

LOUISIANA PUBLIC SERVICE COMMISSION

GENERAL ORDER

(THIS ORDER AMENDS AND SUPERCEDES GENERAL ORDER
DATED JUNE 1, 2000)

LOUISIANA PUBLIC SERVICE COMMISSION,
EX PARTE.

Docket No. U-24856 - In re: Customer Service Regulations for Telecommunications Service Providers.

(Decided at the Business and Executive Session held November 2, 2000)

At the March, 2000 Business and Executive Session, the Commission directed Staff to study potential Commission measures to improve the customer service function of regulated telecommunications service providers. Pursuant to the Commission's directive, Staff hosted a technical conference on March 31, 2000, which was attended by representatives of the following organizations: MCI WorldCom; AT&T; BellSouth; Cox Communications; Radiofone; EATEL; and the Louisiana Telephone Association. Following the technical conference, Staff received comments from AT&T; The Southeastern Competitive Carriers Association; MCI WorldCom; Verizon Wireless; and Anonymous.

At the April, 2000 Business and Executive Session, the Commission directed that Staff commence a formal rulemaking docket on the subject of customer service standards for jurisdictional telecommunications service providers ("TSPs"). In the April 28, 2000 Louisiana Public Service Commission Official Bulletin, Staff invited all interested parties to file a request for intervention and/or comments within 15 days of the publication of the Bulletin. Pursuant to this invitation, the following parties intervened: BellSouth Corp; AT&T Corp; The Small Company Committee of the Louisiana Telephone Association; Advanced Tel, Inc.; Cox Communications, Inc.; and Radiofone, Inc. and the following parties filed comments: Billing Concepts, Inc.; ICG Telecom Group, Inc; Sprint Corp.; Verizon Wireless, Inc.; BellSouth Corp.; The Southeastern Competitive Carriers Association; and Cox Communications, Inc.

At the May 17, 2000 Business and Executive Session, Commissioner Owen offered a motion that the Commission adopt Staff's Proposed General Order with the exception that wireless TSPs be exempted from the regulations. Said motion was seconded by Commissioner Sittig and unanimously adopted by the Commission. Chairperson Dixon then offered a substitute motion to adopt Staff's Proposed General Order with the following amendments: (1) the requirement that all TSPs be required to offer their customers the ability to speak to a live customer service representative shall be suspended for a period of 120 days from the effective date the Order, to allow the carriers sufficient time to modify their systems appropriately; (2) wireless TSPs are exempted from the regulations; and (3) TSP representatives are to report to the Commission in 60 days with an update on their progress. Chairperson Dixon's motion was seconded by Commissioner Sittig and unanimously adopted by the Commission.

At the October 4, 2000 Business and Executive Session, the Commission recommended that the General Order dated June 1, 2000 regarding customer service regulations be amended in order to increase the potential fines for violations of the regulations. Pursuant to the Commission's directive at the October Business and Executive Session, Staff drafted and published a proposed amended version of the June 1, 2000 General Order regarding customer service regulations. In particular, Staff's proposed regulations amended Section 401 of the regulations, which pertains to violations and penalties, in order to increase the amount of the potential penalty for violation of any of the customer service regulations from \$1,000 to \$5,000 and to establish a potential fine of \$500 for each and every business day that a TSP fails to respond to Commission Staff pursuant to the time limits established by Section 301(C)(3).

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At the November 2, 2000 Business and Executive Session, Staff recommended to the Commission that the Commission replace the existing customer service regulations with Staff's proposed amended customer service regulations. On the motion of Commissioner Field and seconded by Commissioner Sittig, with Commissioners Dixon and Blossman concurring, and Commissioner Owen absent, the Commission adopted Staff's recommendation.

IT IS THEREFORE ORDERED THAT:

- A. The attached Customer Service Regulations for Telecommunications Service Providers are hereby adopted.
- B. The attached Customer Service Regulations for Telecommunications Service Providers shall replace the Customer Service Regulations for Telecommunications Providers issued June 1, 2000.
- C. This Order is effective immediately.

**BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA**

November 16, 2000

/S/ IRMA MUSE DIXON
DISTRICT III
CHAIRMAN IRMA MUSE DIXON

/S/ JAMES M. FIELD
DISTRICT II
VICE CHAIRMAN JAMES M. FIELD

DON OWEN (ABSENT)
DISTRICT V
COMMISSIONER DON OWEN

/S/ C. DALE SITTIG
DISTRICT IV
COMMISSIONER C. DALE SITTIG

SECRETARY
LAWRENCE C. ST. BLANC

/S/ JACK "JAY" A. BLOSSMAN
DISTRICT I
COMMISSIONER JACK "JAY" A. BLOSSMAN

**CUSTOMER SERVICE REGULATIONS
FOR
TELECOMMUNICATIONS SERVICE PROVIDERS**

(Amended at Business and Executive Session held November 2, 2000)

PREAMBLE

In response to numerous complaints from Louisiana consumers, the Louisiana Public Service Commission (“Commission”) hereby enacts the following regulations for the purpose of improving the customer service, or lack thereof, offered by telecommunications service providers operating within Louisiana. The Commission observes that while the deregulation of the telecommunications industry has resulted, in many cases, in lower prices and increased innovation, deregulation has also caused shortcomings in the level of customer service provided by a number of telecommunications service providers. Therefore, in enacting these regulations, the Commission seeks to construct a regulatory framework which ensures that all Louisiana consumers will be provided with, at the very least, a base level of customer service.

Section 101. Definitions

- A. “Business Days” shall include all calendar days, except Saturday, Sunday, and the following holidays: New Year’s Day; Martin Luther King, Jr. Day; Good Friday; Memorial Day; Independence Day; Labor Day; Veteran’s Day; Thanksgiving Day; the Friday after Thanksgiving; Christmas Eve; Christmas Day; and New Year’s Eve.
- A. “Commission” shall refer to the Louisiana Public Service Commission.
- B. “Commissioner” shall refer to a Commissioner of the Louisiana Public Service Commission.
- C. “Telecommunications Service Provider” (or “TSP”) shall mean any person or entity offering and/or providing telecommunications services for compensation or monetary gain to Louisiana consumers.
- D. “Wireless TSP” shall refer to any TSP that utilizes equipment, service or technology for transporting information without wires, but rather through the airways, through means such as radios, lasers and/or microwaves.

Section 201. Exemption

This Order shall not apply to any TSP that operates exclusively as a wireless TSP.

Section 301. Regulations

- A. The Commission holds that Louisiana consumers with customer service inquiries and/or complaints should be able to speak with a live customer service agent. Therefore, the Commission hereby mandates that all TSPs provide a means to access a live customer service agent during normal business hours when calling the toll free number required by Section 1201.B.6 of the Commission’s Regulations for Competition in the Local Telecommunications Market.¹

¹Pursuant to the Customer Service Regulations for Telecommunications Service Providers issued in General Order dated June 1, 2000, this particular regulation became effective on September 29, 2000.

- B. The Commission deems that Louisiana consumers with customer service inquiries are entitled to a timely response to their inquiries and/or complaints. Therefore, the Commission hereby requires that all TSPs adequately respond to Louisiana consumers' verbal or written inquiries and/or complaints on a timely basis. TSPs may respond to consumer inquiries and/or complaints verbally or in writing.
1. In order to be considered an adequate response, TSPs shall perform one of the following actions:
 - a. Notify the consumer, either verbally or in writing, that the consumer's inquiry and/or complaint has been resolved in the consumer's favor;
 - b. Explain to the consumer, either verbally or in writing, why the consumer's inquiry and/or complaint cannot be resolved in the consumer's favor; or
 - c. Explain to the consumer, either verbally or in writing, why the TSP needs additional time to attempt to resolve the inquiry and/or complaint. If a TSP chooses this option, the TSP shall have ten (10) business days from the date of response to either (1) notify the consumer, either verbally or in writing, that the consumer's inquiry and/or complaint has been resolved in the consumer's favor or (2) explain to the consumer, either verbally or in writing, why the consumer's inquiry and/or complaint cannot be resolved in the consumer's favor.
 2. If a TSP chooses to respond verbally, the TSP's verbal response must be personally received by the consumer who initially made the inquiry and/or complaint by the close of the third business day following receipt of the consumer's verbal inquiry and/or complaint or at the close of the tenth day following receipt of the consumer's written inquiry and/or complaint.
 3. If a TSP chooses to respond in writing, the TSP's written response must be postmarked by the close of the third business day following receipt of the consumer's verbal inquiry and/or complaint or by the tenth day following receipt of the consumer's written inquiry and/or complaint.
- C. The Commission seeks to aid Louisiana consumers in their dealings with TSPs. In order to assist Commission Staff in performing this important function, all TSPs are hereby required to provide Commission Staff with a list of the names and direct telephone numbers of three (3) company representatives that Commission Staff may directly contact during normal business hours.
1. The TSPs shall forward copies of such a list to the Commission's Utilities Division and to each of the Commission's district offices.²
 2. If the information contained on each list changes so that the list is no longer accurate, the TSP shall forward a revised list to the Commission's Utilities Division and to each of the Commission's district offices within one (1) week of the list becoming inaccurate.

²Pursuant to the Customer Service Regulations for Telecommunications Service Providers issued in General Order dated June 1, 2000, the deadline for submitting the required list was July 1, 2000.

3. Following a direct contact by Commission Staff during normal business hours, a TSP's company representative shall respond to the Staff within three (3) business days of being contacted by Commission Staff. In order to be considered an adequate response, the TSP shall perform one of the following actions:
 - a. Notify the Commission Staff, either verbally or in writing, that the consumer's inquiry and/or complaint has been resolved in the consumer's favor;
 - b. Explain to the Commission Staff, either verbally or in writing, why the consumer's inquiry and/or complaint cannot be resolved in the consumer's favor; or
 - c. Explain to the Commission Staff, either verbally or in writing, why the TSP needs additional time to attempt to resolve the inquiry and/or complaint. Unless an extension is specifically granted by the Commissioner in whose district the consumer resides, the additional time shall be limited to ten (10) business days.

Section 401. Violations/Penalties

- A. The failure of a TSP to comply with any of the above conditions and obligations may, after notice and hearing, result in a fine not to exceed five thousand dollars (\$5,000) per violation.
- B. In addition to the penalty established by Section 401(A), the failure of a TSP to timely respond to Commission Staff pursuant to the terms of Section 301(C)(3), may, after notice and a hearing, also result in a fine of five hundred dollars (\$500) for each and every business day that the TSP was late in responding to Commission Staff.
- C. In addition to any other applicable penalties, the repeated failure of a TSP to comply with any of the above conditions and obligations may, after notice and hearing, also result in the rescission of said TSP's authority to operate in Louisiana.