

**Final Rule**

LSA Document #06-429(F)

**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](#) IS ADDED TO READ AS FOLLOWS:

**Rule 1.4. Customer Notification Required When a 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](#)

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(1) have withdrawn from commission jurisdiction under: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](#); filed May 30, 2007, 8:29 a.m.: [20070627-IR-170060429FRA](#))

**[170 IAC 7-1.4-2](#) Definitions**

Authority: [IC 8-1-2.6-4.1](#)

Affected: [IC 8-1-2.6](#)

Sec. 2. (a) The following definitions apply throughout this rule:

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

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

(3) "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.

(4) "Nonbasic telecommunications service" has the meaning set forth in [IC 8-1-2.6-0.3](#).

(5) "Provider" has the meaning set forth in [IC 8-1-2.6-0.4](#).

(6) "Telecommunications" has the meaning set forth in [IC 8-1-2.6-0.6](#).

(7) "Telecommunications service" has the meaning set forth in [IC 8-1-2.6-0.7](#).

(b) This section expires July 1, 2009.

(Indiana Utility Regulatory Commission; [170 IAC 7-1.4-2](#); filed May 30, 2007, 8:29 a.m.:  
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**[170 IAC 7-1.4-3](#) Notice to customers**

Authority: [IC 8-1-2.6-4.1](#)

Affected: [IC 8-1-2-88.5](#); [IC 8-1-2.6](#)

**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 forgoing the regulatory protections of:**
  - (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 the 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 forgoing these regulatory protections.".**

**(e) This section expires July 1, 2009.**

(Indiana Utility Regulatory Commission; [170 IAC 7-1.4-3](#); filed May 30, 2007, 8:29 a.m.:  
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