

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Illinois Commerce Commission :
On Its Own Motion :
Regulation of Intrastate Pay-per-call : 92-0117
services. :

ORDER

By the Commission:

I. BACKGROUND INFORMATION AND PROCEDURAL HISTORY

On October 5, 1994, the Illinois Commerce Commission ("Commission") entered an order in this docket adopting 83 Ill. Adm. Code 772, Pay-Per-Call Services. The rules in Part 772 became effective on November 1, 1994. Section 772.20 defines pay-per-call service as any service:

In which any person provides or purports to provide:

Audio information or audio entertainment produced or packaged by such person;

Access to simultaneous voice conversation services; or

Any service, including the provision of a product, the charges for which are assessed on the basis of the completion of the call;

For which the caller pays a per-call or per-time interval charge that is greater than, or in addition to, the charge for transmission of the call; and

Which is accessed through the use of a 900 access code or 976 exchange code.

Section 772.20 provides that "[s]uch term does not include directory services provided by a common carrier or its affiliate or by a local exchange carrier or its affiliate."

In an earlier order in this docket entered on August 10, 1994, which authorized the submission of second notice of proposed rules to the Joint Committee on Administrative Rules, the Commission addressed the comments filed by the Illinois Telephone Association (the "ITA") during the first notice period. The ITA noted that the proposed rules

limited pay-per-call ("PPC") services to the 900 access code or the 976 exchange code. The ITA indicated that information providers are demanding the use of convenient, easy-to-remember dialing codes for their services, and have worked with telephone industry groups to develop feasible alternative dialing arrangements. The ITA recommended that the proposed rules be modified to permit PPC services to be offered through alternative dialing arrangements such as the "555" prefix or abbreviated dialing formats such as #XXX, #XXXX, NXX# or NXXX#, where # represents a symbol key on the telephone, X represents digits 0 through 9, and N represents digits 2 through 9. Replies to the ITA's comments were filed by Commission Staff ("Staff"); AT&T Communications of Illinois, Inc. ("AT&T"); Money Minds, L.P., an information provider; and Phone Programs, Inc. ("Phone Programs"), an information provider.

In its August 10, 1994 order, the Commission noted that the parties responding to the ITA's proposal had diverse positions. The Commission concluded that the ITA's recommended modifications should be investigated and that this investigation should not delay the adoption of a final rule which would afford necessary protection to consumers with regard to intrastate PPC services.

Pursuant to proper notice, a hearing was held in this matter before a duly authorized Hearing Examiner of the Commission at its offices in Springfield, Illinois on August 30, 1994. Appearances were entered at that hearing by counsel on behalf of the ITA, Staff, AT&T, MCI Telecommunications Corporation, and Illinois Bell Telephone Company. The parties agreed that the issues raised in the ITA's comments should be examined at workshops and then addressed through testimony. After several workshops were concluded, evidentiary hearings were held on issues pertaining to the provision of PPC services through abbreviated dialing arrangements. Testimony was presented on these issues by the following witnesses: Carol Mastro, a Consumer Counselor in the Consumer Services Division, on behalf of Staff; Larry Parker, Director of Regulatory Affairs, and Patricia Fleck, Manager-Technical Regulatory Liaison, on behalf of Illinois Bell Telephone Company ("Ameritech Illinois"), Darryl Hankins, Product Manager-Enhanced Service Providers, Karen H. Boswell, State Coordinator-Regulatory Affairs and Tariffs, and Richard E. Round, Staff Administrator-Forums, on behalf of GTE North Incorporated ("GTE"); and Carol A. Brennan, Vice President of Legal Affairs, on behalf of Phone Programs. At the conclusion of the hearing on October 2, 1996, the record was marked "heard and taken."

Briefs were filed by Ameritech Illinois ("Ameritech"), GTE, Staff and Phone Programs.

The Hearing Examiner's proposed order was served on the parties. Staff filed a brief on exceptions which indicated its agreement with the findings and conclusions in the proposed order. Staff recommended the correction of two typographical errors. The corrections have been made in this order.

Ameritech filed a response to the proposed order. Ameritech stated that it was not formally excepting to the proposed order, but disagreed with the order's conclusion that the #NXX abbreviated dialing code format should be adopted for pay-per-call services.

II. THE NEED FOR PAY-PER-CALL SERVICES THAT UTILIZE ABBREVIATED DIALING CODES

Ameritech witness Parker testified that the telephone industry defines abbreviated dialing as dialing arrangements of five or fewer digits or symbols (# or*). He indicated that the N11 abbreviated dialing format is currently utilized in Illinois, where N represents digits 2 through 9. He stated that this format is utilized by local exchange carriers to provide telecommunication services such as directory assistance call service (411), emergency assistance service (911) and repair service (611). He indicated that other abbreviated dialing formats are utilized by wireless carriers in their respective networks. (Ameritech Ex. 1.0, pp. 4-5)

Mr. Parker concluded that it is appropriate to amend Part 772 to allow pay-per-call services through an abbreviated dialing code. He testified that information service providers are demanding the use of abbreviated dialing arrangements for the delivery of information services to their customers. (Ameritech Ex. 1.0, p. 5)

Staff witness Mastro testified that parties participating in the workshops generally agreed that Part 772 should be revised to allow PPC services that utilize abbreviated dialing arrangements. She indicated that Staff is of the opinion that this revision would not impair in any way the safeguards set forth in the rule and would contribute to the development of a vibrant and innovative market for information services. (ICC Ex. 8.00, pp. 2-3)

Phone Programs witness Brennan testified that Phone Programs has been in the PPC business for over 20 years. She indicated that Phone Programs offers PPC programs through the 976 exchange code in Chicago, Detroit, Miami and New York, and utilizes the 900 access code for its sports information programs. She indicated that Phone Programs has suffered revenue losses as a result of the negative publicity and consumer complaints regarding disreputable 900 PPC programs. She asserted that Phone Programs would not be able to withstand another "hit" of negative publicity regarding PPC programs that utilized abbreviated dialing formats. She contended that the telephone companies have not demonstrated the need for PPC services through such formats, and recommended that PPC services remain limited to the 900 access code and 976 exchange code.

The Commission concludes that the evidence as a whole establishes a need for PPC services through abbreviated dialing codes. The consumer safeguards set forth in Part 772 would be applicable to such PPC services. Expansion of the formats available for PPC services will promote consumer access to information providers.

III. ABBREVIATED DIALING FORMAT FOR PAY-PER-CALL SERVICES

A. Overview of the Parties' Positions

All of the parties that addressed abbreviated dialing formats agree that a single format should be adopted for PPC services. The evidence indicates that the use of more than one format would increase customer confusion and impose increased costs on information providers. (ICC Ex. 12.00, p. 2; Ameritech Ex. 1.0, p. 8; and GTE Ex. 6.3, p. 2)

If PPC services are to be offered through an abbreviated dialing format, GTE, Staff and Phone Programs recommend that the format be #NXX, where the # sign represents a symbol on the telephone keypad, N represents digits 2 through 9 and X represents digits 0 through 9.

Mr. Hankins explained how the #NXX format would work. The end user would dial the #NXX code assigned to a particular information provider. At the end office, the code would be translated and routed to the 10 digit access telephone number of the information provider. The call would be completed via voice grade facilities.

Ameritech, on the other hand, recommends the adoption of the NXX# format. The parties' reasons for their recommended formats are summarized hereafter.

B. Reason Given For Approving the #NXX Format

1. The Time-Out Problem

Staff, GTE and Phone Programs contend that the #NXX format should be adopted since it is not subject to the time-out problem applicable to the NXX# format. The time-out problem is explained in the testimony of GTE witnesses Boswell and Hankins.

Ms. Boswell testified that all switches are engineered so that a caller has a predetermined number of seconds to enter each digit of the number he/she is calling. If that predetermined number of seconds elapses before the caller enters the next digit of the number being called, the call will time out. Today, when this happens, the caller would either receive a re-order tone (fast busy) or the call would go to a recording. The time out interval for GTE's switches is set at twenty seconds. (GTE Ex. 1.3, p. 2)

Mr. Hankins explained that when the NXX (prefix) code is the same as an abbreviated dialing service ("ADS") number and the customer delays after dialing three digits of a seven digit number, the call will automatically be routed to the information provider ("IP") assigned that three digit ADS code. For example, if an IP is assigned an abbreviated dialing number of 727# and a customer calling 727-2345 pauses for 20 seconds after dialing 727, the call would be routed to the IP assigned 727#. (GTE Ex. 6.0, p. 4)

Mr. Hankins identified four concerns with the time-out problem. First, the mis-routing of calls to the IP's abbreviated dialing number will produce erroneous and unwanted PPC charges on end users' bills. Second, the mis-routing will result in unwanted transport charges to the IP. Third, the mis-routing will cause additional complaints to the Commission from end users regarding erroneous PPC charges. Fourth, all end users that refuse to pay the erroneous charges will be referred back to the IP.

Staff witness Mastro testified that Staff is opposed to an abbreviated dialing format that results in customers being billed for calls routed to an IP when their intention was to dial a seven digit number. She indicated that customers should not have the responsibility of initiating action to correct their bills in such situations. She stated that persons most affected by the time-out problem would be senior citizens, physically-impaired individuals and anyone who has difficulty in dialing. (ICC Exs. 9.00, p.p. 4-5, and 11.00, p. 3)

Ameritech has offered to provide credits to end user and IP bills when a time-out connection occurs. (Ameritech Ex. 1.0, p. 12) GTE contends that credits to the bills are not a solution to the time-out problem. GTE asserts that the primary problem with the credit is that it is not automatic, emphasizing that (1) the end users and IPs would have to contact Ameritech to obtain the credit; (2) the end user will likely not know that there will be a charge for the misdirected call until the end user receives the bill for the charge; (3) when the end user receives the bill (on a 30-day billing cycle), the end user may not attribute the charge to the misdirected call or may assume that another person made the call; and (4) unless they are contacted by the end user, the IPs will not know which calls were misdirected and will not know how to ask for credit. (GTE Ex. 6.1, pp. 5-6)

Mr. Hankins explained that the #NXX format does not have the time-out problem since the preceding # sign identifies the call as an abbreviated dialing call and distinguishes the call from NXX prefix codes.

2. Time-out studies performed by GTE and Ameritech

GTE witness Boswell testified that GTE performed two time-out studies, the results of which are summarized in GTE Exhibits 1.0, 1.1, 2.0 and 2.1. Both of the studies utilized all of the office locations where GTE intends to initially introduce abbreviated dialing. The first study examined calls placed over a one-hour period in November 1995 for six switches and calls placed over the entire day of November 23, 1995 for two switches. For the one hour period, the total number of time-out calls was 920, or 0.76% of the total number of calls. For the entire day of November 23, 1995, the total number of time-out calls was 903, or 0.16% of the total number of calls. The second study covered the six switches for the one month period from December 11, 1995 to January 11, 1996. The total number of time-out calls was 366,875, or 0.76% of the total number of calls.

GTE concludes that its study demonstrates that the probable number of time-outs will be substantial, warranting rejection of the NXX# format. GTE further asserts that its own studies vastly underestimate the probable number of time-outs. GTE's studies of

time-outs were based on a 20 second inter-digit delay, which is the time-out period for NXX numbers that are not assigned to an information provider. Mr. Hankins, testified, however, that when NXX numbers are assigned to an information provider, the switch will recognize a conflict and the normal 20 second time-out period will be replaced by a 4 second time-out period.

Ameritech contends that GTE's studies overestimate the number of time-outs. Mr. Parker testified that Ameritech's time-out study, the results of which are summarized in Ameritech Proprietary Ex. 2, indicates that time-outs would occur no more than 0.0135% of the time during the office busy hour. He explained that the study concludes that only 135 out of one million customers would potentially reach an information provider as a result of a partial dial time-out when they wanted to dial a 7 digit number with the same NXX prefix as the valid abbreviated dialing code. (Ameritech Ex. 1.7, p. 4) Ameritech's study assumes that 150 of the available 785 abbreviated dialing codes would be used by information providers. The study utilized data for 16 of Ameritech's test town offices that are representative of Ameritech's central offices.

GTE contends that Ameritech's study substantially underestimates the probable number of time-outs for several reasons. First, Ameritech incorrectly assumes that time-outs will occur after 20 seconds, rather than after 4 seconds. Second, Ameritech improperly assumes that the probability of a time-out is equal after each individual digit is dialed. GTE asserts that it is more appropriate to assume that time-outs will occur after the three digit prefix is dialed since telephone numbers are written and read with the prefix separated by a hyphen, slash or space from the remaining four digits. Therefore, Ameritech's assumption of equal probability of time-outs after each digit results in only one-sixth of the proper number of time-outs. (GTE Ex. 1.4, pp. 1-2) Third, Ameritech assumes that only 150 of the 785 available abbreviated dialing codes would be used. This assumption is unrealistic in light of the expected high demand for such codes indicated by market research. (GTE Exs. 1.4, p.3 and 1.5, p. 2) Fourth, Ameritech improperly assumes that there will be no time-outs in three offices. This assumption is not credible in light of the number of time-outs in the other offices in Ameritech's study and in GTE's study. (GTE Ex. 1.4, pp. 4-5).

3. The Need For a Voice Prompt

If the Commission approves the NXX# format, Staff and Phone Programs recommend that a voice prompt be required to mitigate the time-out problem. Staff's proposed language in the rule for a voice prompt is follows:

In transmitting an abbreviated dialing call, a telecommunications carrier is required to provide a voice message in instances when a customer pauses while dialing a 7 digit number, causing the call to be inadvertently directed to an information provider.

The voice message will advise the caller that unless they hang up within a designated period their call will be directed to an information provider's service and associated charges will apply. The designated period shall be at least 3 seconds from the end of the voice message.

Ameritech contends that a voice prompt should not be required since the evidence indicates that time-outs will not be a significant problem. Instead, Ameritech, recommends that the Commission require all local exchange carriers providing pay-per-call services through the NXX# format to monitor all complaints made to its operators and service representatives and report to Staff, on a quarterly basis, the total number of complaints and billing adjustments that were necessary as a result of inadvertent connections to pay-per-call service providers. Ameritech indicates that if Staff concludes that the number of complaints merit an investigation, Staff can recommend to the Commission that an expedited proceeding be instituted to review whether the carrier's abbreviated dialing offering should be modified to include a voice prompt or discontinued.

Ameritech notes that Staff's voice prompt proposal would only apply to those calls that are misdirected to a pay-per-call provider because of a time-out problem. Ameritech asserts that it is not technologically feasible to provide such a selective voice prompt.

Ameritech indicates that it can only offer a voice prompt that encompasses all NXX/NXX# calls. It indicates that such a voice prompt should not be required since it would adversely impact end users and pay-per-call providers. Ameritech points out that many pay-per-call providers are required by Illinois law to provide a preamble announcement advising customers as to the rates for pay-per-call service. (815 ILCS 520/10)

Ameritech contends that an additional voice prompt on top of this preamble would aggravate customers and jeopardize the commercial viability of pay-per-call services. Ameritech concludes that it would not offer NXX# abbreviated dialing arrangements if it were required to provide a voice prompt for all abbreviated dialing calls.

In response to Ameritech's proposal to monitor time-outs, Staff indicates that problems associated with time-outs will not be resolved during the monitoring period. Staff states that calls will still be misdirected and callers will be subject to erroneous billing. Staff concludes that its proposed voice prompt is the better alternative.

GTE contends that a voice prompt may reduce the number of misdirected calls, but will not eliminate the time-out problem. Mr. Hankins testified that voice prompts will not prevent misdirected calls if the calling party does not hear the voice prompt or does not react within the allotted time to terminate the call. (GTE Ex. 6.4, p. 2)

Mr. Hankins also testified that the voice prompt will confuse and frustrate consumers. He indicated that when the caller dials a prefix that is the same as an abbreviated dialing code assigned to an information provider and pauses for 4 seconds,

the voice prompt will start to play. He stated that the voice prompt will advise the caller that pay-per-call charges will apply if the call is not disconnected within 3 seconds. He indicated that the caller will be confused since the intent was to dial an ordinary 7 digit number. He noted that if the caller tries to "dial over" the voice prompt and does not hang up within 3 seconds, pay-per-call charges will be assessed. (GTE Ex. 6.5, pp. 3-4)

C. Reasons Given For Approving the NXX# Format

In its brief, Ameritech highlighted two reasons for approving the NXX# format: (1) its consistency with a resolution adopted by the Industry Numbering Committee (the "INC") that addresses abbreviated dialing arrangements, and (2) the avoidance of technical problems associated with the #NXX format. Ameritech's position and the responses thereto are summarized hereafter. Ameritech indicated that it will not offer pay-per-call services by means of an abbreviated dialing code if the Commission approves the #NXX format.

1. The INC Resolution

Ameritech witness Parker testified that the INC is a nationwide industry committee which was established to address and resolve issues associated with the planning, administration, allocation, assignment and use of numbering resources. He indicated that the INC approved a resolution on March 8, 1996, which adopts a fixed format utilizing a trailing # for future use "if and when a uniform abbreviated inter-network dialing plan is developed." (Ameritech Exs. 1.4, p. 2 and 1.5, p. 2) He stated that the Resolution provides a framework to guide future work in the area of abbreviated dialing arrangements. Ameritech expects that most, if not all, carriers will honor the INC's recommended format for calls between their networks. Mr. Parker expected that the number of inter-network calls will increase significantly as more carriers enter the marketplace. Ameritech concludes that the Commission's approval of the #NXX format would be contrary to industry dialing standards.

In response, GTE contends that Ameritech has overemphasized the INC Resolution's support of the trailing # format. GTE witness Round, a charter member of the INC, characterized the Resolution as an "initial step." He indicated that many inter-network abbreviated dialing issues have not yet been resolved. (GTE Ex. 4.0, p. 2)

Similarly, Staff indicated that the INC Resolution is not a basis for adopting the NXX# format. Staff witness Mastro noted that the Resolution does not address intra-network abbreviated dialing formats. She also emphasized that the Resolution indicates uncertainty as to whether a uniform abbreviated inter-network dialing plan will be developed. (Staff Ex. 10.00, p. 3)

2. Technical Problems

Ameritech indicates that there are serious technical problems associated with the #NXX format that do not exist for the NXX# format. (Ameritech Ex. 1.0, pp. 9-11) First, the #NXX format would conflict with current dialing formats in Ameritech's network where # is utilized as an end of dialing indicator.

In response, GTE witness Hankins testified that Ameritech could solve this problem by using a hybrid of Advanced Information Network ("AIN") platforms and switch-based mechanisms for abbreviated dialing service. He indicated that if this hybrid were utilized, the # symbol is not an end of dialing indicator when the # symbol is the first digit dialed. (GTE Ex. 6.1, pp. 2-3)

Ameritech witness Parker indicated that Ameritech has not been able to process an abbreviated dialing call in its AT&T 5ESS switches, using the hybrid method recommended by GTE. He noted that a significant number of Ameritech's switches are 5ESS switches. (Ameritech Ex. 1.6, p. 1) Mr. Hankins replied that the hybrid method will enable Ameritech to process abbreviated dialing calls in its 5ESS switches. He noted that GTE has tested the hybrid method on such switches. He indicated that such calls can be processed by adding a loop around trunk to the switches. (GTE Ex. 6.2, p. 5)

Second, Ameritech asserts that the # symbol can be used as a first digit in its DMS offices only if the entire offices are treated as a Centrex group. Ameritech emphasizes that this treatment requires substantial memory upgrades at significant cost. Mr. Parker noted that a significant number of Ameritech's switches are DMS switches.

In response, Mr. Hankins testified that the entire DMS office does not have to be treated as a Centrex group to implement the #NXX format. He indicated that GTE uses software purchased from Nortel to eliminate the need for memory upgrades. He stated that this software is available to Ameritech. (GTE Exs. 6.1, p. 3 and 6.2, p. 6)

Third, Ameritech indicates that the #NXX format may preclude the offering of other AIN services to end users. In response, Mr. Hankins testified that GTE has tested and implemented the #NXX format in Florida without any effect on other AIN services. (GTE Ex. 6.1, p. 3)

Fourth, for the three digital switch types deployed in Ameritech's network, the #NXX format cannot launch a query to the AIN platform. In response, Mr. Hankins indicated that Ameritech's use of a hybrid of AIN and switch-based mechanisms will solve this query problem. (GTE Ex. 6.1, p.4)

Fifth, the #NXX format cannot be used by customers with rotary telephones since rotary phones do not have the capability of dialing the "#." In response, GTE contends that the ability of rotary dial callers to make abbreviated dialing calls should not be a factor in selecting the appropriate dialing format. Mr. Hankins testified that if Ameritech's proposed

NXX# format is adopted, a rotary dialer could reach an information provider only by staying on the line long enough to time-out and be routed to the information provider. He indicated that rotary dialers will likely not know that they need to hold on the line to reach an information provider. He also indicated that information providers will be charged for all seconds of use while the rotary dialer waits to time-out. (GTE Ex. 6.1, p. 4)

Staff agrees with GTE that concerns about rotary dial users should play no role in determining the appropriate dialing format. Staff witness Mastro testified that neither the #NXX format nor the NXX# is conducive to use by rotary dialers. She noted that owners of rotary dial phones do not have access to any services requiring touch-tone capabilities and arguably have decided that such access is not needed. (Staff Ex. 9.00, pp. 5-6)

Sixth, Ameritech contends that the #NXX format precludes the ability to block calls to pay-per-call services and, at the same time, allow completion of calls to #NXX non-pay-per-call services. In response, Mr. Hankins indicated that GTE is currently providing pay-per-call blocking while allowing completion of the non-pay-per-calls in Florida using the #NXX format. He stated that the same blocking can be performed in Illinois. (GTE Ex. 6.1, pp. 4-5)

Seventh, Ameritech contends that the #NXX format would unnecessarily deplete the availability of 976 numbers since it requires the use of two seven-digit numbers beginning with the prefix 976. Ameritech witness Parker testified that the #NXX would be translated at the switch to a 976-XXXX number, which would then be routed to a 976 hub switch where further translating would occur to route the call to an information provider. He noted that the NXX# format would not require the use of two 976 numbers. (Ameritech Exs. 1.0, p. 11 and 1.6, p. 1)

In response, GTE witness Hankins testified that the use of two 976 numbers to route a call to the information provider will not threaten the 976 number resources. He noted that there are approximately ten thousand 976 numbers available and only 785 possible abbreviated dialing codes. He indicated that if two 976 numbers are used for all #NXX codes, only 1,570 976 numbers will ever be used for abbreviated dialing service. (GTE Exs. 6.1, p. 5 and 6.2, p. 8)

D. Commission's Conclusion

The Commission concludes that the #NXX abbreviated dialing code format should be approved for pay-per-call services since it avoids the time-out problem associated with the NXX# format. Based on its review of the time-out studies presented by GTE and Ameritech and assumptions utilized therein, the Commission determines that the probable number of time-outs with the NXX# format will be substantial. The time-out problem will result in the routing of calls to an information provider when the customer's intention was to dial a seven digit number. The time-out problem will cause erroneous and unwanted pay-per-call charges to appear on customers' bills.

The provision of credits to customers' bills is not a solution to the time-out problem. To obtain a credit, a customer would have to discover the misdirected call on its phone bill and then contact its telecommunications carrier. This places an undue burden on the customer.

There is conflicting evidence as to whether the technical problems associated with the #NXX format that were identified by Ameritech are significant or can be eliminated. If Ameritech believes that the technical problems preclude the provision of pay-per-call services through this format, it can choose not to offer such service.

The Commission concludes that the INC Resolution cited by Ameritech is not a sufficient basis for approving the NXX# format. That Resolution apparently recommends a fixed format utilizing a trailing # if and when a uniform abbreviated inter-network dialing plan is developed. The record indicates that the adoption of such a plan is, by no means, a foregone conclusion.

The amendments to Part 772 that are necessary to reflect the offering of pay-per-call services through the #NXX abbreviated dialing code are shown in legislative style in the Appendix attached hereto.

IV. BLOCKING OF ABBREVIATED DIALING PAY-PER-CALL CODES

Under the existing rules, a customer can request that its local exchange carrier ("LEC") block access to intrastate pay-per-call services. (83 Ill. Adm. Code 772.55(4)(c) and 772.90). Staff recommends that LECs be required to automatically block abbreviated dialing pay-per-call codes for those customers that currently have blocking of pay-per-call numbers. Staff asserts that this requirement is necessary to avoid customer confusion and prevent the billing of unwanted pay-per-call charges. Staff indicates that customers who currently have pay-per-call blocking assume that all access to pay-per-call services has been blocked. (Staff Ex. 9.00, pp. 7-8) GTE agrees with Staff's recommendation. (GTE Ex. 6.2, p. 3)

Ameritech opposes Staff's recommendation. Ameritech notes that the provision of pay-per-call service through abbreviated dialing codes will expand the variety of available pay-per-call services. Ameritech states that it should not be presumed that customers who have elected to block 900/976 pay-per-call service also wish to block pay-per-call service through abbreviated dialing codes. Ameritech witness Parker testified that blocking has been and should remain at the option of the subscriber, except in the case of failure to pay for pay-per-call services. (Ameritech Ex. 1.10, p. 10)

The Commission concludes that Staff's recommendation regarding blocking should be adopted. It is reasonable to assume that customers who have blocked access to 900/976 pay-per-call services also desire that access to pay-per-call services through abbreviated dialing codes be blocked. Staff's recommendation will prevent the billing of unwanted pay-per-call charges.

V. FINDINGS AND ORDERING PARAGRAPHS

The Commission, having considered the entire record herein and being fully advised in the premises, is of the opinion and finds that:

- (1) the Commission has jurisdiction over the parties and the subject matter of this proceeding;
- (2) the recitals of fact and conclusions reached in the prefatory portion of this Order are supported by the record and are hereby adopted as findings of fact;
- (3) the first notice of the proposed amendments to 83 Ill. Adm. Code 772, "Pay-Per-Call Services," as shown in the attached Appendix, should be submitted to the Secretary of State for publication in the Illinois Register, thereby initiating the first notice period under Section 5-40 of the Illinois Administrative Procedure Act.;
- (4) local exchange carriers should block access to abbreviated dialing pay-per-call codes for their customers who have blocking of pay-per-call numbers as of the effective date of the amendments to Part 772 adopted in this docket; such blocking should remain in effect unless the customer submits a written request to the local exchange carrier to remove the blocking.

IT IS THEREFORE ORDERED that the first notice of the proposed amendments to 83 Ill. Adm. Code 772, "Pay-Per-Call Services," as shown in the attached Appendix, shall be submitted to the Secretary of State for publication in the Illinois Register, thereby initiating the first notice period required by Section 5-40 of the Illinois Administrative Procedure Act, and that all other submissions necessary for compliance with the Illinois Administrative Procedure Act be made.

IT IS FURTHER ORDERED that local exchange carriers shall comply with the requirement in Finding (4) of this order.

IT IS FURTHER ORDERED that this order is not final and is not subject to the Administrative Review Law.

By order of the Commission this 11th day of June, 1997.

Chairman