

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. P-100, SUB 99

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Quality of Service Objectives for Local)
Exchange Telephone Companies –)
Petition to Amend Customer Notification) ORDER AMENDING RULE R9-8(h)
Requirements for Directory Assistance)
Refunds)

BY THE COMMISSION: On May 8, 2009, the North Carolina Telecommunications Industry Association, Inc. (NCTIA), filed a Petition requesting that the Commission modify its existing requirements as to customer notification for directory assistance refunds. The modification to Rule R9-8(h) is to eliminate the bill insert requirement and instead to allow the use of bill message, direct mail, or email (when affirmatively selected by the customer).

The NCTIA is a trade association representing incumbent local exchange companies (ILECs) certified by the Commission to provide telecommunications services to the citizens of North Carolina.¹ In addition, many of the ILEC members of the NCTIA are affiliated with competing local providers (CLPs) who are also certified by the Commission.

Rule R9-8(h) currently reads:

Carriers are required to provide DA refunds, upon request, for an incorrect listing provided to a DA customer. Carriers are further required to provide an annual bill insert to customers informing them of the uniform DA refund policy and to publish the uniform DA refund policy prominently in the directory assistance section of each local telephone directory.

NCTIA stated that members have complied with this requirement since it became effective on July 1, 2004, and have included annual bill inserts in customer telephone

¹ NCTIA regulated ILEC members include AT&T North Carolina, Citizens Telephone, Ellerbe Telephone Company, Embarq, LEXCOM Telephone Company, MebTel Communications, North State Communications, Pineville Telephone Company, Randolph Telephone Company, TDS Telecom, Verizon South, Inc., Windstream North Carolina, Windstream Concord Telephone and Windstream Communications. Members of the NCTIA not regulated by the Commission include Atlantic Telephone Membership Corporation, Piedmont Telephone Membership Corporation, Randolph Telephone Membership Corporation, Skyline Telephone Membership Corporation, Star Telephone Membership Corporation, Surry Telephone Membership Corporation, Tri-County Telephone Membership Corporation, Wilkes Telecommunications and Yadkin Valley Telephone Membership Corporation.

bills regarding DA refunds. While not providing specific language, the NCTIA in substance requested that the Commission amend the second sentence of Rule R9-8(h) to read:

Carriers are further required to provide annual notification to customers either by bill message, direct mail, or email (when email is affirmatively selected by the customer) informing them of the uniform DA refund policy and to publish the uniform DA policy permanently in the directory assistance section of the local telephone directory.

The NCTIA noted that a similar request had been made by the NCTIA in Docket P-100, Sub 140 (Petition filed May 12, 2007) and that request was approved by the Commission on February 28, 2008. The change approved therein allowed ILECs and CLPs to send disconnect notification via bill message, bill insert, direct mail or email (when affirmatively selected by the customer). The NCTIA added that recently introduced legislation (HB 686) would allow the Do Not Call annual insert requirement to be changed to a bill message, direct mail or email. HB 686 was ratified on June 11, 2009, and has since been entered as Session Law 2009-122.

The NCTIA maintained that these alternative means of communication will be just as effective as the previously required bill insert and will provide a means of notification that customers have come to expect and appreciate. The NCTIA also represented that the alternative means of communication allowed by the NCTIA's proposal will also save ILECs and CLPs money and allow them to make choices as to which alternative means of communication is best for them.

The NCTIA stated that its members have met with representatives of the North Carolina Utilities Commission – Public Staff and made the Public Staff aware of their proposal. The Public Staff did not file any objections to the NCTIA's proposal.

On May 12, 2009, the Chairman issued an Order Seeking Comments, concluding that the NCTIA's proposal has sufficient merit that it would likely be approved if no significant protests were received from interested parties.

The Commission has received no protests regarding this matter from any interested party.

WHEREUPON, the Commission concludes that good cause exists to amend the second sentence of Rule R9-8(h) to read as follows:

Carriers are further required to provide annual notification to customers either by bill message, direct mail, or email (when email is affirmatively selected by the customer) informing them of the uniform DA refund policy and to publish the uniform DA policy permanently in the directory assistance section of the local telephone directory.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 6th day of July, 2009.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script that reads "Patricia Swenson". The signature is written in black ink and is positioned below the printed name of the North Carolina Utilities Commission.

Patricia Swenson, Deputy Clerk