

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TEL-SAVE, INC.)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 98-371
)	
BELLSOUTH TELECOMMUNICATIONS, INC.)	
)	
DEFENDANT)	

O R D E R

Tel-Save, Inc. ("TSI") filed a complaint with the Commission asking that BellSouth Telecommunications, Inc. ("BellSouth") accept electronic mail, also known as e-mail, as an acceptable medium for the lifting of Primary Interexchange Carrier ("PIC") freezes. TSI alleges that BellSouth's refusal to accept e-mail requests from the end-user customers or those forwarded by the interexchange carrier ("IXC") from the customer to change interexchange carriers results in the limiting of competition, and ultimately the denial of affordable rates to customers.

BellSouth responded to TSI's complaint by stating that it does not accept e-mail requests to lift PIC freezes, but it requires oral verification in order to lift PIC freezes, and that this may be accomplished through a variety of convenient methods. Further, BellSouth asserts that the use of e-mail would facilitate slamming.

TSI has moved to withdraw its Complaint. However, the Commission, on its own motion, clarifies herein the acceptable use of e-mail for removal of a "PIC freeze" order.

Pursuant to 807 KAR 5:062, Section 2, the Commission does not allow the IXC to submit PIC change orders on behalf of the customer via e-mail. The regulation allows the IXC to submit a PIC change order if the customer's authorization is obtained in one of three ways. The first acceptable method of authorization is a letter of agency from the customer that (a) authorizes the change; (b) demonstrates that the customer understands what occurs when a PIC is changed; (c) states the customer's billing name and address and each telephone number to be covered by the PIC change order; (d) demonstrates that the customer understands the PIC change fee; and (e) if the PIC change order applies to a number in an area with a two-PIC system, clearly states whether the customer has authorized the change of his intraLATA PIC, interLATA PIC or both.

The IXC may also obtain the customer's electronic authorization, placed from a telephone number on which the customer's PIC is to be changed, to submit a PIC change order. The electronic authorization must include the information required for a letter of agency from the customer.

Thirdly, an appropriately qualified and independent third party operating in a location physically separate from the IXC's telemarketing representative must have obtained the customer's electronic authorization to submit the PIC change order. This method of submitting the PIC change order must also contain the required information for a letter of agency from the customer. In addition, appropriate verification of data, such as the customer's date of birth and social security number, must also be included.

The submittal of an e-mail message by an IXC to effect a PIC change order does not fall within the boundary set by 807 KAR 5:062. Therefore, e-mail requests may not

be submitted by the IXC to lift the "PIC freeze." However, e-mail requests submitted directly by the customer to BellSouth are an acceptable method of requesting the removal of a "PIC freeze." BellSouth will not, however, be required to undergo an advertising campaign to inform its customers of this method of submitting PIC change orders.

IT IS THEREFORE ORDERED that:

1. E-mail requests to change PICs submitted by IXCs shall not be accepted as an appropriate means of authorizing the lifting of a PIC freeze.
2. E-mail requests when submitted directly from end-user customers are an acceptable means of lifting PIC freezes.
3. A copy of this Order shall be served on all incumbent local exchange carriers.

Done at Frankfort, Kentucky, this 7th day of July, 1999.

By the Commission

ATTEST:

Executive Director