Exchange Obligations on all Local and Interexchange
Carriers,” FCC 04-50; CG Docket No. 02-386**

INTRODUCTION

The exchange of information between interexchange carriers (IXCs) and local exchange carriers (LECs), including competitive local exchange carriers, is critical in ensuring the seamless transfer of customers between long distance carriers and accurate billing for long distance service. Recognizing this, the telecommunications industry developed the Customer Account Record Exchange system (CARE) following the break-up of the Bell System to facilitate the exchange of customer account information. The CARE system is a voluntary industry standard, however, and while many LECs and IXCs participate in the system, some do not. As a result, an IXC does not always know when a customer has left its network, switched to another LEC, been disconnected or made changes to billing information. This lack of CARE information results in a significant number of consumer complaints about billing and billing issues.

In response to growing consumer complaints, the New England Conference of Public Utilities Commissioners (NECPUC) undertook a series of workshops and meetings with industry beginning in July 2000 (the NECPUC Collaborative Forum) in an effort to better understand the causes of unauthorized billing resulting from carrier changes, to identify process changes that may be necessary to reduce significantly the number of unauthorized billing complaints resulting from carrier changes, and to begin to establish protocols concerning advice to consumers concerning steps to take when making a carrier change.

After close to two years of meetings and discussions with industry, NECPUC identified two potential solutions to the problem: 1) modifications to the CARE system to reflect changes within the industry and the development of mandatory minimum CARE standards; and 2) development of mandatory minimum CARE standards and the establishment of a neutral third party administrator to administer the carrier change process. NECPUC supported the development of model rules to establish mandatory minimum CARE standards and worked closely with NARUC over the past two years to

develop the NARUC Standards Relative to the Exchange of Customer Account Information between Interexchange Carriers, Local Exchange Carriers and Competitive Local Exchange Carriers which were adopted by NARUC in March 2004.

COMMENTS

NECPUC offers the following comments in response to the FCC Notice of Proposed Rulemaking. We note that, unless otherwise specified, the use of the term local exchange carrier and local service provider includes competitive providers.

¶9 Mandatory CARE standards could provide consistency within the industry, and could thereby eliminate a significant percentage of consumer complaints concerning billing errors.

Mandatory CARE is an important and necessary step in improving the intercarrier communication process and thereby reducing the number of transactions between carriers and customers that go awry. The pattern of consumer complaints to the public utilities commissions that comprise NECPUC indicate that many consumer complaints are caused by a lack of adherence to CARE requirements concerning what obligations each carrier has for information exchange and the time frames for that exchange, as well as the format. Examples of the kinds of consumer complaints that arise when carriers do not communicate in a comprehensive, clear and timely fashion include:

- Consumers continuing to be billed minimum monthly charges, fees and taxes by a former carrier that is unaware it has lost the customer.
- "Pop-up billing" in which a consumer is billed by a former carrier months or years after leaving that carrier when the carrier institutes new minimum charges that trigger reactivated billing.
- Rejected carrier changes that result in a consumer being billed at rates different than they expect, including the potential for casual billing if a consumer closes his or her account with the losing carrier but is not switched due to a rejected carrier change order and calls continue to go out over the losing carrier's network.

- Consumers being billed casual rates by an underlying carrier when attempting to switch to a reseller where the change of network takes affect but the reseller does not get the information necessary to set up the account.
- Consumers being told by their IXC that they must call the LEC to leave the IXC, while the LEC tells the customers they must call the IXC to close their account. Conflicting information is being provided to consumers who are caught in the middle, unsure of who to call.
- Consumers being billed by the losing carrier for much longer than expected due to infrequent transmission of information. Some LECs participate in CARE but transmit information as infrequently as once a month. In those instances where the consumer calls the LEC to make the switch, the result is PIC changes that may take weeks to be implemented.

The CARE process as established by the Ordering and Billing Forum of ATIS has the advantage of providing a standard "language" for how carriers communicate with one another. The system can only work, however, if all carriers are required to use it and each carrier's obligation as to content, respective responsibilities and timeliness is delineated as a matter of legal obligation. The CARE process has been in place and widely used for many years, yet consumer billing complaints continue to grow with the complexity of the marketplace. The critical missing component is enforceability.

¶10 Industry billing problems, and problems related to communication about PIC changes, are pervasive and warrant regulatory intervention at this time.

In July 2000, the NECPUC Consumer Affairs Committee convened a collaborative forum with industry to address the question of why consumers were reporting with increasing frequency billing and other problems resulting from intercarrier communication failures. The IXC industry participants in that collaborative reported that one in five PIC changes fails to flow through seamlessly, and a significant portion of those failures results in some inconvenience or harm to the consumer. This high rate of CARE-related problems is costly for consumers and carriers and damages consumers' confidence in the marketplace.

The NECPUC member state commissions have seen a significant increase in billing and billing related complaints in recent years. The Vermont Department of Public Service, for example, reports the following trend information concerning consumer complaints:

- Telephone-related complaints have increased dramatically as a percentage of all complaints. In 1996, telephone complaints represented about half (53%) of all consumer complaints. By 2003, telephone issues account for 71% of all complaints.
- Billing problems and complaints concerning the process of changing carriers account for a growing proportion of all telephone complaints. In 2000, billing complaints accounted for 24% of complaints against IXC's and 16% of complaints against LEC's. By 2003, billing complaints had risen to 44% of complaints against IXC's and 20% of complaints against LEC's.

In addition to the growth in the number of complaints, the complexity of complaints has increased greatly. Both consumers and commissions find that each of the many carriers involved in billing related or carrier change related matters – LEC, old carrier, new carrier, underlying carriers – sometimes blames other carriers for processes that have gone awry. It often takes multiple contacts to "peel the onion" and determine which carrier is responsible for what.

Recently AT&T erroneously billed more than a million accounts nationally for a \$3.95 minimum recurring charge. Many of the individuals billed were no longer AT&T customers. Some portion of the problem was due to database inaccuracies that caused AT&T to bill consumers who had left AT&T. After the initial problems were corrected, some states continued to receive complaints from consumers. Investigation revealed further inaccuracies in AT&T's database which continued to list former customers as current customers. AT&T's answer to the state commissions about the reason for the continued billing problems has been that it never received out-PIC information indicating that those consumers had switched to other carriers. Although the state commissions cannot evaluate whether the problem stemmed from the failure of LEC's or winning

carriers to transmit CARE information, or deficiencies in AT&T's record keeping, the problem lies with CARE in some fashion. The large number of consumers affected is further illustration of the size of the problem.

¶12 Is the Joint Petitioner's proposed standard appropriate and adequate? Should the standard be applied to all LECs, including competitive LECs? Should all LECs, including competitive LECs, be required to notify the presubscribed IXC when a customer changes local service providers and, when requested, provide the identity of the new local service provider?

NECPUC supports the concept of mandatory minimum CARE requirements as proposed by the Joint Petitioners. However, NECPC believes the NARUC Standards Relative to the Exchange of Customer Account Information between Interexchange Carriers, Local Exchange Carriers and Competitive Local Exchange Carriers (the NARUC standard) is the more appropriate standard. See attached. While the standard proposed by the Joint Petitioners is similar to the standards adopted by NARUC, the NARUC standards are more complete, providing better guidance and direction to carriers on their responsibilities relative to the mandatory minimum standards established. For example, the NARUC standards address the responsibilities of the network service provider and the switch provider to provide CARE in a UNE-P or resale environment. Failure to clearly define the CARE requirements of all carriers involved in accomplishing the carrier change will mean that consumers will continue to experience billing problems related to their carrier change.

As called for in the NARUC standard, minimum CARE requirements should be applied to all LECs, including competitive LECs. NECPUC also supports requiring notification from all LECs, including competitive LECs, to the presubscribed IXC when a customer changes local service providers and, when requested by the IXC, to provide the identity of the new local service provider. If the presubscribed IXC is not notified when the customer changes local service providers, the ability of the IXC to maintain accurate billing records will be impacted. As a result, the customer may be billed by the IXC for service to which the customer no longer subscribes.

¶ 13-14 Should LECs be required to notify the presubscribed IXC when a customer ports his/her wireline service to a wireless carrier?

As many customers do not contact the company they are leaving when they change their long distance service, in part as a result of the conflicting information they receive from the IXC and the LEC, it is reasonable to expect that customers may not contact their IXC when they port their wireline service to a wireless carrier. Absent communication from the customer, the IXC is dependent on the LEC to notify them when the customer ports his or her wireline service to a wireless carrier. If the LEC is not required to notify the presubscribed IXC, the IXC will continue to bill the customer for service to which the customer now longer subscribes. Consequently, NECPUC supports a mandatory CARE transaction that would provide notification to the presubscribed IXC when customers port their wireline service to a wireless carrier.

¶ 15 What are the expected implementation costs associated with adopting minimum CARE standards and how should those costs be allocated? How can mandatory minimum CARE standards be implemented to provide sufficient flexibility to protect carriers, particularly small and/or rural LECs, from unduly burdensome requirements.

We agree with the Joint Petitioners that identifying a subset of ATIS codes that are the most critical for the carrier change and customer processes to function properly and allowing carriers to transmit that data using multiple media options (facsimile, mail, e-mail, cartridge, Internet processing, mechanized processing or real-time processing) should minimize costs and make this option affordable to all carriers.

As stated earlier, the industry workgroup formed out of the NECPUC Collaborative Forum that examined the issue of cost for implementing limited mandatory CARE standards made a recommendation similar to the Joint Petitioners. The CARE working group provided the following recommendation regarding the cost to implement mandatory minimum CARE:

The setup and production costs for establishing the recommended standard paper form should be minimal. However, the ongoing production and administration of the records will incur costs that the team has been able to

identify but not quantify. These costs include, but are not limited to, the establishment or enhancement of an internal process for handling records, receiving, verifying, creating service orders, training, faxing and archiving of records.

As a point of reference to assist the NECPUC in its examination of the issue of compensation to carriers for producing CARE records, the CARE working group provided a copy of the NECA BNA tariff. The BNA (billing name and address) tariff, which is approved by the FCC, sets out compensation rates for the gathering and transmitting of customer information to carriers. The CARE group also noted that carriers currently using electronic exchange may need to implement enhancements as well.

Because this workgroup comprised representatives from carriers of all sizes and from all segments of the telecommunications industry (RBOC, Independent LECs, CLECs, IXCs), the recommendations of the group should fairly and accurately represent the views of the different carriers involved in the carrier change process, including the small carriers that would most likely be impacted the most financially.

The CARE workgroup also created a paper form that included the CARE minimum transaction codes for carriers who lacked the ability to transmit data electronically. In addition, the NARUC proposal also includes a paper form that can be used by carriers who lack the ability to transmit data electronically. These paper forms should further reduce the cost of implementing the minimum CARE standards for small carriers.

With regards to the allocation of costs between carriers, as stated above, the CARE working group recommended an examination of the NECA BNA tariff for possible guidance in establishing a compensation process for the exchange of customer information between carriers.

¶ 16 Should reasonable performance measurements be required?

Specifically, the Joint Petitioners recommend: 1) that timeliness thresholds be established for the various transmittal media, i.e., electronic, paper (facsimile), mechanized, e-mail, and cartridge; 2) that all carriers use “best efforts” and “quality practices and methods” to ensure that the data exchange is accurate and complete; and 3)

that all carriers adhere to the guidelines established by the ATIS OBF Equal Access Subscription CARE/Industry support Interface document to ensure completeness of data.

With regard to the timeliness thresholds, we believe that a timeliness performance measure is both appropriate and necessary. One of the major causes of customer complaints is delayed carrier changes which are often caused by the untimely exchange of customer information between carriers. Customers anticipate timely carrier changes and make calls based on the expectation that the calls will be carried by the new carrier and billed at the new carrier's rates. Depending upon the difference in rates between the new carrier and the old carrier, a customer may incur a significantly higher bill than expected when a carrier change does not take place in a timely manner. Timeliness thresholds for the exchange of customer information will help ensure the timely exchange of information between carriers and should reduce the number of untimely carrier changes.

We recommend the FCC adopt the timeliness thresholds proposed by the Joint Petitioners for the various forms of media used to transmit customer information.¹ The Joint Petitioners recognized and considered the various methods of transmitting data in the timeliness thresholds proposed. The thresholds also seem to be reasonable timeframes for the exchange of information and consider both the customer's expectation for the timely exchange of information and the limitations placed on the carriers by the current carrier change process. If the FCC does not adopt the timeliness thresholds proposed by the Joint Petitioners, we recommend that the FCC implement thresholds that do not exceed the five-day maximum threshold recommended by the Joint Petitioners. Any time period exceeding this threshold will also exceed the period for which customers expect a carrier change to occur as well as the time period that can be achieved using the current CARE process.

With regard to the Joint Petitioners' recommendation that all carriers use "best efforts" and "quality practices and methods" to ensure that the data exchange is accurate and complete and that a recovery process be established when accuracy and completeness expectations are not achieved, we recommend that the FCC adopt measures to ensure the

¹ See Joint Petition, Appendix A at 8.

accuracy and completeness of customer information exchanged between carriers. We also agree with the Joint Petitioners that the FCC should use the guidelines set forth in the Alliance for Telecommunications Industry Solutions (ATIS) OBF Equal Access Subscription CARE/ISI document as a point of reference.² We further agree with the Joint Petitioners' recommendation that a recovery process be established to recover inaccurate or incomplete CARE data immediately to prevent billing and/or carrier change errors. We recommend, however, that the three-five day recovery period recommended by the Joint Petitioners as a "generality" be made a "requirement."³

Finally, we urge the FCC to consider financial penalties associated with the failure to achieve these performance measures. We are dealing with issues today that flow directly from a carrier's choice to not follow established CARE methods for the exchange of customer information. This cannot be expected to change without the threat of significant financial penalties. Truly mandatory standards require some sort of a penalty if a carrier fails to follow those standards. To establish appropriate performance measures, the FCC should examine the past performance of carriers properly using the CARE process and establish standards based on those performance levels. The amount of the penalty could be based on the percentage miss of the carrier's performance from the established performance standard.

¶18-19 Will mandatory CARE be effective, or is a national line-level database needed to actually solve the billing problems?

The NECPUC collaborative forum considered the question of whether a third-party database administrator is needed to make the intercarrier communication and carrier change process work properly. Industry segments differed sharply on this question, with interexchange carriers generally advocating a third-party database and local exchange carriers generally opposing. Both groups agreed, however, that mandatory CARE is a necessary first step to the development of a third-party database. Because there is a

² Id. at 5.

³ Id. at 6.

higher degree of consensus about mandatory CARE, making the CARE process effective is a more readily achievable means of addressing a critical consumer problem.

¶ 20-21 Should these issues be addressed by industry or should there be federally mandated minimum CARE standards for all carriers? Would federally mandatory standards restrict the evolution of CARE standards or would they instead establish the uniformity that is currently lacking in the CARE process thereby benefiting consumers, carriers, State Commissions and the FCC?

It is clear to us that the telecommunications industry understands the issues that are the subject of this proposed rulemaking. We also believe that the telecommunications industry should be involved in the development of the standards as they have the most knowledge of CARE transactions and the functionality of the CARE system. However, the solution to problems raised by the issues being addressed is not a wholesale overhaul of the CARE system. In fact, the NARUC standards supported by NECPUC do not create any new CARE transactions. Instead, the solution is to identify those CARE transactions which are critical to the seamless transfer of customers between long distance carriers and the accurate billing for long distance service and mandate their use by all carriers – local exchange carriers and interexchange carriers. Accordingly, NECPUC supports federally mandated minimum CARE obligations for all carriers.

¶ 22 Will the model guidelines adopted by NARUC adequately address the joint petitioners' concerns?

We believe that the NARUC standards⁴ will adequately address the Joint Petitioners' concerns and will also address other critical aspects of the carrier change process that the Joint Petitioners' proposal does not. The Joint Petitioners' proposal addresses one aspect of the carrier change process: the exchange of customer information between carriers. There are, however, other aspects of the carrier change process that are problematic. The NARUC standards not only address the exchange of customer information (using the CARE process as the basis for an acceptable process, similar to

⁴ The NPRM refers to the NARUC proposal as "Model Guidelines." We point out that the NARUC proposal is not model guidelines, but is a "Model Rule."

the Joint Petitioners' recommendation), but also establish: time periods for the submittal and execution of carrier change orders for interexchange carrier changes; time periods for the initiation and cessation of billing by the new and old carriers; requirements for changes in a local service provider with or without a carrier change; requirements for the exchange of information between carriers when an end user customer changes critical account information; requirements for the notification of total service termination or single/multi-line disconnection(s); and, requirements for the exchange of requested Billing Name and Address (BNA) information from any telecommunications carrier for a specified Working Telephone Number (WTN).⁵

These timeframes are critical for the effective and efficient operation of the carrier change process as a whole. While the Joint Petitioners' proposal addresses the exchange of information associated with carrier changes, it does not address these additional situations that are critical to ensure proper billing of customers.

The NARUC standards also provide for enforcement measures to be taken for non-compliance pursuant to each State's enforcement authority. As stated previously in these comments, some sort of enforcement provision is necessary to address carriers who do not comply with the established requirements. We believe that the current lack of mandatory CARE requirements and appurtenant enforcement authority are the cause of the majority of problems with the carrier change process.

We believe that the minimum CARE standards proposed by the Joint Petitioners will significantly improve the carrier change process and reduce the number of customer complaints to State Commissions. We also believe, however, that the NARUC standards go further, ensuring not the timely occurrence of carrier changes but also the proper billing of customers. For this reason, we urge the FCC to consider implementing the NARUC standards, or something similar, to address the problems with the carrier change process as a whole.

⁵ See "Standards Relative to the Exchange of Customer Account Information between Interexchange Carriers, Local Exchange Carriers and Competitive Local Exchange Carriers," NARUC Model Rule re: the Carrier Change Process.

STANDARDS RELATIVE TO THE EXCHANGE OF CUSTOMER ACCOUNT INFORMATION BETWEEN INTEREXCHANGE CARRIERS, LOCAL EXCHANGE CARRIERS AND COMPETITIVE LOCAL EXCHANGE CARRIERS

Summary: This rule establishes minimum time periods* for the notification of new local service end user Primary Interexchange Carrier (PIC) selections; the submittal and execution of orders for interexchange carrier changes; the exchange of information between all carriers involved in the carrier change process; the initiation and cessation of billing by the new and old carriers; and, changes in a local service provider with or without a carrier change.

This rule also establishes the exchange of information between carriers when an end user customer changes critical account information; the notification of total service termination or single/multi-line disconnection(s); and, establishes the exchange of requested Billing Name and Address (BNA) information from any telecommunications carrier for a specified Working Telephone Number (WTN).

* The timeframes proposed in these standards are a starting point for the purpose of discussion only. There may be FCC requirements or other practical and technical considerations that would necessitate a change in the timeframes proposed. It is also conceivable that different situations will require differing timeframes and that a one size fits all approach will not fit when defining the timeframes for accomplishing PIC changes.

TABLE OF CONTENTS

§1	Applicability	4
§2	Definitions	4
	A. Business Day	4
	B. Carrier Change Order.....	4
	C. Customer Account Record Exchange (CARE)	4
	D. End User Customer	4
	E. Executing Carrier.....	4
	F. Interexchange Carrier (IXC)	5
	G. Interexchange Service.....	5
	H. Local Service Provider (LSP)	5
	I. Network Service Provider).....	5
	J. New Local Service Provider (New LSP)	5
	K. New Primary Interexchange Carrier (NewPIC).....	5
	L. Old Local Service Provider (old LSP)	5
	M. Old Primary Interexchange Carrier (Old PIC).....	6
	N. Primary Interexchange Carrier (PIC)	6
	O. Submitting Carrier.....	6
	P. Switch Provider (SWP).....	6
	Q. Switchless Toll Reseller.....	6
	R. Telecommunications Carrier.....	6
	S. Underlying Toll Carrier.....	7
§3	Criteria and Methods For The Notification and Information Exchange Between Telecommunications Carriers	7
§4	Primary Interexchange Carrier [PIC] Selection Upon Establishment of New Local Service.	9
§5	Submittal of a Carrier Change Order by a Submitting Carrier	9
§6	Execution of a Carrier Change Order	10
§7	Notification and Information Exchange Between Telecommunications Carriers When a Customer Changes His Local Service Provider With or Without a PIC Change	12
§8	Notification of Account Information Changes	12
§9	Notification of Local Service Account Termination or Single/Multi-Line Disconnection.....	13

§10	Request For Billing Name and Address [BNA] Information	14
§11	Billing	14
§12	Waiver	15
§13	Enforcement.....	15

§1 APPLICABILITY

These standards apply to all interexchange carriers, local exchange carriers and competitive local exchange carriers.

§2 DEFINITIONS

The following words and terms shall have the following meanings unless the context clearly indicates otherwise.

A. Business day. A "business day" is a single business day from the time a request is received to that time the following day, not including weekends or state or federal holidays.

B. Carrier Change Order (change order or order). A "carrier change order" is an electronic or paper document provided by a submitting carrier to an executing carrier to effectuate a change in an end user customer's intraLATA or interLATA PIC.

C. Customer Account Record Exchange (CARE)/Industry Support Interface (ISI). "CARE" is a process established by the Alliance for Telecommunications Industry Solutions' (ATIS) Ordering and Billing Forum (OBF) Subscription Committee, for the exchange of information between interexchange carriers and local exchange carriers of end user account information.

D. End User Customer. The end user who receives dial tone and long distance usage capability. An "end user customer" is any person, partnership, corporation, or governmental unit who has agreed to receive, been

accepted and is receiving telecommunications service, or has agreed to be billed for the same.

E. Executing Carrier. An "executing carrier" is any telecommunications carrier that affects a request to change the end user customer's intraLATA or interLATA PIC.

F. Interexchange Carrier (IXC). An "interexchange carrier" is any person, association, corporation, or other entity that provides intrastate interexchange telecommunications services, including a local service provider, whether or not that entity is a public utility. An interexchange carrier includes an entity that provides services using facilities it owns, leases, controls, operates or manages, including leased private lines or special access facilities, and any entity that resells switched services provided by other IXCs. An interexchange carrier does not include commercial mobile radio service (CMRS) providers as defined by federal law.

G. Interexchange Service. "Interexchange service" is any switched or private line telecommunications between telephone exchanges.

H. Local Service Provider. (LSP) "Local service provider" is the provider of the end user customer's local exchange service

I. Network Service Provider [NSP]. The Network Service Provider performs the PIC related switch change functions on behalf of a resale/UNE-P Local Service Provider [also see Switch Provider (SWP)].

J. New Local Service Provider (new LSP). A "new local service provider" is the local service provider from which the end user customer requests new local exchange service.

K. New Primary Interexchange Carrier (new PIC). A "new primary interexchange carrier" is the interexchange carrier from which the end user customer requests new service.

L. Old Local Service Provider (old LSP). An "old local service provider" is the local service provider providing local exchange service immediately preceding the change to a new local service provider.

M. Old Primary Interexchange Carrier (old PIC). An "old primary interexchange carrier" is the interexchange carrier providing service immediately preceding the change to a new primary interexchange carrier.

N. Primary Interexchange Carrier (PIC). A "primary interexchange carrier" is any telecommunications carrier to which an end user customer has pre-subscribed for interexchange service. This may include multiple service providers if the end user customer has pre-subscribed to more than one interexchange provider, i.e., intraLATA toll or interLATA toll.

O. Submitting Carrier. A "submitting carrier" is any telecommunications carrier that requests, on behalf of the end user customer, a change in an end user customer's PIC and seeks to provide retail services to the end user customer.

For switchless toll resellers, the switchless toll reseller is considered the submitting carrier even though the carrier change order may actually be

submitted to the executing carrier by the switchless toll reseller's underlying toll carrier.

Note: The definition used here for "submitting carrier" is not meant to alter the verification requirements for carriers as defined by the FCC.

P. Switch Provider [SWP]. The Switch Provider performs the PIC related switch change function on behalf of a resale/UNE-P Local Service Provider [see also Network Service Provider (NSP)].

Q. Switchless Toll Reseller. A "switchless toll reseller" is a telecommunications carrier that resells switched toll services provided by another telecommunications carrier.

R. Telecommunications Carrier. A "telecommunications carrier" is any person, association, corporation, or other entity that provides local exchange service, interexchange service, or both.

S. Underlying Toll Carrier. An "underlying toll carrier" is a telecommunications carrier that provides switched toll services to another telecommunications carrier.

§3 CRITERIA AND METHODS FOR THE NOTIFICATION AND INFORMATION EXCHANGE BETWEEN TELECOMMUNICATIONS CARRIERS

A. Telecommunications carriers shall exchange all information necessary to efficiently process and execute the end user customer's selection of a PIC carrier(s) upon establishment of service, change of PIC carrier(s), change

of local service provider, change in account information, termination of service, or disconnection of line(s) pursuant to these rules. The exchange of information shall be made in a manner that allows for a timely and efficient execution, notification and proper billing of the end user customer by all carriers involved in the specific activity

B. Telecommunications carriers shall utilize the industry developed CARE/ISI Guidelines established by ATIS' OBF Subscription Committee for the exchange of information pursuant to Section 3(A).

C. Submitting Carriers. A submitting carrier must provide the executing carrier with all the information necessary to accomplish the specific activity and to ensure proper billing of the end user customer.

1. A submitting carrier shall submit a CARE record to the executing carrier using the existing established CARE interface processes.

2. If the CARE record is processed electronically, all required fields necessary to accomplish the specific activity shall be provided, as set forth in the CARE/ISI Guidelines developed by ATIS' OBF Subscription Committee.

3. A submitting carrier that does not exchange CARE records/information electronically shall submit the end user customer account information to the executing carrier using the preferred paper form provided in Attachment 2 or an existing paper form containing all required information for the change activity.

D. Executing Carriers. Executing carriers must provide the PIC carrier(s), including the new PIC/submitting PIC and old PIC, involved in the end user customer activity with all the necessary information to allow for the proper billing of the end user customer by the new/submitting carrier and/or the discontinuance of billing by the old PIC pursuant to Section 3(A) of this rule. The executing carrier must send notice of the end user customer's activity as soon as is practical upon completion of execution of the activity as described in Section 4, 6, 7, 8 & 9. In no event shall the time period for sending the notice exceed three business days.

In situations where the LSP offers local service using a UNE-P/Resale arrangement, the UNE-P/Resale LSP is considered the executing carrier even though the execution of the carrier changes are performed by the LSP's NSP/SWP. The UNE-P/Resale LSP (executing carrier) must send notice of the end user customer's activity to the PIC carrier(s) upon receipt or knowledge of the completed execution notification from their NSP/SWP. In no event shall the timeframe for sending such notice exceed three business days.

1. An executing carrier shall submit a CARE record after executing the end user customer's activity to the involved PIC carrier(s) [i.e., new PIC/ submitting carrier, old PIC] as described in Sections 4, 6, 7, 8 & 9.

2. If the CARE record is processed electronically, all the required fields for the end user customer's activity shall be provided, as

set forth in the industry developed CARE/ISI Guidelines established by ATIS' OBF Subscription Committee.

3. An executing carrier that uses the CARE process, but does not exchange CARE records/information electronically, shall submit the end user customer activity information to the involved PIC carrier(s), including the new PIC/submitting carrier and old PIC, as described in Sections 4, 6, 7, 8 & 9 using the preferred paper form provided in Attachment 1 or an existing paper form containing all required information for the change activity.

E. NSP/SWP: An NSP/SWP that executes end user customer activity on behalf of a UNE-P/Resale LSP must execute the change activity upon receipt of the activity change order. In no event shall the time period for executing the change activity exceed three business days. The NSP/SWP shall send notice of the completed execution of the end user customer's activity to the UNE-P/Resale LSP [executing carrier] upon completion of the execution. In no event shall the time period for providing notice to the UNE-P/Resale LSP [executing carrier] exceed three business days. This notice may be completed in a CARE or non-CARE process.

§4 PRIMARY INTEREXCHANGE CARRIER [PIC] SELECTION UPON ESTABLISHMENT OF NEW LOCAL SERVICE

A. Executing Carrier: Upon the establishment of local service for a new end user customer, an executing carrier must provide the selected PIC

carrier(s) with all the customer account information necessary to allow for the proper billing of the new end user customer by the selected PIC carrier(s). In no event shall the time period for providing the selected PIC carrier(s) with the information described above exceed three business days.

§5 SUBMITTAL OF A CARRIER CHANGE ORDER BY A SUBMITTING CARRIER

A. Submitting carrier. Upon obtaining the required verification, a submitting carrier must submit an order to the executing carrier to change the end user customer's PIC. In no event shall the time period for submitting an order to the executing carrier exceed three business days. The submitting carrier must provide the executing carrier with the information necessary to properly execute the order. In those instances where an end user customer contacts the local service provider to accomplish a PIC change, the LSP is considered both a submitting and executing carrier and must comply with the requirements of this section.

For local Service Providers offering local service via an "unbundled network element " (UNE-P) platform or a "total service resale" (Resale) arrangement and submitting end user customer and carrier change orders through a "network service provider" (NSP) or "switch provider" (SWP), compliance with this section means submitting the end user customer or carrier change order to the NSP/SWP upon receipt of the change order. In no event shall the time period for submitting the end user customer or carrier change order

described above exceed three business days. This notice may be completed in a CARE or non-CARE process.

For switchless toll resellers who submit carrier change orders through an underlying toll carrier, compliance with this section means submitting the change order to the underlying toll carrier upon obtaining the required verification. In no event shall the time period for submitting the change order to the underlying toll carrier exceed three business days.

B. Underlying carrier. An underlying toll carrier who forwards change orders on behalf of the switchless toll reseller to the executing carrier must forward such change orders upon receipt of the order from the switchless toll reseller. In no event shall the time period for forwarding the change orders as described above exceed three business days. Likewise, when information regarding the carrier change is returned to the underlying toll carrier by the executing carrier pursuant to Section 3, the underlying toll carrier must forward this information to the switchless toll reseller upon receipt of the information. In no event shall the time period for forwarding this information exceed three business days.

§6 EXECUTION OF A CARRIER CHANGE ORDER

Upon receipt of an end user customer's request to change his PIC, or receipt of a carrier change order from a submitting carrier pursuant to Section 5 of this rule, an executing carrier must change the end user customer's PIC

pursuant to the change order. In no event shall the time period for changing the end user customer's PIC exceed three business days. The executing carrier must provide notice of the completed execution information as soon as is practical to all telecommunication carriers involved in the end user customer change activity. In no event shall the time period for providing notice of the completed execution exceed three business days.

In situations where an executing carrier cannot execute a carrier change pursuant to a change order received from a submitting carrier due to a lack of information, incorrect information or the existence of a PIC freeze, the executing carrier shall provide notice of the failure to the submitting carrier as soon as is practical following the executing carrier's receipt of the change order. In no event shall the time period for providing notice of the failure exceed three business days. The notice shall provide the specific reason the change order could not be executed utilizing the exchange methods described in Section 3.

In situations where the LSP offers local service using a UNE-P/Resale arrangement, the UNE-P/Resale LSP is considered the executing carrier even though the execution of the carrier changes are performed by the LSP's NSP/SWP. The UNE-P/Resale LSP (executing carrier) must send notice of the end user customer's activity upon receipt or knowledge of the completed execution notification from their NSP/SWP. In no event shall the time period for sending the notice described above exceed three business days.

An NSP/SWP that executes end user customer activity on behalf of a UNE

P/Resale LSP must execute the change activity upon receipt of the activity change order. In no event shall the time period for executing the change activity exceed three business days. The NSP/SWP shall send notice of the completed execution of the end user customer's activity to the UNE-P/Resale LSP [executing carrier] upon completion of the execution. In no event shall the time period for notifying the UNE-P/Resale LSP of the completed execution described above exceed three business days. This notification may be completed in a CARE or non-CARE process.

§7 NOTIFICATION AND INFORMATION EXCHANGE BETWEEN TELECOMMUNICATIONS CARRIERS WHEN AN END USER CUSTOMER CHANGES HIS LOCAL SERVICE PROVIDER WITH OR WITHOUT A PIC CHANGE

In situations where an end user customer changes his local service provider with or without a change of PIC, the old LSP and the new LSP must notify the PIC carrier(s) of the end user customer's change in local service providers upon receipt of LSP change order request. In no event shall the time period for notifying the PIC carrier(s) of the end user customer's request for change in local service provider exceed three business days. For these situations, changes in local providers are accomplished through either a UNE-P/Resale arrangement or through a porting arrangement. For purposes of this rule the old LSP and the new LSP are considered "executing carriers".

Old LSP: The old LSP must notify all existing PIC carrier(s) for the end user

customer's account of the end user customer's change of local service providers upon receipt or knowledge of the completed order for the change of local service. In no event shall the time period for doing so exceed three business days. This notification to the existing PIC carrier(s) will not contain the status of the PIC for the account at the new LSP. This notification is to provide notification to the existing PIC carrier(s) of the end user customer's change in local provider only.

New LSP: The new LSP must notify the PIC carrier(s) selected by the end user customer to provide PIC services for the end user customer at the new LSP upon execution or knowledge of the completed order to change local service. In no event shall the time period for doing so exceed three business days.

§8 NOTIFICATION OF ACCOUNT INFORMATION CHANGES

A. Telecommunications carriers shall exchange critical end user BTN/WTN or account change information necessary for all involved telecommunication carriers to maintain accurate billing and PIC records to facilitate timely, accurate billing of the end user customer.

B. Account Information Changes. For the purposes of this rule, account information is recognized as any activity resulting in changes to the end user account that does not affect the end user's choice of PIC. These types of changes will facilitate the end user's receipt of accurate, timely bills. Examples of account information changes include [but are not limited to]:

- billing telephone number [BTN] changes
- working telephone number [WTN] changes
- billing name and/or address [BNA] changes
- end user account responsibility changes
- customer type changes [e.g., business to residence]

C. Executing Carrier. Upon receipt of account information changes from the end user customer, the executing carrier must provide notification of this change information to the existing PIC carrier(s) for the BTN/WTN or account. In no event shall the time period for doing so exceed three business days.

§9 NOTIFICATION OF LOCAL SERVICE ACCOUNT TERMINATION OR SINGLE LINE OR MULTI-LINE DISCONNECTION

A. Telecommunications carriers shall exchange all account termination or single line/multi-line disconnection change information necessary for all involved telecommunication carriers to maintain accurate billing and PIC records to facilitate timely, accurate billing of the end user customer.

B. Executing Carrier. Upon receipt of an end user customer's request to terminate his entire local service account or disconnect one or more lines [but not all lines] of a multi-line account, the executing carrier must provide notification of the account termination or line(s) disconnection to the existing PIC carrier(s) for the BTN/WTN or account. In no event shall the time period for doing so exceed three business days.

§10 REQUEST FOR BILLING NAME AND ADDRESS [BNA] INFORMATION

A. Telecommunications carriers shall employ a process for the exchange of billing name and address information necessary to facilitate an end user's receipt of a timely, accurate bill for services rendered, regardless of the type of service the end user receives from the requesting carrier (i.e. pre-subscribed, dial-around, casual).

B. Executing Carrier. Upon receipt of a submitting carrier request for Billing Name and Address [BNA] for a specific WTN, the executing carrier will provide the submitting carrier with the BNA as requested. In no event shall the time period for doing so exceed three business days.

In situations where the executing carrier cannot provide the BNA requested, the executing carrier shall provide the submitting carrier with the appropriate specific reason why the BNA could not be provided either as soon as is practical or within three business days of receipt of the request for BNA, whichever period is shorter.

§11 BILLING

A. The submitting carrier/new PIC shall initiate billing to the end user customer for pre-subscribed long distance/toll services upon receipt of the order confirmation of the completed execution of the change.

B. The old PIC, upon receipt of the disconnect notification from the executing carrier, shall discontinue billing the end user customer for the pre-subscribed long distance/toll services as specified in the disconnect notification as of the effective date of the carrier change. The end user customer may still receive a final bill for any presubscribed services rendered up through the effective date of the disconnect.

§12 WAIVER

[This section will need to be worded pursuant to each State's waiver requirements]

Upon request of any person subject to this Chapter, or upon its own motion, the Commission may, for good cause, waive any requirement of this Chapter that is not required by statute. The waiver may not be inconsistent with the purposes of this Chapter or **[Insert relevant statutory reference]**. The Commission, the Director of the Consumer Assistance Division, or the presiding officer assigned to a proceeding related to this Chapter may grant the waiver.

§13 ENFORCEMENT

[This section will need to be worded in accordance with each State's enforcement authority.]

Failure to comply with any requirement of this Chapter may result in fines or penalties, such as the suspension or revocation of authority to conduct business within the State. Fines and penalties shall be imposed after a hearing by the Commission.