

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners:                Brian J. Moline, Chair  
    Robert E. Krehbiel  
    Michael C. Moffet

In the Matter of a General Investigation into                )  
the Commission's Telephone Billing                                )        Docket No. 06-GIMT-187-GIT  
Practices Standards.    )

**ORDER OPENING DOCKET AND SCHEDULING COMMENTS**

NOW COMES the above captioned matter for consideration and determination by the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records and being fully advised in the premises, the Commission finds and concludes as follows:

1.        In an order issued on January 11, 1983 in Docket No. 120,408-U, the Commission adopted telephone billing practices standards (the standards) applicable to local exchange carriers. In 1986, the Commission made these standards, with a few modifications, applicable to interexchange carriers. The standards have remain unchanged since 1986.

2.        On April 1, 2005, Commission staff (Staff) submitted a memorandum asking the Commission to open a new docket to review and, if necessary, revise the standards to comport with current technology and telecommunications practices. Staff indicates it has revised the standards and requests the Commission take comments from interested parties on Staff's suggested revisions. Staff also presented a list of other issues and suggested the Commission take comment on whether these other issues should be included in the standards.

3.        The Commission finds it appropriate to grant Staff's request and opens this docket to take comments on the revisions to the standards suggested by Staff. Staff's revisions to the

standards are attached to this order. The original, current standards can be found on the Commission's website at <http://www.kcc.state.ks.us/telecom/aps/120408.pdf>.

4. In addition to comment on Staff's proposed revisions to the standards, the Commission requests comment from interested parties on the additional issues listed by Staff in its memorandum. Those issues are:

- Continuation of billing after the consumer has switched to another provider or requested to disconnect service.
- Guidelines for overbilling.
- Prompted attention by the provider to issues of identity theft.
- New service requests for addresses where the service was abandoned and a request for disconnection was never received by the provider.
- Confirmation that the provider is dealing with the customer of record.
- The practice of requiring a customer to call and affirmatively request the refund to which they are entitled.
- Labeling of additional charges, such as "regulatory fees."

If there are any other issues with respect to the standards the parties wish the Commission to be aware of, the Commission directs the parties to include those issues in initial comments.

5. The Commission encourages all carriers to participate in this docket. **Carriers wishing to participate should file a simple entry of appearance by September 16, 2005;** the Commission finds that formal petitions to intervene in this docket are unnecessary.

6. **Initial comments are to be filed in this docket by the close of business on Friday, October 28, 2005. Reply comments are to be filed in this docket by the close of business on Friday, November 21, 2005.** Once initial and reply comments are filed, the Commission will review comments and determine the next step to be taken in this docket.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Commission finds it necessary to open this docket to review the Commission's telecommunications billing practices standards and address other issues as indicated above.

B. Interested parties shall file entries of appearance by Friday, September 16, 2005.

C. Initial comments are to be filed by the close of business on Friday, October 28, 2005. Reply comments are to be filed by the close of business on Friday, November 21, 2005.

D. The parties have fifteen days, plus three days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118; K.S.A. 2003 Supp. 77-529(a)(1).

E. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Moline, Chr.; Krehbiel, Com.; Moffet, Com.

Dated:           **AUG 3 1 2005**          

**ORDER MAILED**

**AUG 3 1 2005**

 Executive  
Director

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Susan K. Duffy  
Executive Director

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## APPENDIX A

### Telephone Billing Practices

The following standards are applicable to all jurisdictional telecommunications public utilities and Eligible Telecommunications Carriers (ETC). They are not applicable to enhanced or information services, shared tenant services or wireless providers that have not been designated as ETCs.

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## Definitions

<u>Abandonment of Service</u>	<u>Premises vacated without advising the telecommunications public utility, and payment for service is delinquent.</u>
<u>Calling Card</u>	<u>A billing arrangement by which a call is charged to a valid telecommunications public utility issued card number.</u>
<u>Credit Card</u>	<u>A billing arrangement by which a call is charged to a valid financial institution or other non-telecommunications public utility issued card number.</u>
<u>Customer</u>	<u>Any person, firm, partnership, corporation or other entity who uses the services of a telecommunications public utility.</u>
<u>Customer(s) of Record</u>	<u>The person(s), firm, partnership, corporation or other entity responsible for payment of charges for telecommunications services. The billing name(s) on an account.</u>
<u>Debit Card</u>	<u>A card-based billing arrangement in which payment for service is made to a telecommunications public utility before the service is used and usage is debited from the customer's account balance.</u>
<u>Deniable Charge</u>	<u>A charge that if not paid may result in the termination ("denial") of the customer's local exchange service. Local service charges are deniable charges.</u>
<u>End User</u>	<u>Synonymous with the term Customer.</u>
<u>Formal Complaint</u>	<u>A complaint in which the complainant files a formal application with the Commission, the application is assigned a specific docket number, and the Commission makes a determination or referral to another government agency.</u>
<u>High Toll Pre-Billing</u>	<u>The practice of billing a subscriber for toll charges before the normal billing period ends because of</u>

significantly higher than normal or customer estimated toll charges.

Informal Complaint A complaint initiated by communication to the Commission's Public Affairs and Consumer Information Division and handled without a formal complaint application.

Letter of Authorization A document, signed by the customer of record, which gives a telecommunications public utility the authority to order services on the customer of record's behalf, which may include changing the choice of local and/or long distance company and/or services for the customer of record.

Local Service Charges A local service provider's charge for service which allows the subscriber to complete calls within the local service area, plus any jurisdictional local service provider charges for calling, line or directory service features subscribed to by the customer of record (such as Caller ID, extra directory listings, touch tone service, etc.). Does not include toll, directory advertising, inside wire maintenance, etc. or non-jurisdictional services.

Negative Selection When the subscriber is considered to have made an affirmative choice by not contacting the company with a negative response.

Non-deniable Charge A charge that will not result in the termination of the customer's local exchange service for non-payment, even though the particular service for which the charge has been levied, e.g. paging service, could be terminated. Charges other than local service charges are non-deniable charges.

Qualified Third Party A current subscriber of the same telecommunications public utility with no suspensions or returned check charges within the last twelve (12) months.

Service Disconnection The service provided by the telecommunications public utility is terminated, the telephone number(s) is freed for other use and a final bill is rendered.

<u>Service Suspension</u>	<u>Service provided by the telecommunications public utility is temporarily interrupted from placing or receiving calls.</u>
<u>Subscriber</u>	<u>Synonymous with the term Customer of Record.</u>
<u>Telecommunications Service</u>	<u>The provision of a service for the transmission of telephone messages, or two-way video or data messages.</u>
<u>Telecommunications Public Utility</u>	<u>Any public utility, as defined in K.S.A. 66-104, and amendments thereto, which owns, controls, operates or manages any equipment, plant or generating machinery, or any part thereof, for the transmission of telephone messages, as defined in K.S.A. 66-104, and amendments thereto, or the provision of telecommunications service in or throughout any part of Kansas.</u>
<u>Waiver</u>	<u>Authorization by the Commission that a certain billing standard is not required to be followed by the Telecommunications Public Utility.</u>

**SECTION I: BILLING STANDARDS**

**A. Billing Schedule and Contents:**

- (1) **Billing Frequency.** Telecommunications public utilities must issue monthly bills, except for debit or credit card services, and bills in an amount less than \$5.00, excluding bills where payment has been deferred as stated in Section II B of these standards .
- (2) **Advance Billing.** Billing may be issued monthly in advance, except for usage-based charges, which must be issued in arrears.
- (3) **Content of Bill.** All labels used for charges on the bill should be clearly and directly linked to the use of the monies collected through the charge. Each company bill issued to a subscriber shall indicate:
  - a. **Billing Period, Mailing Date and Due Date.** The period of time or specific from and to dates the new monthly billed service is provided (“billing period”), the approximate date of mailing (“mailing date”), and the final date by which a payment must be received by the company or the company’s agent; after which a bill is deemed delinquent.

- b. **Clear, Itemized Service Charges.** Each recurring and non-recurring service charge to which the customer subscribes shall be itemized and accompanied by a brief, clear, plain language definition. Packaged or bundled service shall be listed on the bill by package or bundle name with each service provided in the package or bundle itemized. Each toll call shall be itemized and include the date, billing start time, length in minutes or seconds, rate code at which billed, place called and telephone number called. Additionally, if the call is a collect, credit card or third number call, the originating telephone number and city shall be shown. An explanation of the rate codes shall be included on the bill. Excluded from this requirement are bills for a block of time purchased by the customer for long distance calls. These packages do not require itemized call detail on the bill; however, this information must be provided to the customer upon request at no charge.
- c. **Taxes and Fees.** All applicable taxes and fees (excise, sales, 911, KUSF, franchise, etc.) shall be itemized. Monthly surcharges or other fees shall only be itemized on the bill if such charges have been expressly mandated by a regulatory agency. Line-item charges associated with federal regulatory action should be identified through standard and uniform labels as defined in the Federal Communications Commission's Truth In Billing docket.
- d. **Total Current Charges.** The total amount (sum of b and c above) due for service in the current billing period.
- e. **Past Due Charges.** Amount from previous billing that remains unpaid at the time the new bill is prepared.
- f. **Adjustments and Credits.** The amount of any adjustments or credits.
- g. **Total Due.** The total amount due.
- h. **Contact Information.** The address and toll-free telephone number of each telecommunications public utility and any other service provider, and the identification of the person or office where a subscriber may make an inquiry regarding the service and billed charges. The telephone number shall be provided in a clear and conspicuous manner, so that the customer can easily identify the appropriate number to inquire about each charge. An address must be provided on the bill if the customer chooses to contact the company in writing regarding the account and in the event correspondence included with the bill payment does not get read by the company.
- i. **Notice of Late Payment Charge.** If a company assesses late payment charges, each bill must inform the subscriber about the late payment charge or percentage which will be assessed after the delinquency date. (See Section II.F. for late payment charge rules.)



- j. **Returned Check Charge.** Per K.S.A. 60-2610, the company may not assess a returned check charge greater than \$30.00.
  - k. **Non-deniable Charges.** The telecommunications public utility may include charges on the bill for special services that are not specifically regulated by the Commission, such as the sale of merchandise, inside wire maintenance plans or directory advertising. Charges for special services shall be designated clearly and separately from charges for telephone services, and must be designated as non-deniable charges, in that non-payment of these charges will not result in the termination or suspension of the customer's local service.
- B. **Alternative Billing Format.** If approved by the subscriber, a telecommunications public utility may provide a subscriber's bill through an alternative means (e.g., electronic billing). A telecommunications public utility may provide discounts to those subscribers who will accept an alternative means of billing; however, it may not charge a subscriber for a one-time paper copy of the subscriber's bill, which is requested on an intermittent basis.
- C. **Third-Party and Collect Call Billing.** Third-party billed and collect calls must be billed to the third party or the customer accepting the collect call. Once a telecommunications public utility has completed a third-party billed call or a collect call, the originating phone number may not be charged, except in cases of fraud.
- D. **High Toll Pre-Billing.**
- (1) Notwithstanding Section I.A.(2), a telecommunications public utility may utilize high toll pre-billing only when:
    - (a) Subscribers have less than one (1) year of service;
    - (b) Toll usage is at least double the previous 3-month average levels or double the customer-provided estimate for that subscriber and above the amount of deposit held, but in no event if usage is less than two hundred dollars (\$200); and
    - (c) The customer of record is notified by letter, which includes call detail, contact is attempted by phone, and given at least ten (10) days to make a payment for the non-billed charges.
  - (2) Local service may not be suspended or disconnected, but access to the toll network may be blocked until the debt is paid or arrangements are made with the company, if such blocking will not interfere with the subscriber's ability to call 911, or, where 911 is not available, law enforcement, ambulance and fire protection telephone numbers. The customer will pay for toll blocking if there is a charge for the service(s).
- E. **Refunds for Interruptions.** The telecommunications public utility shall make an adjustment or refund if a subscriber's service remains interrupted more than 24 hours after reported by the subscriber other than by negligence or willful act of the subscriber. The adjustment or refund shall be a pro rata part of the jurisdictional monthly service charge for the period of time during which service is interrupted;

except an adjustment or refund is not required for the time when the company stands ready to repair or restore service and the subscriber does not provide access necessary for the repair or restoration. The adjustment or refund shall be accomplished by a credit on the subsequent bill for telecommunications service.

F. **Notification of Service Changes.** If a subscriber's service of record is changed pursuant to a subscriber request (such as a request to discontinue toll blocking) or at the initiative of the company (such as a rate change), the subscriber must be notified of the change in writing, separate from the normal bill. This notification must be sent out no later than two (2) business days after the request or company initiated change. This communication cannot be used as a marketing tool for the telecommunications public utility.

G. **Carrier Selection.** Telecommunications public utility subscribers have the right to switch local or long distance companies without providing notice directly to the original company.

H. **Negative Selection.** Subscribers must affirmatively request a change or addition to their service. A telecommunications public utility may not use negative selection.

I. **Subscriber Rate Information.**

(1) **Notification of Change.** Subscriber notice must be provided any time a rate or rates are raised by a telecommunications public utility.

(a) Subscribers must receive rate notice on or before the date on which an increased rate goes into effect. Only affected subscribers, of which the company is aware, need to be notified (an operator services provider generally will not need to give notice because it will not know its customers in advance).

(b) Subscriber notice must be provided through direct mail, bill notice or bill insert. Electronic notice is permitted if approved by the subscriber as in B.

(c) A copy of the subscriber notice should be retained for at least six (6) months for possible Commission review.

(d) Such notice shall include telecommunications public utility contact information for customer alternative service or rate plans.

(2) **General Rate Information.** A telecommunications public utility must provide its subscriber with rate information, including the name of the service provided to the subscriber, upon request and in writing of electronically, if requested.

## SECTION II: STANDARDS FOR PAYMENT AND COLLECTION OR RECONNECTION CHARGES

A. **Due Date/ Delinquency Date.** A bill shall be deemed delinquent if payment is not received by the telecommunications public utility or its authorized agent on or before the due date stated on the bill. This date shall be no earlier than the next regular billing date.

- B. **Due Date for Multiple Month Billing.** Companies must extend the payment period proportionately if a bill contains two (2) or more months charges; all of which have not previously been billed. For example, if a bill is issued with three (3) months of previously unbilled charges, the subscriber will be given at least three (3) months in which to pay the bill.
- C. **Weekend, Holiday Due Date.** If the last calendar day for remittance falls on a weekend, legal holiday, or other day when the offices of the telecommunications public utility are not open to the general public, the final payment date shall be extended through the next business day.
- D. **Partial Payment.** If a subscriber makes a partial payment, the payment shall be credited first to regulated local service charges starting with the oldest arrearage for purposes of avoiding suspension of service.
- E. **Responsible Party.** The customer(s) of record on an account is the only party(ies) responsible for that account; e.g., payment, service charges, etc. In the event of a responsibility dispute between the customer(s) of record and other users, that dispute shall be resolved between the parties and not involve the telecommunications public utility.
- F. **Late Payment Charge.** When a bill becomes delinquent, a late payment fee no greater than three percent (3%) of the past due charges owed that have not previously been assessed a late fee may be added to the subscriber's bill, and any collection efforts by the company may be initiated. No charge, in addition to the late payment fee, may be assessed for a collection notice. Notice of the possibility of a late payment fee shall permanently appear on all subscriber bills. If the company charges a disconnect notice fee in lieu of a late payment fee, that notice fee must be based upon the cost to provide such notice. A late payment fee does not apply to installment payments that are made on time by a subscriber that has entered into a payment agreement with the telecommunications public utility for recurring or non-recurring charges.
- G. **Billing During Suspension of Service.** When the telecommunications public utility suspends service to the subscriber, the telecommunications public utility shall also cease charging the subscriber for services and equipment as of the date of suspension or shall make an appropriate pro rata adjustment or refund for the period of suspension to the amount owed upon restoration or reconnection of service.
- H. **Payment Arrangements.** Telecommunications public utilities shall negotiate payment arrangements with subscribers. Companies may impose 900 number call restriction and/or toll restriction as part of the payment arrangement.
- I. **Delayed Billing.**  
(1) Unless agreed to by the subscriber, she/he is not responsible for delayed billed charges for service furnished more than three (3) months immediately preceding the date of the bill, except for services obtained through fraud, as defined in Section IV.A.(1)(e).

- (2) The telecommunications public utility may petition the Commission for authority to bill for charges outside the above time frames if unusual circumstances exist or if equity would support such a filing.

### SECTION III: SECURITY DEPOSIT/CREDIT LIMIT STANDARDS

- A. **Credit Information.** The telecommunications public utility may require the subscriber to provide proof of identity and reasonable credit information before service is made available. Only the subscriber's information shall be reviewed; other non-subscriber information shall not be required. A Social Security number shall not be mandatory for service.
- B. **Deposits: Who Can Collect and Criteria.** Only telecommunications public utilities with three (3) consecutive years of providing telecommunications service and positive earnings in each of the last three (3) years may request deposits from subscribers. A company may post a surety bond with the Commission for \$25,000 as an alternative to the service and positive earnings requirements. Telecommunication public utilities that meet the above criteria must follow the following guidelines when collecting deposits:
- (1) **When a Carrier Can Request a Deposit.**
    - (a) The telecommunications public utility may at the time of application for service or with five (5) days written notice within thirty (30) days after service is initiated, require a deposit to guarantee payment of bills for telecommunications service rendered if:
      - (1) The telecommunications public utility establishes that the subscriber has an unsatisfactory payment or credit history, or has an insufficient prior credit history upon which a credit rating may be based; or
      - (2) The subscriber has, in an unauthorized (or illegal) manner, obtained or interfered with the service of a telecommunications public utility within the last five (5) years; or
    - (b) When more than thirty (30) days have elapsed after service was initiated, a telecommunications public utility may, upon five (5) days written notice, require a deposit to guarantee payment of bills for telecommunications service if:
      - (1) The subscriber fails to pay an undisputed bill, one of which is at least sixty (60) days in arrears, before the delinquency date for three (3) consecutive billing periods; or
      - (2) The subscriber has, in an unauthorized (illegal) manner, obtained or interfered with the service of the telecommunications public utility.
  - (2) **Discrimination.** No deposit shall be required by any telecommunications public utility because of a subscriber's race, sex, creed, national origin,

marital status, age, number of dependents, source of income, sexual orientation, or geographical area of residence.

- (3) **Amount of Deposit.** The amount of the cash deposit or written guarantee required shall not exceed the sum of two (2) months projected average bills, based on the subscriber's previous twelve (12) months history, if available. Carriers may be required to place deposits in an interest bearing escrow account.
- (a) For purposes of establishing deposits and projecting monthly bills for new subscribers, the telecommunications public utility shall consider the subscriber's own anticipated usage, the subscriber's past usage patterns, and usage patterns of other similar subscribers. The amount of the deposit may be adjusted if the character or usage of the subscriber's service should change.
- (b) Local exchange companies may base deposits only on local deniable charges, and interexchange carriers may base deposits only on long distance charges. Companies which bill for both local and long distance service to a customer may combine the two calculated amounts into one deposit for that customer.
- (4) **Payment of Deposit in Installments.** The telecommunications public utility shall permit payment for any required residential deposit in equal installments over a period of at least two (2) months, and if the initial or additional deposit required is over fifty dollars (\$50), over a period of at least four (4) months. At the option of the subscriber, a deposit based on long distance usage may be paid in more than four (4) installments, but the long distance provider may, at the subscriber's expense, restrict access to the toll network. The toll restriction(s) shall not interfere with the subscriber's ability to make calls to 911, or, where 911 is not available, to law enforcement, ambulance and fire protection numbers.
- (5) **Record of Deposits Received.** A telecommunications public utility shall maintain a record of all deposits received from subscribers, showing the name of each subscriber, the address of the premises for which the deposit is maintained, the date and amount of deposit, the date(s) and amount(s) of interest paid, and the date the deposit was refunded.
- (6) **Receipt for Deposit.** Whenever a cash security deposit or cash installment payment thereon is accepted, the receipt provided by the telecommunications public utility or agent shall contain the following minimum information:
- (a) Name of subscriber
- (b) Place of deposit
- (c) Date of deposit
- (d) Amount of deposit
- (e) Telecommunications public utility's name and address
- (f) Signature and title of the telecommunications public utility employee or agent receiving the deposit.

- (g) Current annual interest rate earned on deposit as determined by the Commission in accordance with K.S.A. 12-822 and amendments thereto. Interest payments on deposits shall be credited to the customer's bill or refunded at least once a year.
  - (h) Statement of the terms and conditions governing the use, retention and return of deposits, including a statement that deposits of subscribers who make at least nine (9) non-delinquent monthly payments of undisputed bills for telecommunications service during a period of twelve (12) consecutive months, and no undisputed bill was unpaid after thirty (30) days beyond due date, shall be either credited with interest to their telephone bills or, if requested, refunded.
- (7) **Refunding Deposits.** Upon disconnection of service and after determination of a final bill, the telecommunications public utility will refund or credit the deposit less any unpaid balance no later than the next billing cycle. Whether refunded or credited, the deposit shall include accrued simple interest at a rate not ~~more~~ less than that provided by K.S.A. 12-822 and amendments.
- (8) **Transferring Deposits.** The telecommunications public utility may transfer deposits from one subscriber to another subscriber only upon the written request of both subscribers. Upon disconnection of the subscriber's service at a service address, the company may transfer the deposit to the subscriber's new active account upon oral or written request by the subscriber.
- (9) **Third-Party Guarantee.** In lieu of a security deposit, a telecommunications public utility shall accept a written guarantee by a qualified third party for a subscriber's service account. The company may require the guarantor to sign an agreement allowing it to transfer the amount of the required cash deposit to the guarantor's account. The amount of the written guarantee shall not be more than the deposit amount. If the subscriber's service is disconnected with an arrearage owed to the company, the forfeiture, up to the amount of the written guarantee, can be transferred to the guarantor's account and the guarantor can be disconnected for nonpayment under conditions set out in Section IV. The company shall not hold the guarantor liable for sums in excess of the written guarantee. The guarantor shall be under the same terms and conditions as a subscriber with a deposit.
- (10) **Advance Payment.** The telecommunications public utility may require an advance payment in addition to a deposit. The advance payment shall be based on non-recurring connection charges for jurisdictional services and can include the first month local recurring and customer estimated usage sensitive charges. Advance payment may be collected prior to the installation of service and is applied as a credit to the bill reflecting the base charges following installation.

## SECTION IV: SUSPENSION/DISCONNECTION OF SERVICE STANDARDS

### A. Suspension/Disconnection Standards.

- (1) The telecommunications public utility may suspend/disconnect or refuse local service for any of the following reasons:
  - (a) The subscriber requests it.
  - (b) The service has been abandoned by the subscriber and a bill is unpaid.
  - (c) The subscriber violates any rule of the company, and such violation adversely affects the safety of the subscriber or other persons, or the integrity of the telecommunications system.
  - (d) A dangerous condition exists on the subscriber's premises.
  - (e) The subscriber obtains or attempts to obtain any jurisdictional telecommunications service through any fraudulent means with the intent to avoid payment, in whole or in part, of the normal charge for such service.
  - (f) The company can prove the subscriber misrepresented his or her identity for the purpose of obtaining telecommunications service.
  - (g) The subscriber refuses to grant company personnel access, during normal working hours, to telecommunications equipment installed upon the premises of the subscriber for the purpose of inspection, maintenance or replacement.
  - (h) A telecommunications bill becomes delinquent as provided in Section II.A.
  - (i) The subscriber fails to provide requested credit information prior to establishment, or within the first thirty (30) days of service; or if the subscriber fails to provide a security deposit or written guarantee, as set forth in Section III.
- (2) A telecommunications public utility may not suspend or disconnect local service for any of the following reasons:
  - (a) The failure of the subscriber to pay for concurrent residential service received at a separate residence or concurrent business service received at a separate business. However, the telecommunications public utility may transfer an unpaid residential balance(s) to the subscriber's remaining residential account(s) or an unpaid business balance(s) to the subscriber's remaining business account(s).
  - (b) The failure of the subscriber to pay for a different class of service (business or residential) received at the same location, unless the usage of the remaining service substantially increases. However, the

telecommunications public utility may transfer the unpaid balance(s) to the subscriber's remaining account(s).

- (c) The failure of a subscriber to pay a bill that is in dispute; provided, however, that the subscriber has paid the undisputed portion of the bill.
- (d) The failure to pay an unpaid balance that is no longer collectible under state or federal law.
- (e) The failure of a subscriber to pay for non-deniable charges including toll charges.
- (f) A subscriber who files for bankruptcy or insolvency, unless the subscriber's telecommunications bill becomes delinquent as provided in Section II.A. and after proper notice, as provided in Section IV.D.

**B. Restrictions to Suspending Service.** Except for suspension pursuant to Subsections IV.A.(1)(a-e), a local service provider shall not suspend local service unless:

- (1) At the time of the proposed suspension, the company office or personnel identified in the notices given pursuant to Section IV.D. remains open or available to the subscriber for one hour after the suspension and is open on the day following suspension so that the customer may prevent suspension or obtain reconnection, and
- (2) the procedures required by Section IV.E. are followed.

**C. Suspension in Special Circumstances.**

- (1) If a residential subscriber notifies the local exchange company and establishes that:
  - (a) Suspension would be especially dangerous to the safety or health of the subscriber, resident member of the subscriber's family or other permanent resident of the premises where service is rendered, and
  - (b) such subscriber is unable to pay for such service in accordance with the requirements of the company's billing or is able to pay for such service only in installments,

the company shall either allow payment in reasonable installments or postpone suspension of service for at least twenty-one (21) days so that the subscriber may make arrangements for reasonable installment payments.

- (2) In determining whether suspension would be especially dangerous to health, consideration shall be given to the subscriber's (or other resident's) medical condition, age or disability.
- (3) The company may restrict access to the toll network during the period of postponement or installment payments under the conditions set out in Section II.H.

**D. Notice of Suspension/Disconnection of Service:**

- (1) **Time.** The telecommunications public utility shall give the subscriber seven (7) calendar days written notice from the date the suspension notice is deposited in the U.S. mail service before suspending service. Suspension



may be immediate if the suspension is at subscriber request or abandonment, involves a dangerous condition, adversely affects the safety of the subscribers or other persons, or involves unauthorized interference with or use of services. [subsections IV.A.(1)(a-e)].

- (2) **Delivery of Notice.** Service suspension/disconnection notices shall be mailed separately from bills, information or advertising, and shall be sent to the customer of record. Service of notice by mail is complete after being deposited by the carrier in the U.S. mail. The telecommunications public utility shall maintain an accurate record of the date of mailing and the effective dates.
  - (3) **Information Included in Suspension/Disconnection Notice.** The suspension/disconnection notice shall contain the following information:
    - (a) The name, billing address and telephone number(s) of the subscriber being suspended.
    - (b) A clear and concise statement of the reason for the proposed suspension/disconnection of service and terms under which suspension/disconnection may be avoided.
    - (c) The date and time by which payment is required to avoid suspension/disconnection.
    - (d) A clear and concise explanation of the charges and conditions for reconnection of service.
    - (e) A statement that suspension may be postponed or avoided if the subscriber makes payment arrangements with the company for moneys not in dispute.
    - (f) A clear and concise statement to apprise the subscriber of the availability of an administrative procedure that may be utilized in the event of a bona fide dispute or under other circumstances, such as provided in Section IV. G. The address, telephone number and name of the company office or personnel empowered to review disputed bills, rectify errors, and prevent suspension, shall be clearly set forth. The notice shall state that the subscriber may talk with an employee of the company and may present his or her reasons for disputing a bill, requesting payment arrangements or requesting a postponement of suspension. The notice shall contain the telephone number of the Commission's Consumer Protection Office.
- E. **Contact Immediately Prior to Suspension/Disconnection.** Immediately prior to suspension/disconnection of service, the company shall have one of its employees with the authority to approve payment arrangements and stop the suspension/disconnection make a reasonable effort to contact the subscriber and announce the purpose of the contact and record all pertinent information provided by the customer.
- F. **Restoration of Service.**

- (1) Upon the subscriber's request, a telecommunications public utility shall promptly restore service when (a) the cause of suspension of service has been eliminated, or (b) satisfactory payment arrangements have been made.
- (2) At all times, every reasonable effort shall be made to restore service on the same day the cause of the suspension has been remedied, and in any event, restoration shall be made no later than close of the next day following the day requested by customer.

G. **Disputes.**

- (1) **Notice/ Time Frame.** A subscriber must advise the telecommunications public utility, within 90 days of the billing date and prior to the date of the proposed suspension of service, that all or any part of any billing as rendered is in dispute. A subscriber may advise a company that a bill is in dispute in any reasonable manner such as by written notice, in person or by a telephone call directed to the appropriate company personnel.
- (2) **Company Action.** Upon receiving notice of the dispute, the company shall:
  - (a) Immediately record the date, time and place the complaint is made.
  - (b) Postpone suspension until a full investigation is completed and the dispute is found to be invalid.
  - (c) Investigate the dispute promptly and completely.
  - (d) Attempt to resolve the dispute informally in a manner mutually satisfactory to both parties.
- (3) **Dispute Not Resolved to the Satisfaction of the Subscriber.** In the event a dispute is not resolved to the satisfaction of the subscriber after full investigation, and the telecommunications public utility intends to proceed with suspension, the company shall advise the subscriber of formal and informal procedures available before the Corporation Commission of the State of Kansas. The company may then suspend service once proper notice of suspension has been provided to the customer.
- (4) **Notice in Directories about Commission Contact Information for Disputes.** White Page Directory listings for telecommunications public utility subscribers shall contain a conspicuous notice stating that subscribers who are unable to obtain a satisfactory resolution of a dispute with a telecommunications public utility may contact the Corporation Commission of the State of Kansas at 1-800-662-0027 for information as to possible further remedies.

## SECTION VI: WAIVER OF REQUIREMENTS

The requirements contained in these standards may be waived on an individual case basis by the Commission upon application by the telecommunications public utility and a showing that a waiver is in the public interest.