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47

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL CENTER

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CASE/COMPANY NAME:

DOCKET NO.

Slamming/Cramming Rules

RT 000001-99-0034

AZ CORP COMMISSION
DOCUMENT CONTROL

D/B/A or RESPONDENT:

NATURE OF ACTION OR DESCRIPTION OF DOCUMENT

Please mark the item that describes the nature of the case/filing:

01 UTILITIES - NEW APPLICATIONS

- | | | | |
|--------------------------|----------------------------------|--------------------------|--|
| <input type="checkbox"/> | NEW CC&N | <input type="checkbox"/> | MAIN EXTENSION |
| <input type="checkbox"/> | RATES | <input type="checkbox"/> | CONTRACT/AGREEMENTS |
| <input type="checkbox"/> | INTERIM RATES | <input type="checkbox"/> | COMPLAINT (Formal) |
| <input type="checkbox"/> | CANCELLATION OF CC&N | <input type="checkbox"/> | RULE VARIANCE/WAIVER REQUEST |
| <input type="checkbox"/> | DELETION OF CC&N (TERRITORY) | <input type="checkbox"/> | SITING COMMITTEE CASE |
| <input type="checkbox"/> | EXTENSION OF CC&N (TERRITORY) | <input type="checkbox"/> | SMALL WATER COMPANY -SURCHARGE (Senate Bill 1252) |
| <input type="checkbox"/> | TARIFF - NEW (NEXT OPEN MEETING) | <input type="checkbox"/> | SALE OF ASSETS & TRANSFER OF OWNERSHIP |
| <input type="checkbox"/> | REQUEST FOR ARBITRATION | <input type="checkbox"/> | SALE OF ASSETS & CANCELLATION OF CC&N |
| <input type="checkbox"/> | (Telecommunication Act) | <input type="checkbox"/> | FUEL ADJUSTER/PGA |
| <input type="checkbox"/> | FULLY OR PARTIALLY ARBITRATED | <input type="checkbox"/> | MERGER |
| <input type="checkbox"/> | INTERCONNECTION AGREEMENT | <input type="checkbox"/> | FINANCING |
| <input type="checkbox"/> | (Telecom. Act.) | <input type="checkbox"/> | MISCELLANEOUS |
| <input type="checkbox"/> | VOLUNTARY INTERCONNECTION | <input type="checkbox"/> | Specify |
| <input type="checkbox"/> | AGREEMENT (Telecom. Act) | | |

Arizona Corporation Commission
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02 UTILITIES - REVISIONS/AMENDMENTS TO PENDING OR APPROVED MATTERS

- | | | | |
|--------------------------|-------------|--------------------------|--------------|
| <input type="checkbox"/> | APPLICATION | <input type="checkbox"/> | TARIFF |
| <input type="checkbox"/> | COMPANY | <input type="checkbox"/> | PROMOTIONAL |
| <input type="checkbox"/> | DOCKET NO. | <input type="checkbox"/> | DECISION NO. |
| | | <input type="checkbox"/> | DOCKET NO. |
| | | <input type="checkbox"/> | COMPLIANCE |
| | | <input type="checkbox"/> | DECISION NO. |
| | | <input type="checkbox"/> | DOCKET NO. |

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SECURITIES or MISCELLANEOUS FILINGS

- | | | | |
|-------------------------------------|---------------------------------|--------------------------|--|
| <input type="checkbox"/> | 04 AFFIDAVIT | <input type="checkbox"/> | 29 STIPULATION |
| <input type="checkbox"/> | 12 EXCEPTIONS | <input type="checkbox"/> | 38 NOTICE OF INTENT |
| <input type="checkbox"/> | 18 REQUEST FOR INTERVENTION | | (Only notification of future action/no action necessary) |
| <input type="checkbox"/> | 48 REQUEST FOR HEARING | <input type="checkbox"/> | 43 PETITION |
| <input type="checkbox"/> | 24 OPPOSITION | <input type="checkbox"/> | 46 NOTICE OF LIMITED APPEARANCE |
| <input type="checkbox"/> | 50 COMPLIANCE ITEM FOR APPROVAL | <input type="checkbox"/> | OTHER |
| <input type="checkbox"/> | 32 TESTIMONY | <input type="checkbox"/> | 39 Specify |
| <input checked="" type="checkbox"/> | 47 COMMENTS | | |

8-6-01
Date

Daniel PozeFSky
Print Name of Applicant/Company/Contact person/Respondent/Atty.
(602)279-5659
Phone

PLEASE SEE NOTICE ON REVERSE SIDE

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RESIDENTIAL UTILITY CONSUMER OFFICE

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AZ CORP COMMISSION
DOCUMENT CONTROL

Jane Dee Hull
Governor

Lindy Funkhouser
Director

Arizona Corporation Commission

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AUG 06 2001

August 6, 2001

Steve Olea, Acting Director
Utilities Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

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RE: Proposed Slamming/Cramming Rules – Docket No. RT 00000J-99-0034

Dear Mr. Olea:

Thank you for your invitation to comment on Staff's second draft of the proposed Slamming and Cramming rules (R14-2-1901 *et seq.*) (the "Rules"). This letter describes the reasoning behind the modifications the Residential Utility Consumer Office ("RUCO") suggests. Many of RUCO's proposed changes are merely an attempt to increase clarity, rather than modify policy. Those changes may not have a corresponding discussion in this letter.

R14-2-1905(F) (4)

Insert the underlined correction as follows:

"The independent third party shall inform the customer that their call is being recorded..."

R14-2-1908 (D)

RUCO suggests replacing "is to" with "shall."

R-14-2-1908 (B)(11)

The term "preferred telecommunications company" should be defined in the Definitions section (R14-2-1901). The term was omitted in R14-2-1905 (A), used in R14-2-1905 (B)(4) and again in R14-2-1908 (B)(11). For clarity, the term should be defined.

R14-2-1910 (B)

RUCO suggests replacing "will" with "shall."

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R14-2-1910 (B)(4), R14-2-2008 (B)(4)

RUCO suggests replacing "Such information will..." with "Such information shall..."

R14-2-1909 (E)

Delete the word "authorization" after "verbal." It is repetitive.

R14-2-2006 (A)(5)(C), R14-2-2006 (E)(2)(B)

The record should include the date each customer requested the billing provider remove the unauthorized charge or the date the company became aware of the unauthorized charge.

R14-2-1910 (B)(4), R14-2-2008 (B)(4)

These subsections establish the existence of a valid presumption that an unauthorized charge occurred if the alleged unauthorized telecommunications carrier fails to provide documentation to staff that it was authorized to make the change. The Rule should distinguish whether the presumption is rebuttable or not.

R14-2-1910(C), R14-2-2008 (F)

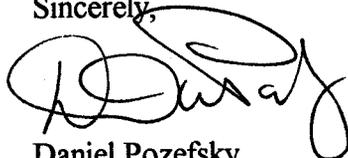
The appeal process requires further explanation. Will the hearing be governed by Title 14, chapter 3, heard on briefs, or at the arbitrator's discretion?

R14-2-2007 (B)(6)

RUCO's concern is that the statement to the customer requesting that they call the Commission to report the unauthorized change should explain why the Commission needs to know this information. An explanation may persuade some customers to call who otherwise would not.

RUCO looks forward to reviewing Staff's next iteration of proposed modifications to the Rules.

Sincerely,



Daniel Pozefsky
Attorney