

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Rules and Regulations Implementing)	CG Docket No. 02-386
Minimum Customer Account Record)	
Exchange Obligations on All Local)	
and Interexchange Carriers)	
)	

**COMMENTS OF THE NATIONAL ASSOCIATION OF
STATE UTILITY CONSUMER ADVOCATES**

I. INTRODUCTION

The National Association of State Utility Consumer Advocates (“NASUCA”)¹ submits these comments in response to the Federal Communications Commission’s (“FCC” or “Commission”) *Further Notice of Proposed Rulemaking* (“FNPRM”) issued February 25, 2005 in the above-captioned proceeding. On that date, the Commission issued its *Report and Order* in this docket adopting rules establishing mandatory minimum standards governing the exchange of customer account information in specific situations between local exchange carriers (“LECs) and

¹ NASUCA is a voluntary association of 43 advocate offices in 40 states and the District of Columbia, incorporated in Florida as a non-profit corporation. NASUCA’s members are designated by the laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts. See, e.g., Ohio Rev. Code Chapter 4911; Pa. Cons. Stat. Ann. § 309-4(a); Md. Pub. Util. Code Ann. § 2-205; Minn. Stat. § 8.33; D.C. Code Ann. § 34-804(d); Iowa Code § 475A.2. Members operate independently from state utility commissions as advocates primarily for residential ratepayers. Some NASUCA member offices are separately established advocate organizations while others are divisions of larger state agencies (e.g. the state Attorney General’s office). NASUCA’s associate and affiliate members also serve utility consumers but are not created by state law or do not have statewide authority.

interexchange carriers (“IXCs”), and prescribing the obligations of the carriers with respect to those exchanges.² As a result of comments received in that inquiry,³ the Commission issued its *FNPRM* seeking comment on issues relating to the exchange of customer account information between LECs.⁴ Specifically, the Commission sought comment on whether it should require all local service providers to participate in the exchange of customer account information and if so, what information local service providers should be required to supply.⁵ NASUCA supports the establishment of minimum customer account information exchange obligations for all LECs.

II. THE CARRIER CHANGE PROCESS MUST BE SEAMLESS FOR CONSUMERS IN ORDER TO AVOID CONFUSION AND PROMOTE COMPETITION.

In initial comments, NASUCA supported the establishment of minimum customer account record exchange (“CARE”) obligations for both LECs and IXCs in order to ensure that all affected carriers are notified when a customer makes a change in carriers.⁶ NASUCA believes that uniform minimum standards applied to all carriers would benefit both customers and telecommunication carriers.

² *Rules and Regulations Implementing Minimum Customer Account Record Exchange Obligations on All Local and Interexchange Carriers*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 02-386, FCC 05-29 (Rel. Feb. 25, 2005). A summary of the *FNPRM* was published in the Federal Register on June 1, 2005. See 70 Fed. Reg. 31406.

³ The Commission referred primarily to comments received from Bell South. *FNPRM*, ¶¶ 73-4.

⁴ *Id.*, ¶¶ 77-81.

⁵ *Id.*, ¶ 75.

⁶ NASUCA Initial Comments, p. 1.

The process used for changing carriers should be seamless for customers. A customer should be able to change carriers easily by making one contact, especially when the customer purchases all services as part of a bundled service package. Multiple contacts with multiple carriers should not be required.

The more difficult it is for customers to make a change in carriers, the less likely customers will be willing to make that change. For example, customers will usually contact the “new” LEC to initiate service, and will be unlikely to contact the “old” LEC to inform it of the service cancellation. The issue is more than the time and effort required for the customer to make that second call; it is also not appropriate to require the customer to be subjected to the “old” LEC’s likely “win back” or “give us a second chance” entreaties.

The “old” LEC will have, however, customer account information that must be shared with the “new” LEC promptly and completely for a service switch to be seamless. When the “old” LEC does not exchange information in a uniform manner or fails to provide complete or timely customer information, delays, customer confusion, and problems with double billing result.⁷ Absent regulation, the “old” LEC has no incentive to take quick or thorough action. Quite the contrary.

When difficulties and delay in the transfer of service are encountered, customers are almost always likely to fault the “new” carrier, and may decide that the change is simply not worth it or the “new” carrier is not capable of providing quality

⁷ Bell South claims that the problems generally arise with local carriers which are not subject to Section 271 regulatory oversight. *FNPRM*, ¶ 74.

service. A seamless and timely change process would benefit customers and promote competition.

Minimum uniform standards for customer account information and exchange obligations would also benefit carriers. Increasing churn in the local market means that one customer's "old" LEC may well become another customer's "new" LEC, now hoping to avoid delay, customer dissatisfaction, and costly billing errors. The Commission noted that industry concerns have prompted the Alliance for Telecommunications Industry Solutions ("ATIS") Ordering and Billing Forum ("OBF") to develop "Local Service Migration Guidelines" to facilitate the sharing of customer service records among LECs.⁸ These voluntary guidelines are not subscribed to by all industry members. NASUCA supports the adoption of mandatory minimum standards applicable to all carriers.

III. THE COMMISSION SHOULD NOT PREEMPT STATE REGULATIONS FOR CUSTOMER MIGRATIONS BETWEEN CARRIERS.

The standards adopted by the Commission should be the mandatory *minimum* requirements for carriers to meet when exchanging customer account information.⁹ NASUCA believes the mandate should be narrowly drawn, with standards that serve as a floor, permitting states a role in tailoring implementation to local needs and

⁸ *Id.*, ¶ 73. These voluntary guidelines became "final" in October 2004, according to Bell South.

⁹ The Commission's authority in intrastate matters derives from its authority over local competition under the Telecommunications Act of 1996. See *AT&T v. Iowa Util. Bd.*, 525 U.S. 366, 378-82 (1999).

capabilities. As the Commission noted, some states already have rules in place, and others are in the process of developing rules, which address customer migrations between facilities-based LECs.¹⁰ These state developed standards, developed with industry input, are tailored to local need and capabilities and have been adopted in response to consumer and competitive market concerns in each state. The Commission should not preempt those state regulations, but instead make it clear that the federal rules constitute the minimum requirements, with states free to adopt more restrictive requirements for the exchange of information that address concerns or particular problems in that state. Customer complaints arising because of botched or delayed carrier switches will be directed to the state regulatory agencies, and the states should be able to customize requirements based on their experience.

IV. CONCLUSION

NASUCA supports the adoption of mandatory, minimum standards for customer account information exchange obligations for all local exchange carriers. Customers are entitled to seamless carrier changes, which will also benefit the carriers and promote competition. The standards adopted by the Commission should serve as the floor; states should be permitted to adopt more restrictive requirements in order to respond to experience and conditions in their jurisdictions.

¹⁰ *FNPRM*, ¶ 79, fn. 155 (Illinois, New Hampshire, New York, Oregon, Texas, Michigan, and Florida). Other states have considered requirements on a case-by-case basis, generally in connection with mass migrations as a result of carrier exits from the market or as a result of complaints by one carrier against another.

Respectfully submitted,

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July 18, 2005