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CASE/COMPANY NAME: Navajo Communications

DOCKET NO. RT-00000J-99-0034

Company, Inc., Citizens Utilities Rural Company, Inc. and

2001 JUN 13 A 8:59

Citizens Telecommunications Company of the White

Mountains, Inc.

AZ CORP COMMISSION
DOCUMENT CONTROL

NATURE OF ACTION OR DESCRIPTION OF DOCUMENT Please mark the item that describes the nature of the case/filing:

01 NEW APPLICATIONS

- NEW CC&N
- RATES
- INTERIM RATES
- CANCELLATION OF CC&N
- DELETION OF CC&N (TERRITORY)
- EXTENTION OF CC&N (TERRITORY)
- TARIFF - NEW (NEXT OPEN MEETING)
- REQUEST FOR ARBITRATION
(Telecommunication Act)
- FULLY OR PARTIALLY ARBITRATED
INTERCONNECTION AGREEMENT
(Telecom. Act.)
- VOLUNTARY INTERCONNECTION
AGREEMENT (Telecom. Act)

- MAIN EXTENSION
- CONTRACT/AGREEMENTS
- COMPLAINT (Formal)
- RULE VARIANCE/WAIVER REQUEST
- SITING COMMITTEE CASE
- SMALL WATER COMPANY -SURCHARGE (Senate Bill 1252)
- NOTICE OF OPPORTUNITY
- SALE OF ASSETS & TRANSFER OF OWNERSHIP
- SALE OF ASSETS & CANCELLATION OF CC&N
FUEL ADJUSTER/PGA
- MERGER
- FINANCING
- MISCELLANEOUS

Arizona Corporation Commission
DOCKETED

Specify JUN 13 2001

DOCKETED BY

02 REVISIONS/AMENDMENTS TO
PENDING OR APPROVED MATTERS

- APPLICATION
- COMPANY _____
- DOCKET NO. _____

- TARIFF
- PROMOTIONAL
DECISION NO. _____
- DOCKET NO. _____
- COMPLAINE
DECISION NO. _____
- DOCKET NO. _____

X MISCELLANEOUS FILINGS

- 04 AFFIDAVIT
- 12 EXCEPTION
- 18 REQUEST FOR INTERVENTION
- 48 REQUEST FOR HEARING
- 24 OPPOSITION
- 50 COMPLIANCE ITEM FOR APPROVAL
- 32 TESTIMONY
- 30 COMMENTS

- 29 STIPULATION
- 38 NOTICE OF INTENT
(Only notification of future action/no action necessary)
- 43 PETITION
- 46 NOTICE OF LIMITED APPEARANCE
- 39 **OTHER**
Specify _____

Print Name of Applicant/Company/Contact person
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AZ CORP COMMISSION
DOCUMENT CONTROL

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

JUN 13 2001

DOCKETED BY	
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12 June 2001

RE: Docket No. RT 00000J-99-0034, Citizens Communications Comments on the Proposed Slamming & Cramming Rules

To Whom It May Concern:

Citizens Communications ("Citizens"), on behalf of its affiliates Citizens Utilities Rural Company, Citizens Telecommunications Company of the White Mountains, and Navajo Communications Company would like to submit the following comments for consideration on the subject of the Arizona Corporation Commission's ("ACC") Proposed Slamming and Cramming Rules, Docket No. RT 00000J-99-0034.

Citizens did not receive copies of the Commission's proposed Slamming and Cramming rules until May 30, 2001. Consequently, Citizens has had little time to prepare comments. Thus, Citizens comments are limited and may not reflect all of the Company's concerns and views on the proposed rules.

Citizens recognizes the Commission's adoption of rules focuses on the need to protect Arizona telephone customers from unlawful slamming and cramming activities. Citizens, however, cautions the ACC to consider and balance *all* elements of the public interest when adopting these permanent rules. The Commission's established policies to (1) maintain availability of access to telecommunications services at affordable rates, (2) encourage competition and reduce regulation in the telecommunications industry, thereby allowing access to resulting rapid advances in telecommunications technology, and (3) enhance economic development throughout

Arizona, should be duly considered and followed as the ACC evaluates the nature and scope of requirements to be imposed upon telecommunications providers to protect against slamming and cramming activities in Arizona.

Along with most telecommunications providers throughout the country, Citizens is subject to Federal Communication Commission ("FCC") rules and regulations dealing with slamming and cramming. Citizens therefore recommends that the ACC adopt rules which mirror the slamming and cramming rules and regulations adopted by the FCC. Citizens has already modified its billing and notification practices to comply with those rules set forth by the FCC. Citizens does not see the merits of extra costs and efforts imposed upon those companies who already are in compliance with the requirements mandated by the FCC, as those rules are well beyond sufficient in protecting all customers. It is Citizens sincere apprehension that the rules proposed by the Corporation Commission will be much more stringently interpreted than those issued by the FCC, when the FCC rules are already an adequate safety net for consumers across the country. Citizens believes that the most effective and efficient way to maintain consistency with federal mandates and protect Arizona telephone customers is for the ACC to adopt rules substantially the same as those adopted by the FCC. And for the most part, the Commission has proposed to do just that. However, there are several elements of the proposed rules that may place undue burden on smaller incumbent providers like Citizens' three Arizona local exchange carriers ("LECs"). They are addressed below:

- (1) **R14-2-1906. Notice of change.** Requiring that any change in the customer's service be conspicuously indicated on the customer's next bill, and requiring that the carrier notify the customer within ten days of the change represents significant costs to billing agents like Citizens. Not only would it require bill formatting changes well beyond those Citizens has already made to comply with the FCC's Truth in Billing Requirements (Part 64.2401), the additional cost for the customer notification materials and postage would be borne by the billing agent – in this case Citizens – and not the Inter-Exchange Carrier ("IXC") making the changes to the customer's account. It is unfair to require the billing agent to police the changes the customer's preferred carrier makes to the customer's account and to bear those extra costs associated with

the policing efforts. If the billing agent should be required to do this, the billing agent should also be able to charge the carrier for this additional service.

- (2) **R14-2-1908 and R14-2-2008. Notice of customer rights.** Citizens recognizes that the Commission already requires annual notification to customers of their rights and responsibilities. These rights and responsibilities are already included in Citizens published directory listings – and publication in the directory already satisfies the requirement of annual notification. Asking incumbent service providers to provide an additional, separate notice is costly. It is also unjust to ask that the local service provider bear the entire cost, as the notification addresses unauthorized charges by IXCs. Should this proposed separate notification indeed be adopted, Citizens recommends that the Commission at least distribute the costs of notifying customers evenly between incumbent LECs and the IXCs.

Should the Commission have specific direction with regard to the proposed customer notice language it might recommend, this language would not be included in the published directories immediately. Citizens, like many other telecommunications companies, provides its customers with directory publications but once a year. Citizens recommends that should the Commission adopt specific language, it set the initial notice date out far enough in the future to accommodate cyclical publication timelines.

Citizens is sensitive to the possible need for the translation of the customer notifications into Spanish for certain regions of the state. Citizens already accommodates its Navajo-speaking customers in its Navajo Communications' service territory. Our customers have access to customer service representatives and operators who speak Navajo. This, however, is a unique instance in which a company faces the challenges of providing service to those whose native tongue is other than English. Citizens is well aware of the need for translation services, but does not see that the scope of these services is necessary for its customers outside Navajo service territory. Requiring that the notification be in both English and Spanish is costly to the service providers. It incurs the cost of translation, but it also adds to the cost of materials. This

proposed language requirement is also well beyond the scope of what the FCC now requires for notification. The FCC must certainly have considered this option, an option especially sensitive for the Southwestern region of the country, and found it unnecessary. This situation has been given its due consideration and there is no indication that extraordinary circumstances exist in Arizona warranting this requirement which varies and exceeds that adopted by the FCC.

R14-2-1904(C) and R14-2-2004 and 2006. Authorized telecommunications company change procedures, Requirements for Billing Authorized Charges, and Customer Consent. The retention of customer records for two years is unnecessarily burdensome. Providing telephone service is a joint venture, one embarked upon by the service provider *and* the customer. Both parties should bear the responsibility – the service provider to provide reliable service and accurate billing, and the customer to verify that the billing is accurate. If the customer neglects this duty, the customer should bear the cost of that responsibility, not the service provider. There is only so much policing a service provider can do. Customers should be responsible for examining the services they receive and verifying the prices of those services. There should be a limit on the amount of time a customer can dispute “unauthorized” charges that appear on his/her bill. The FCC already requires that pertinent information on bills be clear and easily understood in its Truth in Billing rule (Part 64.2401), requirements to which Citizens is already complying. No other information is necessary. A customer should be able to clearly interpret his/her bill and should bear the responsibility of doing so. As service providers, we already are responsible for providing the information – we should not have to read customers’ bills for them. A two-year record retention requirement is exorbitant; a one-year requirement is more than generous.

As far as Citizens is cognizant, Citizens has no other objections at this time to the Commission’s proposed requirements concerning slamming and cramming other than the concerns detailed above. The proposed rules parallel those adopted by the FCC, to a certain degree, and Citizens strongly supports that the ACC mirror as closely as possible those rules already promulgated by the FCC. Citizens therefore encourages the ACC to revise its proposed Rules to reflect the FCC’s Change in Carrier Selection Rules (Part 64.1100); Verification of

Order for Telecommunications Service (Part 64.1150); Letter of Agency Form and Content (Part 64.1160); and Truth in Billing Requirements (Part 64.2401). There is no indication that extraordinary circumstances exist in Arizona warranting imposition of requirements that vary from or exceed those adopted by the FCC. These FCC rules more than adequately protect Arizona customers from slamming and cramming practices while at the same time permit telecommunications providers to minimize the cost of operational modifications necessary to assure that slamming and cramming activities are curtailed in Arizona. Citizens strongly recommends the ACC adopt rules mirroring the existing FCC rules as its permanent rules for slamming and cramming protection.

Yours truly,



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