

ORIGINAL

INDIANA UTILITY REGULATORY COMMISSION

Notice of Proposed Rulemaking

IURC RM #06-05

LSA #06-429

The Indiana Utility Regulatory Commission (the "Commission"), pursuant to IC 8-1-1-3(g) and IC 8-1-2.6-4.1(b), hereby proposes to add 170 IAC 7-1.4 to require customer notification when a telecommunications service provider communicates with a residential customer about changing from basic to nonbasic telecommunications services. The Commission shall hear public comments on the attached proposed rule at a date and time to be determined, in Room E306, of the Indiana Government Center South, 302 W. Washington Street, Indianapolis, Indiana.

The Secretary of the Commission is hereby directed to maintain five (5) copies of the proposed rule continuously on file in the Commission Offices for public inspection, and forward copies of the attached proposed rule to the Indiana Legislative Services Agency publication in the Indiana Register.



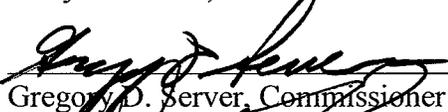
David Lott Hardy, Chairman

ABSENT

David W. Hadley, Commissioner

ABSENT

Larry S. Landis, Commissioner

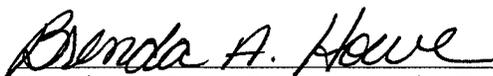


Gregory D. Server, Commissioner



David E. Ziegner, Commissioner

ATTEST:



Brenda A. Howe, Secretary to the Commission

Date: **NOV 09 2006**

**TITLE 170 INDIANA UTILITY REGULATORY
COMMISSION**

**Proposed Rule
LSA Document #06-429**

DIGEST

Adds 170 IAC 7-1.4 to require customer notification when a telecommunications service provider communicates with a residential customer about changing from basic to nonbasic telecommunications services. Effective 30 days after filing with the publisher.

170 IAC 7-1.4

SECTION 1. 170 IAC 7-1.4-1 IS ADDED TO READ AS FOLLOWS:

Rule 1.4. Customer Notification Required When Telecommunications Service Provider Communicates with a Residential Customer about Changing From Basic To Nonbasic Telecommunications Services

170 IAC 7-1.4-1 Policy and scope

Authority: IC 8-1-2.6-4.1(b)

Affected: IC 8-1-2-88.5; IC 8-1-2.6; IC 8-1-17-22.5

Sec. 1. (a) This rule is intended to establish a procedure for providing notice to customers when a telecommunications service provider communicates with a residential customer about changing the customer's basic telecommunications service to nonbasic telecommunications service.

(b) This rule applies to providers of telecommunications services in Indiana, with the exception of providers that:

(1) have withdrawn from commission jurisdiction under

(A) IC 8-1-17-22.5 or

(B) IC 8-1-2-88.5, or

(2) are subject to provider-specific alternative regulation plans or settlement agreements, during the term of that plan or agreement.

(c) This section expires July 1, 2009. (Indiana Utility Regulatory Commission; 170 IAC 7-1.4-1)

SECTION 2. 170 IAC 7-1.4-2 IS ADDED TO READ AS FOLLOWS:

170 IAC 7-1.4-2 Definitions

Authority: IC 8-1-2.6-4.1(b)

Affected: IC 8-1-2.6

Sec. 2. The following definitions apply throughout this rule:

(a) "Basic telecommunications service" has the meaning set forth in IC 8-1-2.6-0.1.

(b) "Commission" means the Indiana utility regulatory commission.

(c) "Communicate" or "communication" means any written, verbal or electronic contact between provider and customer, initiated by either the provider or the customer, but does not include advertising or promotional materials.

(d) "Nonbasic telecommunications service" has the meaning set forth in IC 8-1-2.6-0.2.

(e) "Provider" has the meaning set forth in IC 8-1-2.6-0.4.

(f) "Telecommunications" has the meaning set forth in IC 8-1-2.6-0.6.

(g) "Telecommunications service" has the meaning set forth in IC 8-1-2.6-0.7.

(h) This section expires July 1, 2009. (Indiana Utility Regulatory Commission; 170 IAC 7-1.4-2)

SECTION 3. 170 IAC 7-1.4-3 IS ADDED TO READ AS FOLLOWS:

170 IAC 7-1.4-3 Notice to customers

Authority: IC 8-1-2.6-4.1(b)

Affected: IC 8-1-2.6; IC 8-1-2-88.5

Sec. 3. (a) At any time the provider and a residential customer communicate about changing the customer's basic telecommunications service to nonbasic telecommunications service, the provider shall notify the residential customer:

- (1) of the option of basic telecommunications service; and**
- (2) that, by switching to nonbasic telecommunications service, the customer will be foregoing the following regulatory protections:**

(A) commission jurisdiction over:

- (i) rates and charges; and**
- (ii) service quality standards; and**

(B) access to the commission's consumer complaint procedures and proceedings.

(b) The notice shall be given in the same form and at the same time as the communication.

(c) A provider may determine the exact language of the notice that provider will use, as long as the notice used complies with subsections (a) and (b).

(d) A provider that uses the following language shall be deemed to be in compliance with this rule: "Through June 30, 2009, basic telecommunications services are under the jurisdiction of the Indiana utility regulatory commission, which provides regulatory protections regarding rates, service quality, and consumer complaints. By switching to nonbasic telecommunications service, which includes subscription to any package, plan, discount or group of services, you will be foregoing these regulatory protections."

(e) This section expires July 1, 2009. (*Indiana Utility Regulatory Commission; 170 IAC 7-6-4*)

SECTION 4. SECTIONS 1 THROUGH 3 EXPIRE JULY 1, 2009.