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BEFORE THE ARIZONA CORPORATION COMMISSION

MARC SPITZER

Chairman

WILLIAM MUNDELL

Commissioner

JEFF HATCH-MILLER

Commissioner

MIKE GLEASON

Commissioner

KRISTIN MAYES

Commissioner

AZ CORP COMMISSION  
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IN THE MATTER OF RULES TO )  
ADDRESS SLAMMING AND OTHER )  
DECEPTIVE PRACTICES )  
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DOCKET NO. RT 0000J-99-0034

NOTICE OF  
FILING PROPOSED  
AMENDMENT

AT&T Communications of the Mountain States, Inc. ("AT&T") hereby submits proposed amendments to Commission Decision No. 65452 (December 12, 2002) (the "Decision"). The Decision adopts rules to prevent any unauthorized changes in a customer's long distance or local toll carrier (slamming), and to prevent any unauthorized changes in the features or services ordered by a customer (cramming).

On April 29, 2004, Staff submitted to the Commission a draft order amending the rules appended to the Commission Decision. AT&T hereby submits proposed amendments to that draft order and the rules appended thereto. The attached amendments amend the April 29 draft order.

Arizona Corporation Commission  
**DOCKETED**

MAY - 5 2004

DOCKETED BY *[Signature]*

### **Proposed Amendment No. 1**

AT&T Proposed Amendment No. 1 increases, from five to fifteen, the number of business days a carrier has to verify that a change was authorized. Rule 1907(C) currently gives a carrier just five days to receive, investigate, process, and refund a claim involving an alleged unauthorized change in carrier. This timeline is not reasonable. Such an investigation will *always* require coordination between at least two telephone companies, and may involve obtaining a letter of authorization (“LOA”) from a marketing affiliate (for example an airline mileage program or a wireless company). Further, the LOA may need to be requested and obtained from a sales contractor or an off site location. For these reasons, the steps generally required to retrieve a specific LOA frequently require more than five business days to complete. This proposed amendment would not affect how quickly the customer must be returned to his or her original carrier (within 5 business days), as that is covered under Rule 1907(B).

### **Proposed Amendment No. 2**

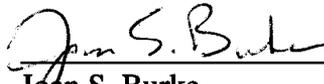
AT&T Proposed Amendment No. 2 eliminates the marketing script submission requirement contained in the slamming rules (R14-2-1913) and the cramming rules (R14-2-2011). The Rules require all Telecommunications Companies to submit to the Commission “all scripts used by its (or its agent’s) sales or customer service workers” – whether or not the Commission has received a complaint alleging wrongdoing on the part of the company.

AT&T opposes the marketing script submission requirement because it unnecessarily increases the cost of providing service in Arizona without providing a clear benefit to consumers. Telecommunications companies will be burdened with gathering

scripts, ferreting out variations in scripts, arranging for the submission of scripts under seal, monitoring the scripts going forward for any material change, and filing periodic updates when material changes are made. The Commission will also have to organize and store these scripts. Rather than storing and maintaining all marketing scripts at the Commission, the Commission should use its inherent authority to request scripts from specific carriers in response to consumer complaints. Using the Commission's investigatory powers to require immediate production of the relevant script would be less onerous than maintaining a library of scripts at the Commission.

Submitted this 5<sup>th</sup> day of May, 2004.

AT&T COMMUNICATIONS OF THE  
MOUNTAIN STATES, INC.



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## CERTIFICATE OF SERVICE

I hereby certify that the original and 13 copies of AT&T's Notice of Filing Proposed Amendments were hand delivered on this 5<sup>th</sup> day of May, 2004, to:

Arizona Corporation Commission  
Docket Control - Utilities Division  
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**AT&T's Proposed Amendments  
to Proposed Order Amending Decision No. 65452**

**Page 3, Line 3**

Insert the following new paragraph immediately after the paragraph concluding "the earliest possible moment":

10. Industry participants have requested that the Commission make two additional changes to the Proposed Rules. The Commission agrees that these changes are acceptable and will increase full compliance by carriers, while not compromising consumer protection. First, the allotted time for a carrier to refund charged for an unauthorized change in carrier is revised in the appended rule from five business days to fifteen business days. Second, the marketing script submission requirement in the Proposed Rules is eliminated.

Renumber paragraphs 10-12 as 11-13.

**Attached Rules Page 12, R14-2-1907.C.**

Line 3 of sub-part C, replaced "five" with "fifteen" .

**Attached Rules Page 18-19, R14-2-1913**

Delete R14-2-1913.

**Attached Rules Pages 26-27, R14-2-2011**

Delete R14-1-2011.