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DOCKET NO. RT 00000J-99-0034

Proposed Slamming/Cramming Rules

2001 AUG -2 P 1:53

D/B/A or RESPONDENT:

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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<br>(Telecommunication Act) | <input type="checkbox"/> | SALE OF ASSETS & CANCELLATION OF CC&N             |
| <input type="checkbox"/> | FULLY OR PARTIALLY ARBITRATED                      | <input type="checkbox"/> | FUEL ADJUSTER/PGA                                 |
| <input type="checkbox"/> | INTERCONNECTION AGREEMENT<br>(Telecom. Act.)       | <input type="checkbox"/> | MERGER  |
| <input type="checkbox"/> | VOLUNTARY INTERCONNECTION                          | <input type="checkbox"/> | FINANCING   |
| <input type="checkbox"/> | AGREEMENT (Telecom. Act)                           | <input type="checkbox"/> | MISCELLANEOUS<br>Specify                          |

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02 UTILITIES - REVISIONS/AMENDMENTS TO PENDING OR APPROVED MATTERS

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

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X 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<br>(Only notification of future action/no action necessary) |
| <input type="checkbox"/>            | 18 REQUEST FOR INTERVENTION     | <input type="checkbox"/> | 43 PETITION   |
| <input type="checkbox"/>            | 48 REQUEST FOR HEARING          | <input type="checkbox"/> | 46 NOTICE OF LIMITED APPEARANCE   |
| <input type="checkbox"/>            | 24 OPPOSITION                   | <input type="checkbox"/> | <b>OTHER</b>  |
| <input type="checkbox"/>            | 50 COMPLIANCE ITEM FOR APPROVAL | <input type="checkbox"/> | 39 Specify  |
| <input type="checkbox"/>            | 32 TESTIMONY                    |                          |   |
| <input checked="" type="checkbox"/> | 47 COMMENTS                     |                          |   |

August 2, 2001  
Date

COX COMMUNICATIONS/BRADLEY S. CARROLL  
Print Name of Applicant/Company/Contact person/Respondent/Atty.  
623-322-8006  
Phone

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Utilities Director

Arizona Corporation Commission

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Re: Comments of Cox Arizona Telcom, L.L.C.  
Second Draft of Proposed Slamming/Cramming Rules  
Docket No. RT 00000J-99-0034

To Whom It May Concern:

Cox Arizona Telcom, L.L.C. ("Cox" or "Company") hereby submits the following comments to the Second Draft of the Proposed Slamming/Cramming Rules ("Proposed Rules") issued by the Arizona Corporation Commission ("Commission") Staff on July 2, 2001 and appreciates this opportunity to provide these comments. Cox is also very appreciative that Staff has addressed (in the second draft) most of the concerns raised in Cox's June 7, 2001 comment letter and urges the Commission to essentially stay the current course in balancing the need to protect Arizona consumers from slamming and cramming, against the operational and financial burdens that the Proposed Rules could impose on "Telecommunication Companies" doing business in Arizona. Because most of Cox's comments have already been addressed, Cox has only a few additional comments that are set forth below.

Business Customers - The Proposed Rules still do not make distinctions between residential and business customers. Therefore, the implication is that they apply to both equally. Because the relationship between most business customers and the Telecommunications Company is governed by a contract, Cox believes that to the extent not inconsistent with FCC Regulations, the Proposed Rules should apply to residential customers and only to those business customers that do not have a contract with the Telecommunications Company. The contracts that govern these business relationships already specify the various services, rights, obligations and liabilities between the parties.

R14-2-1901.B - Although the definition of "customer" is tracking R14-2-501(9), for purposes of this Proposed Rule, the definition should also include verified *authorized* users as specified on the account. For example, the name on the account and the billing may reflect one spouse, however, at the time the account was established, the other spouse (or someone else) may have been given authority to make account changes. Therefore, under this definition, another authorized user could not make a carrier change,

even after the identity of the authorized user had been verified by the Telecommunications Company.

R14-2-1910.B.4 and R14-2-2008.B.4 – Cox believes that the “presumption” referenced in these sections should be a “rebuttable” presumption. Under the existing wording, if information is not provided to Staff within the 20-day timeframe, a presumption exists that a violation occurred. What happens if the carrier provides the information in 25 days and it shows that no violation occurred? What happens if the information that Staff has in its possession indicates that there was no actual violation, but the carrier failed to provide the information timely? In both of these instances, the carrier is presumed to have violated the Rules when in fact no violation occurred. Additionally, it is unclear what the word “valid” means in this sentence. Therefore, Cox recommends that by eliminating the word “valid” and replacing it with “rebuttable,” it does not take away Staff’s ability to make a finding of a violation *when appropriate*, while at the same time keeps the burden on the carrier to provide the information timely.

\* \* \* \* \*

Cox looks forward to discussing these comments with the Staff and other interested parties at the workshop to be held at the Commission on August 30th. In the meantime, if you have any questions or would like to discuss this further, please do not hesitate to contact me. Thank you again for this opportunity to provide these comments.

Sincerely,



Bradley S. Carroll  
Manager of Regulatory Affairs

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