

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Rural LECs)	
)	CC Docket No. 94-129
Petition for Declaratory Ruling with Respect to)	
Obligation of Local Exchange Carriers to)	
Execute Primary Interexchange Carrier Changes)	
Requests with Incorrect Subscriber Information)	

PETITION FOR DECLARATORY RULING OF THE RURAL LECS

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February 1, 2005

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SUMMARY

This Petition for Declaratory Ruling requests a Commission order to terminate a

controversy and remove uncertainty with respect to the proper interpretation of Section 258 of the Communications Act and the Commission's Rules implementing that section. The controversy concerns the practices of some Rural LECs that reject PIC change requests received from IXCs, employing industry standard codes, where the name and telephone number on the request do not match the information on the LEC's records as to the name of the subscriber of record or person authorized by the subscriber to make changes to the account. The issue has been raised in informal complaints by MCI against many of the Rural LECs, and in an MCI Petition for Declaratory Ruling asking for preemption of a rule of the West Virginia Public Service Commission.

The Rural LECs do not believe their practice violates either the Act or the Commission's rules. Should the Commission declare to the contrary, however, the Rural LECs request a clear and definitive statement that PIC changes must be executed regardless of lack of record indications that the person requesting the change is authorized to make such requests. Such a ruling is needed to provide an explanation to subscribers in the course of the inevitable increase in slamming that will occur.

Slamming remains a serious problem for subscribers, creating harms that go well beyond the excess charges which may be incurred. The Commission should resolve any question as to its rules in favor a result that protects consumers from unauthorized changes to their accounts. The very definition of "subscriber" in the rules supports the Rural LEC's belief that change requests should only be executed on the request of the subscriber or person lawfully authorized by the subscriber. Where the only evidence of such authority is the claim of the non-subscriber person to be so authorized, there is no basis in agency law upon which any third party is entitled to rely. The Rural LECs recognize that in *AT&T Corp. v. FCC* the D.C. Circuit held the

Commission could not hold IXCs strictly liable for unauthorized changes because they have no practical means to determine the authority of the person requesting the change. As the Court explicitly recognized, its decision is about liability of a carrier for causing unauthorized changes says nothing about the obligations of LEC to execute changes where the LEC “might be able to verify the subscriber’s identity by consulting its own records” and thus prevent unauthorized changes.

The LECs’ practices are not “reverification” prohibited by Section 64.1120(a)(2) because they do not involve contact with the subscriber in any way, but only examination of the LECs’ records and use of industry standard codes that recognize such discrepancies as reasons for rejection. MCI recognizes the legitimacy of other reasons for rejection which also involve examination of the LEC’s records, such as already presubscribed to the submitting carrier, PIC freeze, number ineligible for preferred carrier designation, etc. When the Commission adopted the current definition of “subscriber” it recognized that LECs would need to maintain records accordingly. The Commission also believed that broadening the definition of subscriber would not result in an increase in slamming because IXCs would be strictly liable. After *AT&T* however, that rationale is no longer available. Because the change requests are returned promptly, usually within 24 hours, and executed promptly if returned corrected, any delay that occurs is not unreasonable. Finally, it is not reasonable to require subscribers and LECs to implement PIC freeze requirements simply to avoid having changes made by an unauthorized person. In any event, even if a PIC freeze is requested and implemented, under MCI’s interpretation of the definition of subscriber, the freeze can still be lifted by any person who claims to be authorized by the subscriber of record.

The West Virginia PSC’s current rule that only the subscriber of record may authorize an

intrastate PIC change is the subject of a pending MCI request for preemption. Although the West Virginia PSC is currently considering whether to change its rule, the issues raised by MCI in its preemption petition have substantial overlap. Therefore the Rural LECs request that their request be considered in conjunction with the MCI request. Such combination will promote efficiency and consistency and provide assistance to other states that adjudicate slamming complaints.

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PETITION FOR DECLARATORY RULING OF THE RURAL LECs

The rural local exchange carriers (“Rural LECs”) listed in Appendix A, pursuant to section 554(e) of the Administrative Procedure Act, 5 U.S.C. 554(e), and Section 1.2 of the Commission’s Rules, 47 C.F.R. 1.2, respectfully request the Commission to issue a declaratory ruling in order to terminate a controversy and remove uncertainty as to the proper interpretation of Section 258 of the Communications Act, 47 U.S.C. 258, and Sections 64.1100-1190, of the Commission’s Rules, 47 C.F.R. 64.1100-1190.

I NATURE OF THE CONTROVERSY

The Rural LECs, executing carriers under the Commission’s slamming rules, 64.1100(b), typically receive requests for Preferred Interexchange Carrier (“PIC”) Changes from interexchange carriers (“IXCs”) by facsimile. These requests specify, among other information, the telephone number of the account to be changed and the name of the person authorizing the change of the number. Commonly, a significant portion of these requests are faxed back to the IXC with the appropriate industry standard Transaction Code Status Indicator (“TCSI”). Among the most common problems causing the requests to be returned are: customer is already presubscribed to the submitting carrier (2129, 2130), customer has PIC freeze (2166), invalid

number for the LEC (2106) or PIC changes not permitted (2133, e.g. certain college dormitory rooms). The present controversy relates to PIC changes which are returned with codes 2122 and 2161, billing name or telephone number does not match account information.

Specifically the controversy concerns uncertainty over whether, or under what circumstances, the Communications Act and the Commission's Rules prohibit the practice, contemplated and permitted by industry standards, of some Rural LECs that return PIC Change requests with TCSI codes 2122 or 2161 when they receive a PIC change request in which the name of the person authorizing the change is does not match that of the subscriber of record or a person or telephone number listed on the LEC's record's as authorized to make changes to the account.¹ The change request is returned with the industry standard codes because the mismatch of the request and the LEC's record indicates a high probability that either there was a clerical error in the submission of the request, or that a person not authorized by the subscriber of record purported to authorize the change. In either of these events, execution of the change could result in the subscriber's preferred carrier being changed without his or her authorization. If the request is resubmitted by the IXC with information that matches the account, it is promptly executed.

In April, 2004 MCI filed a series of individual Informal Complaints against the Rural LECs alleging that their practices unreasonably delay the execution of MCI's PIC change requests and constitute a form of "verification," both allegedly in violation of Section

¹ The Rural LECs are generally independent companies that have varying practices. Some Rural LECs will execute a PIC change request where they have reason to believe the unlisted person is nevertheless authorized, often in the case of spouses. Others do not make such exceptions.

64.1120(a)(2) of the Commission's Rules.² The Rural LECs responded collectively, denying that their practices are in any way a violation of the Communications Act or the Commission's verification rules.³ Subsequently, the Rural LECs and MCI, through counsel and with the assistance of the Commission's Staff, have attempted to resolve their differences. Although the issues were narrowed, there is no agreement on the basic question of whether the rules require a LEC to execute a change where the requesting person is not listed in the LEC's records as the subscriber or a person authorized by the subscriber to make changes.

The Rural LECs remain of the opinion that their practices are not unreasonable or otherwise in violation of the Act or the Commission's rules. The staff of the Consumer and Governmental Affairs Bureau has stated however, that it believes the Rural LECs' practices result in unreasonable delay in execution of PIC changes, and that subscribers wishing to be protected from erroneous PIC changes requests or requests by unauthorized persons must follow the prescribed procedures of Section 64.1190 for instituting a PIC freeze.⁴ The Rural LECs believe the staff position is not supported by either the letter or the intent of the Rules.

If Rural LECs were to revise their practices to comply with MCI's demand to execute all PIC changes when the information submitted by the IXC does not match the subscriber's account, the inevitable result will be an increase in slammed subscribers contrary to the objective of Section 258 of the Act. In addition the Rural LECs will be blamed by their subscribers for changing their accounts without authority, thereby harming the outstanding business reputation of the Rural LECs for integrity and competence, and the number of

2 *See* File Nos. EB-04-MDIC 0003 through 0064

3 Response of the Rural LECs, Apr. 29, 2004, Files Nos. EB-04-MCIC 0003 through 0064.

4 A telephone conference of the parties was held October 13, 2004. The rules do not require LECs to offer PIC Freezes, but provide detailed requirements if they are offered. 47

complaints submitted to regulators. The Rural LECs therefore request that the Commission find and declare that their practices are not unreasonable or in violation of the Commission's rules for the reasons set forth below. Should the Commission accept the position of MCI, however, the Rural LECs request that the Commission set forth explicitly how its rules should be interpreted by the industry. Because MCI's interpretation is not self-evident from the rules and prior orders of the Commission, the Rural LECs request a written clarification that they can provide their subscribers and state commissions when the inevitable changes are made in accordance with the requests of unauthorized persons, in error, or through fraud.

In addition to MCI's informal complaints against the Rural LECs, MCI has also requested a Declaratory Ruling from this Commission preempting a rule of the West Virginia Public Service Commission which provides that only a "customer of record" may verify intrastate PIC changes. MCI asserts that this rule conflicts with this Commission's broader rule defining a subscriber to include any adult authorized to make PIC changes by the person responsible for payment of the bill.⁵ Because this proceeding also will address the question of whether LECs must execute PIC changes requested by a person other than the subscriber or record or person authorized by the subscriber (or by law), the Rural LECS request that the Commission consider this request and MCI's request in a consolidated proceeding. Consolidation will provide the most logical and efficient procedure to address substantially overlapping, if not identical issues.

C.F.R. 64.1190.

⁵ Public Notice, The Consumer and Governmental Affairs Bureau Seeks Comment on the Petition for Declaratory Ruling of WorldCom, Inc. Regarding a West Virginia Carrier Change Verification Requirement, CC Doc. 94-129, DA 04-962, Apr. 7, 2004. The West Virginia Commission staff has requested the FCC hold MCI's request in abeyance until resolution of a proceeding pending before that Commission involving essentially the same issue.

II THE COMMISSION’S RULES SHOULD BE INTERPRETED IN FAVOR OF PROTECTION OF SUBSCRIBERS FROM SLAMMING RATHER THAN TO BENEFIT THE CONVENIENCE OF CARRIERS

A. Despite the Commission’s Efforts, Slamming Remains a Substantial Source of Subscriber Complaints

Slamming of subscribers’ preferred interexchange carriers has been a serious problem since the initiation of equal access, and remains so today despite continuous efforts of the Commission to craft rules which would create strong incentives for IXCs to ensure that that IXCs (and after 1996, LECs) do not submit changes not wanted by the subscriber whether through fraud or mistake. Nevertheless, the Commission continues to receive a large number of complaints, as do those state commissions which have elected to enforce the slamming rules.⁶ The central purpose of the rules is to protect consumers from fraud, and to reimburse them for charges paid to carriers they did not select. A secondary purpose is to control competition between IXC by precluding carriers from gaining market share by fraud. It is most consistent with the purposes of the Act and the rule to require the submission of accurate information. The practices of the Rural LECs serve to reduce the number of PIC changes caused by fraud or mistake by IXCs as well as changes ordered by persons not authorized by the subscriber to order changes.

B. The Rural LECs’ practices are consistent with a fair reading of the rules.

1. The definition of “subscriber” is consistent only with the interpretation

⁶ According to the latest reports available from the Consumer and Government Affairs Bureau, 6052 slamming complaints were filed with the Commission in 2003, an increase over the 5249 filed in 2002. Consumer and Governmental Affairs Bureau, Quarterly Reports on Complaints and Inquiries Processed, 1st Quarter 2002 through 4th Quarter 2003. Forty two of the Rural LECs are located in states which have elected to resolve slamming complaints.

that PIC changes can only be made by persons so authorized by the subscriber.

The Commission’s Rules define the term “subscriber” to include not only the person or entity responsible for payment of the charges, but also any person authorized by the subscriber to make changes to the account.⁷ The straightforward effect of this rule is to require executing carriers to recognize duly authorized agents of the person or entity who actually ordered the service and pays the bills, i.e., the “subscriber of record, and advises subscribers that they are responsible for changes to their account made by their “actual” agents.”⁸

Under general principles of agency law, subscribers may also be responsible for changes to their accounts as a result of acts of “apparent” agents, and perhaps even for the acts of “inherent agents.” Apparent agents are those where the manifestation of the principal to the third party related to the matter from which the third party obtains an actual and reasonable belief that the agent has authority to act.⁹ Inherent agency is sometimes found where there is no manifestation of the principal, but the third party’s belief that the agent has authority is actual and objectively reasonable.

These principles are relevant in the context of PIC changes submitted to an executing LEC by a submitting IXC, such as MCI. When the name of the person purporting to authorize

7 47 C.F.R. 64.11

8 An actual agency arises when the principal by some manifestation authorizes another to act on the principal’s behalf. The principal may then be liable to a third party for the acts of the agent regardless of whether the third party was aware of the manifestation. Restatement (2d) of Agency Sec. 7 (1957) The circumstances involved in the current dispute therefore involve requests to LEC for action affecting the principal where the principal has done nothing to create an actual agency in either the person requesting the PIC change or the IXC. While some of the rural LECs customer records specifically identify persons authorized by the subscriber to make changes to the account, most do not.

9 Restatement (2d) of Agency Sec. 27 (1957).

the PIC change is not the subscriber of record, or a person shown on the LECs records to be authorized to make changes to the account, MCI's position is apparently that the LEC must assume in all cases that the person requesting the change is authorized to do so.

As a factual matter, however, the person listed on the PIC change request as authorizing the change may either (1) have no association with the subscriber whatsoever, but is listed on the request as a result of error or fraud; or (2) have no actual authority from the subscriber, and hence not be within the Commission's definition of subscriber. In neither case is there any basis in law to hold that a third party, such as the executing LEC, has any right to rely on the claim of authority of a person without authorization from the subscriber and thus no obligation to its subscriber to make changes to the subscriber's account.

MCI apparently would interpret the Commission's rules necessarily to imply that any person claiming to be authorized by the subscriber must have the powers of an "actual" or "inherent" agent, perhaps because the person answered a telemarketing call at the subscriber's residence or returned a mail solicitation with the subscriber's address and phone number. First, even if this theory were valid, it would not create any obligations with respect to the facts described in situation (1) in the paragraph above. Second, actual agency requires manifestation by the principal, and actual and objectively reasonable belief that the putative agent is authorized to make changes to the account. Other than perhaps permitting the person to be in residence (and that permission is an assumption) there will have been no manifestation by the subscriber to the IXC. It is simply not objectively reasonable for anyone to assume that any person answering a telephone is authorized to act on behalf of the actual subscriber, since it is commonly understood that subscribers may be out of their residence, leaving behind minor children, housekeepers, nannies, repair persons, in-laws, house-guests, etc., without giving that person authority to

commit to anything on the householder's behalf.

The Consumer and Government Affairs Bureau staff, however, is apparently of the opinion that the Court of Appeals ruled to the contrary in the course of vacating a Commission forfeiture order to AT&T.¹⁰ In *AT&T* the court held that Section 258 did not authorize the Commission to require IXCs to acquire actual authorization from subscribers before submitting PIC changes. The court stated that it would be “virtually impossible” for a carrier engaged in telemarketing to guarantee that the persons answering the telephone is in fact authorized to make changes to that account, and noted that the Commission itself recognized that this impossibility created a strict liability situation.¹¹ The Court then found that Section 258 did not authorize the actual authorization requirement, and rejected the Commission's argument that it was an integral part of its verification procedure.¹² Although the Court did not state its conclusions in terms of agency law, the effect of the decision is to hold that an IXC may not be penalized where it relies on a person purporting to be the agent of a subscriber.

The Court's conclusion that the Commission may not impose a slamming forfeiture on an IXC in circumstances where the IXC cannot determine the authority of the person authorizing a PIC change, expressly does not apply to the question of whether a LEC's refusal to act on a change request made by a purported agent creates an unreasonable delay, and thereby violates section 64.1120(). The Court specifically recognized that LECs are not similarly situated: “...a customer's local exchange carrier might be able to verify the subscriber's identity by

10 *AT&T Corp. v. Federal Communications Commission*, 323 F.3d 1081 (D.C. Cir. 2003)(“*AT&T*”)

11 *Id.*

12 *Id.*

consulting its own records....”¹³ The essential distinction between the two situations is that while the Commission may not penalize an IXC for failure to consult subscriber records, nothing in the decision even implies that LECs must be prohibited from consulting subscriber records under either Section 258 or the Commission’s rules.¹⁴

2. The Rural LECs’ practices do not constitute “reverification” prohibited by Sec. 64.1120(a)(2)

MCI’s allegation that return of a PIC change because the name of the person on the change request does not agree with the telephone number on the LEC’s records violates the prohibition against LEC verification in Section 64.1120(a)(2) is unfounded. The Commission order adopting the prohibition on verification explained that the purpose was to proscribe the practice of some LECs of contacting the subscriber to determine whether he or she wanted to make a PIC change.¹⁵ The LEC practice at issue does not involve contacting the subscriber or inquiring into whether the subscriber really wants to make a change, but only checking its own records, as it must do on every PIC change request.

It cannot be disputed that a LEC must check its records in order to be able to execute a PIC change. MCI is a member of the organization that developed the industry standard TCSI codes and specifically requested that the Rural LECs utilize the codes. MCI necessarily understood that there could be rejections because of subscriber account mismatches, but it did suggest to the LECs that certain codes were inapplicable or improper. MCI does not object to

13 *Id.*

14 In an analogous situation, the Commission encourages the use of LECs subscriber records. *See* Factsheet on Wireless Local Number Portability, Consumer and Government Affairs website.

15 *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996*, Second Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd. 1508, 1569 (1998). (“Second Report & Order”)

rejections where the LEC's records show that MCI is already the preferred carrier, that the subscriber has requested a PIC freeze, the number is not one to which a preferred carrier may be assigned, etc.. It thus cannot be that the LEC's act of comparing the PIC change request with information in its records, *per se* constitutes "verification" or amounts to "unreasonable delay." Any violation of the rules must thus be found by distinguishing which record conflicts are found in the records, a function beyond either the words or the purpose of the rule.

When the Commission subsequently adopted the current definition of "subscriber" which includes persons authorized by the subscriber or by law to make account changes, it emphasized its that consumer protection was a major purpose of the rule and explicitly contemplated that LECs would maintain their records accordingly. The Commission stated that that the definition would: "...protect[] consumers by giving the customers of record control over who is authorized to make such decisions on their behalf. In addition this definition will provide *carriers with the flexibility to establish authorization procedures that are appropriate to their own and their customers' needs, consistent with the framework of our rules.*"¹⁶ The Commission acknowledged without disapproval that some LECs maintain records of persons authorized to order carrier changes on behalf of the customer of record, and stated that carriers may rely on such records.¹⁷

The Commission concluded that broadening the definition of "subscriber" would not result in an increase in slamming because carriers would be strictly liable for any mistakes or submission of change requests from unauthorized persons. That assumption is no longer valid,

16 *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996*, Third Report and Order and Second Order on Reconsideration, CC Doc. No. 94-129, 15 FCC Rcd 15996, 16020.

17 *Id.* at 16021, n. 148, n. 154.

given the Court's decision in *AT&T* that the Commission is not authorized to impose strict liability for submission of change requests from unauthorized persons. Without strict liability, IXCs are apparently protected if they can show somebody somewhere verified the change order.

3. Rejection does not cause "unreasonable" delay.

In the Second Report & Order the Commission rejected proposals to establish a specific time for executing PIC changes, stating that "there may be many legitimate reasons for delay in the execution of a carrier change."¹⁸ Whether the delay that occurs while the PIC change request is faxed back to the IXC is reasonable depends on the facts and circumstances. First, the request is promptly returned to the IXC, usually within 24 hours of receipt unless the next day is a holiday. Secondly the reasonableness of the delay involves balancing the effect on the customer of an unauthorized change with the cost to the IXC of a short delay in the customer acquisition process. A delay of a few days, where the effect will be to reduce slamming, is within the zone of reasonableness the Commission has previously found for executing change requests.

The adverse effect on the subscriber of an unauthorized change is more than just the possibility of higher charges, there is the time and hassle of complaining, and the inevitable delay in having his or her preferred carrier reinstated. Perhaps most important is the emotional shock of realizing that in an age of constant concern with identity theft and computer fraud, that changes in his or her business arrangements can be made based on either mistake or the action of some person the subscriber has never authorized to make such changes on his or her behalf.

The resentment felt by the subscriber is most often directed toward the executing LEC not only because it executed the change, but because it did so on the basis of a request it knew was questionable because it was from a person other than the subscriber or someone shown on

the records as authorized to make changes in the account. The LEC then not only incurs the cost of dealing with the complaint, but, more importantly, suffers a degradation in its business reputation which is not compensable in money. This real harm is caused solely by the IXC's mistake or acceptance of a change from an unauthorized person. The Rural LECs' practices reduce the number of subscribers harmed in this way. Given a choice between harm to subscribers or convenience of the IXC, the Commission's duty is to subscribers.

- C. Requiring consumers to obtain PIC freezes to prevent execution of changes requested by unauthorized persons is neither reasonable nor useful.

The Consumer and Government Affairs Bureau staff has suggested that the Rural LECs practices amount to establishment of a PIC freeze without following the procedures of the applicable rules. The Rural LEC's practice of returning change requests from persons other than the subscriber or record of a person shown on the LECs records to be authorized, like the PIC freeze, also serves to deter slamming, but poses less of an impediment to a subscribers own desire to change carriers. It is self-evident that no subscriber wants to have changes made to his or her account by mistake or by an unauthorized person. It is unreasonable to require subscribers to take the complex additional steps of instituting a PIC Freeze to ensure what should be a basic right in dealing with any business. While the PIC freeze can be a useful tool in dealing with fraudulent changes, establishing a freeze imposes additional obligations on the subscriber, the LEC and the IXC that should not be required.

But even if consumers follow the advice of the Bureau and institute a freeze, under MCI's theory, the freeze can be lifted by error or an unauthorized person, just as the preferred carrier can be changed. Section 64.1190 contains elaborate requirements for

instituting a freeze, including requiring the subscriber to separately affirm his or her desire as to all permutations of telephone service.¹⁹ However, LECs are required to lift the freeze and then accept a PIC change upon written or electronically signed authorization of the subscriber or if the request is made in a three way call with the subscriber initiated by the IXC. Because the definition of subscriber in Section 64.1100(h) is also applicable to Section 64.1190, the theory of MCI and the Consumer and Government Affairs Bureau lead to the conclusion that the person with the right to lift the freeze is any person who claims to be authorized by the subscriber of record and the LEC has no right to examine its records or question that claim of authority.²⁰

III THE COMMISSION SHOULD COMBINE OR COORDINATE THIS PETITION WITH THE MCI REQUEST FOR PREEMPTION OF THE WEST VIRGINIA COMMISSION

As a procedural matter, the Rural LECs request that their Petition be considered in conjunction with MCI's petition to preempt the West Virginia PSC rule that only the subscriber of record may verify intrastate PIC changes²¹. The essence of the Rural LECs' petition is their request that the Commission resolve the controversy regarding whether executing carriers are bound to act on the requests of IXCs based in turn upon representations of parties who purport to be agents of the LECs' customers where the LECs records reveal no actual or apparent authority. This is also the issue raised by MCI in its Petition for Declaratory Ruling and in the pending West Virginia proceeding.²²

19 47 C.F.R. 64.1190(d).

20 Section 64.1190(e)(2) does suggest that the LEC may confirm the identity of the subscriber in the course of an oral communication, implying that it can check its records and reject requests where the identity of the person requesting the freeze lift is not established. But this procedure does not, per se, establish authority, and in any event is not applicable to written or electronically signed authorizations under Section 64.1190(e)(1).

21 See note 5, supra.

22 On January 14, 2005 the West Virginia PSC Administrative Law Judge entered a

IV CONCLUSION

The purpose of Section 258 and the Commission's implementing rules is to protect subscribers from slamming. The interpretation of the statute and rules urged by MCI would result in more subscribers' selections of primary carriers being changed without their consent, causing harm to the subscribers, the executing carriers, the Commission and many state commissions. For the reasons described above, the Rural LECs respectfully request a declaratory ruling that under the Act and the Commission's rules, LECs may reject PIC change where requesting person does not appear on the LECs record as the subscriber of record or person authorized to make changes to the subscriber's account, so long as rejection is prompt and reason clearly stated. If, however, the Commission determines not to so interpret its rules, the Rural LECs request the Commission issue a clear statement of the responsibilities of a executing LEC in such circumstances. The Rural LECs will then be able to utilize that statement to communicate to their subscribers that the Commission requires LECs to execute changes regardless of whether the person requesting the change is authorized by the subscriber, and that the LEC is not liable to the customer for executing unauthorized changes.

Respectfully submitted

The Rural LECs

By /s/ David Cosson

Recommended Decision in Case No. 04-0555-T-P, *AT&T Communications of West Virginia, Petition for a Declaratory Ruling to Further Define Who Can Request Changes to Telephone Service.*

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February 1, 2005

APPENDIX A

THE RURAL LECS

3 Rivers Telephone Cooperative, Inc.
Armstrong Telephone Company Maryland
Armstrong Telephone Company New York
Armstrong Telephone Company North
Armstrong Telephone Company Northern Division
Armstrong Telephone Company Pennsylvania
Armstrong Telephone Company West Virginia
Calaveras Telephone Company, Inc.
Chester Telephone Company
Chibardun Telephone Cooperative, Inc.
Chickasaw Telephone Company
Citizens Telephone Company of Higginsville
Concord Telephone Company

CTC Telcom, Inc.
Darien Telephone Company
DTC Communications
Egyptian Telephone Cooperative
Five Area Telephone
Hardy Telephone Company
Horry Telephone Cooperative, Inc.
HTC Communications
Lackawaxen Telecommunications Services, Inc.
Lockhart Telephone Co.
Margaratville Telephone Company
Mid-Century Telephone Company
Mid-Rivers Telephone Cooperative
Nicholville Telephone Company, Inc.
North Central Telephone Cooperative, Inc.
North-Eastern Pennsylvania Telephone Company
Peoples Telephone Company
Poka Lambro Telephone Cooperative
Public Service Telephone Company
Ridgeway Telephone Co.
Siskiyou Telephone Company
Smart CityTelecom
Smithville Telephone Company
Stayton Cooperative Telephone Company
TEC Services, Inc.
Trumansburg Telephone Company, Inc.
United Telephone Company
Washington County Rural Telephone Cooperative
West Plains Telephone