

April 27, 2009

Via Hand Delivery and Electronic Mail

Ms. Luly Massaro
Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, Rhode Island 02888

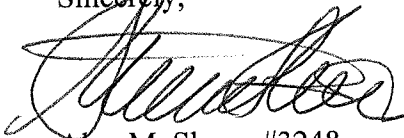
Re: Rules Regarding Residential Collections Procedures by
Local Exchange Carriers in Rhode Island

Dear Luly:

Enclosed please find for filing an original and nine copies of Cox Rhode Island Telcom, L.L.C.'s initial comments regarding this review of the 1992 Rules regarding Residential Collections Procedures.

Please let me know if you have any questions concerning this filing.

Sincerely,



Alan M. Shoer, #3248

Enclosures

cc: Service List

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PUBLIC UTILITIES COMMISSION

**Re: Rules Regarding Residential Collections Procedures by
Local Exchange Carriers in Rhode Island**

**INITIAL COMMENTS OF COX RHODE ISLAND TELCOM, L.L.C.
REGARDING RESIDENTIAL COLLECTIONS RULES**

Cox Rhode Island Telcom, LLC (“Cox”) submits the following initial comments with regard to the Commission’s review and reconsideration of the Rules Regarding Residential Collection Procedures by Local Exchange Carriers in Rhode Island. Cox submits these comments in response to the Procedural Schedule issued on March 30, 2009.

I. Introduction

In the notice requesting an initial conference, the Commission pointed out that the current version of the Rules Regarding Residential Collections Procedures by Local Exchange Carriers (“Rules”) first were enacted on November 2, 1992. These rules were enacted when there was only one monopoly provider of local exchange services in Rhode Island, New England Telephone Company (now Verizon-RI). Customers had almost no choice regarding service providers.

In 1992 there were virtually no cell phones, satellite phones, broadband VoIP providers, such as “Skype” or “Vonage.” Furthermore, there were substantial restrictions placed on companies in regards to service offerings. For example, long distance providers, such as AT&T and MCI, were not allowed to offer local exchange services, and New England Telephone was not authorized to provide long distance interstate service. Indeed, Cox was not providing any voice services over its cable facilities to customers in Rhode Island in 1992. Local services were provided by one monopoly, and consequently substantial regulatory oversight over collections practices were required.

Since 1992 there have been dramatic changes in the industry, inspired by changes to national and local policy as initiated by 1996 Telecommunications Act. The Commission’s notice of February 25, 2009 pointed out that “[s]ince the passage of the Telecommunications Act of 1996, there have been many changes in both regulation and technology that may necessitate

changes to the current rules to determine how unregulated activities of local exchange carriers may impact the regulated activities under the Commission's rules." Cox agrees in general with this statement and agrees that the Commission should take a fresh look at the residential collections rules given the developments in the market for telecommunications services in Rhode Island.

Cox has worked with several state commissions that have undertaken similar efforts to up-date collections rules. Most recently, Cox participated in a similar rule-making process in Virginia, which resulted in a streamlined set of rules governing collection and, where necessary, disconnection of local exchange services. The Commission should adopt a similar set of streamlined rules to replace the out-dated 1992 rules (a copy of the Virginia Rules is attached to these comments). In short, instead of drastically over-hauling the out-of-date 1992 Rules, the Commission should start fresh and adopt a shortened and easy to apply set of rules for use by local exchange carriers providing residential services in Rhode Island where collections and disconnection of service is required.

In 1992, the Rules were made applicable to only one regulated company, the New England Telephone Company (NET).¹ There were no other companies providing basic local telephone service to customers at that time. There was also no dispute that the intra-state portion of telephone services provided by NET were subject to the jurisdiction of the Commission, pursuant to R.I. Gen. Laws 39-1-2(20)(defining common carrier telephone services as public utilities subject to the Commission's jurisdiction). However, given the development of competition and customer choice available today, the regulations and detailed procedures set forth in the 1992 Rules are no longer required for the vast majority of residential customers.

¹ Rule 1.1 of the 1992 Rules provides: "These procedures apply only to residential services provided by the New England Telephone Company and are subject to the jurisdiction of the Rhode Island Public Utilities Commission and the Division of Public Utilities and Carriers." Further, the definitions section, 1.2(a) defined "company" to mean "The New England Telephone Company."

II. The Commission Should Adopt A New Set of Rules In Place of Re-Adopting the 1992 Rules With Minor Changes.

A. The Commission Should Consider Adopting a Streamlined Set of Rules Similar to the Virginia Rules Governing Disconnection of Local Exchange Telephone Service

Cox has recent experience with efforts to update residential collection and disconnection rules in light of the current industry. For example, in 2006 the Virginia State Corporation Commission authorized a new rule to govern disconnection of local exchange telephone service. Cox recommends that the Commission adopt a similar package of new rules to govern residential billing and collection matters in Rhode Island.

The Virginia Rules were enacted after an application was presented by the Virginia Telecommunications Industry Association to update rules that were also first adopted in the 1990s. Cox supported adopting a new set of rules to reflect the realities of the changing marketplace, the change in types of services provided, and the changes to regulation since the 1990s in telecommunications. In a final Order issued on February 21, 2006 the Virginia Commission agreed, and authorized the issuance of new rules, and in particular authorized the disconnection of bundled services for failure to pay certain charges associated with these bundled services.² Cox urges the Commission to replace its out-of-date 1992 Rules and replace them with a simplified set of rules similar to the Virginia Rules. These simplified rules are all that is needed for the vast majority of residential customers in Rhode Island.

For example, the Virginia rules clearly limit its rules to “local exchange carriers,” and provide updated definitions that are reflective of current technologies. The Virginia rules also set forth clear and easy to apply circumstances for when service may be disconnected for failure to pay for services. In addition, the Virginia rules provide for disconnection when, as is often the case, the customer takes phone service as part of a bundle. The Virginia rules also allow for information to be placed on customer bills and how customers should be notified in the case of disconnections and billing dispute procedures that are simple and easy to apply. Finally, the Virginia rules provide for disconnection, at the request of an inter-exchange carrier, to use

² See *Application of Virginia Telecommunications Industry Association For Modification of Rules Governing Disconnection of Local Exchange Service*, 20 VAC 5-413-10 et seq., Case No. PUC 2004-00162 (February 21, 2006).

selective toll blocking to restrict a customer's access to the long distance company's service when the long distance charges remain unpaid. The Commission should consider adopting similar provisions for use in Rhode Island.

III. The Residential Collection Rules Must Allow Companies To Discontinue Bundled Services Pricing When the Customer Is Not Paying for The Services

One important item recognized in the Virginia rules that is applicable to Rhode Island is the importance of allowing companies to discontinue services in a bundled offering situation where the customer stops paying for the complete bundle ordered. Bundled packages of services offer significant pricing innovation and value to consumers. These optional offerings ensure that customers can limit the monthly amount they pay for domestic local and long distance service and often include value-added features such as Voice Mail, Caller-ID, and other optional services.

Cox strongly supports a similar rule in Rhode Island that that allows a carrier to disconnect a customer's regulated local telephone service if the customer has subscribed to a bundle of local exchange and other services (such as internet and television) and the customer has failed to pay for any of the services that are priced as part of the bundle. Having to unbundle these services solely for disconnection purposes is inconsistent with how these products are marketed and purchased, and this inconsistency leads to much confusion and added work. Customers are not required to purchase bundled service; it is an option for them to receive the benefit of bundling discounts. If consumers do not want to have their local telephone service bundled with other services and treated as a single unit for disconnection purposes, they have the option to purchase the same services individually and enjoy the same protections against disconnection of local telephone service as they do today. Customers should not be allowed to keep their telephone services priced under the bundled discounts while not paying for other services provided as part of the bundle (such as internet or television).

The collection and disconnect process become considerably more complicated when distinctions must be made between regulated and non-regulated charges on bundles of telephone products. Similarly, such distinctions increase the confusion and the manual work required to "unbundle" a customer's telephone service when the customer does not make timely payments. Implementing a bundling waiver will result in a payment, collection and disconnection process

that is easier for Cox's customer service representatives to explain and understand and will thus reduce the confusion and frustration sometimes encountered by Cox's customers. A change to the rules to allow the company to disconnect telephone service as part of a bundled service pricing arrangement when the customer is not paying for all the services in the bundle should be adopted, similar to the rule in Virginia. Cox has attached the Virginia Rules with these comments as an example that the Commission should consider in the revisions to the 1992 Rules.

A. The Current Rules Unjustly Restrict Cox's Ability to Manage Its Bundled Service Offerings When a Customer Does Not Pay For the Full Bundle Ordered

For example, the current Rules, particularly Part V, Section 5.2(c)(7),³ could unjustly restrict a carrier's ability to effectively manage bundled service offerings and could serve to significantly delay the ability of a carrier to manage its accounts for nonpayment. This section ostensibly prevents Cox from discontinuing regulated voice services when a customer who takes several types of services through the bundle does not pay for other unregulated services (such as high speed internet service). At the very least it is unclear what rights the company has in such a circumstance.

While it is not clear what is meant by the phrase "different class of service" in today's context of bundled service offerings, it is quite evident that the phrase has a very different meaning today than it did when enacted in 1992 when there were very few other "services" that the customer could obtain. If the Division or the Commission believe that such a provision should be used to prevent Cox from disconnecting one regulated service (phone) for non-payment of another service (internet) this approach should be re-visited.

Under this interpretation there will be unnecessary customer confusion when bundled offerings must first be unbundled to permit disconnection of the local calling component(s) of the formerly bundled service. This confusion occurs because the unbundling results in the services defaulting to pay per-minute charges and higher "a la carte" rates for value added features. The process of having to un-bundle the formerly bundled services also results in delay

³ 5.2(c)(7) provides that service may not be discontinued or removed "if a customer fails to pay for concurrent service received at a separate residence, or the failure to pay for a different class of service at the same or different location."

in the treatment process. This delay also leads to increased balances that customers must pay for a full restoration of services and places a larger financial strain on the customer.

Therefore, when a customer has opted to purchase a bundled service package and uses the bundled services but fails to pay for them, the bundled services package should be disconnected as a bundle. The customer, of course, will be entitled to and will receive notice of the failure to pay and will be given ample opportunity to correct the situation, if there has been an oversight by the customer; to dispute the bill, if there is an error; or to revise the list of services purchased. If the customer does not respond to the notice and continues to use the bundled services without payment, then the bundled service should be disconnected. Legitimately disputed bills will, as always, be resolved before the disconnection process will proceed.

This simple process aligns the collection process with the market concept of discontinuance of services when payment is not forthcoming, helps to minimize the amounts that must be paid to restore service and eliminates the artificially lengthened process of unbundling services before the collection process can begin. An example of a rule change to implement this approach can be seen in the recently adopted Virginia Rules that are attached.⁴

B. The Current Rules Also Unfairly Restrict Cox's Ability to Collect for Non-Payment From Customers Who Have Service At Different Locations.

There is another situation in the current rules that should not be continued. Rule 5.2(c)(7) currently provides that service may not be discontinued or removed “**if a customer fails to pay for concurrent service received at a separate residence . . .**” This protection may have served a useful purpose in 1992 but is not consistent with current conditions and is not needed now that there are substantial customer billing protections that were put in place at the FCC. First, a customer who does not pay for services at one residence should not be allowed to continue to obtain services at another residence until all payments owed to Cox have been received. In other words, a customer should not be allowed to hop from residence to residence leaving unpaid bills in his or her wake.

⁴ For example, Virginia's Rules at 20VAC5-413-10(B) provide: “A LEC may disconnect a bundled service for a customer's failure to pay fully for the bundled service when the bundled service is considered a basic bundle and the description and full price of the basic bundle are found in the LEC's tariff on file with the commission, and there is no bona fide dispute concerning the basic bundle.”

It is not clear why this restriction was needed in the first place. Perhaps this restriction was initially enacted in 1992 to enhance a customer's ability to challenge unauthorized charges appearing on his or her bill at one location without fear of loss of vital local telephone service at a different residence. While these were legitimate concerns when the 1992 Rules were enacted these concerns have been alleviated in major part by new federal regulations such as the FCC's Truth-in-Billing regulations.⁵ These FCC protections were put in place not only "to reduce slamming and other telecommunications fraud" but "to aid customers in understanding their telecommunications bills, and to provide them with the tools they need to make informed choices in the market for telecommunications services."⁶ As a result, customer bills must contain full, plain language descriptions of the services provided and charged:

The description must be sufficiently clear in presentation and specific enough in content so that customers can accurately assess that the services for which they are billed correspond to those that they have requested and received, and that the costs assessed for those services conform to their understanding of the price charged.⁷

Moreover, bills must contain a clear and conspicuous disclosure of any information needed by the customer to inquire about or to contest charges on the bill, including a prominently displayed toll-free number.⁸

The FCC recognized the integral relationship between the clarity required by the Truth-In-Billing rules and its other customer protections:

Thus, our first principle, requiring telephone bills to indicate when a consumer's presubscribed interstate or intrastate carrier has been changed, is adopted as a verification requirement. Our second principle, requiring bills to provide full and non-misleading descriptions of services, will also serve a verification function, by helping consumers to detect slamming by ensuring that consumers do not confuse the name of any carrier with the service it provides. Finally, our third principle, requiring telephone bills to contain clear and conspicuous disclosure of consumer inquiry information, will enable consumers to report slamming and begin the process of

⁵ See *In the Matter of Truth-in-Billing and Billing Format*, CC Docket No. 98-170, FCC 99-72. While the rule was initially proposed in the *First Report and Order and Further Notice of Proposed Rulemaking*, released May 11, 1999, the rule was modified in the *Order On Reconsideration*, released March 29, 2000. In both cases, the FCC action was after the Commission's adoption of the 1992 Rules.

⁶ 47 C.F.R. §64.2400(a).

⁷ 47 C.F.R. §64.2401(b).

⁸ 47 C.F.R. §64.2401(d). "Clear and conspicuous disclosure" requires notice that would be apparent to the reasonable consumer. 47 C.F.R. §64.2401(e).

returning to their authorized carriers. Therefore, these truth-in-billing principles serve as the final step in verifying service provider changes, and such rules are authorized by section 258 of the Act.⁹

The FCC provided even more protection from slamming in a series of orders addressing unauthorized changes of a customer's preferred carrier.¹⁰ The *Slamming Docket* not only details verification and reporting requirements to ensure informed consumer consent, but also provides a specific procedure for resolution of unauthorized changes and a requirement that customers be advised of the right to file a slamming complaint. These rules include provisions for liability of the unauthorized provider to the authorized provider, for the elimination of unauthorized charges not paid by the customer, and for reimbursement where the customer has paid.¹¹ The goal of the strengthened rules -- "to take the profit out of slamming" -- has taken hold in market.¹²

In any event, the FCC has rules in place to protect customers from unauthorized charges as customers move from one residence to another. This is just one other example of how the existing 1992 Rules do not reflect current market conditions.

IV. Conclusion

The 1992 Rules were enacted to provide substantial oversight and regulation over the collections practices of one monopoly provider of local telephone services, The New England Telephone Company. Since that time, with the development of wireless, VoIP, cable and other providers of voice services, the time is ripe to revisit the efficacy of the 1992 Rules given current market conditions.

Cox suggests that the 1992 Rules should be replaced, in their entirety, by a simpler and more streamlined set of rules, similar to the rules that were recently adopted in Virginia. For example, the Rules should provide for circumstances to allow companies that offer bundled services to discontinue phone service, as part of the bundle, when a customer stops paying for

⁹ First Report and Order and Further Notice of Proposed Rulemaking, *In the Matter of Truth-in-Billing and Billing Format*, CC Docket No. 98-170, FCC 99-72 (rel. May 11, 1999) at ¶ 23.

¹⁰ See *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 and Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers*, CC Docket No. 94-129 ("Slamming Docket").

¹¹ 47 CFR §§ 64.1140, 64.1150, 64.1160 and 64.1170.

¹² See e.g. *Third Report and Order and Second Order on Reconsideration, Slamming Docket* (rel. August 15, 2000) at ¶ 2.

any of the services being offered in the bundle. The Virginia rules offer a model for consideration that will accomplish these goals.

Cox looks forward to working with Staff, the Division and other companies in this process to review the 1992 Rules and will offer other comments and suggestions in response to issues raised in other company filings and at the technical sessions that are expected in this proceeding.

Respectfully Submitted,

Cox Rhode Island Telcom, LLC

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Date: April 27, 2009

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Chapter 413 RULES GOVERNING DISCONNECTION OF LOCAL EXCHANGE TELEPHONE SERVICE (create **report**)

Section 5 Definitions

Section 10 Disconnection of local exchange service for failure to pay

Section 20 Customer bill and directory information

Section 25 Customer notice of disconnection

Section 30 Access to interexchange carriers

Section 35 Customer billing disputes

Section 40 Payment credits

Section 50 Waiver

CHAPTER 413

RULES GOVERNING DISCONNECTION OF LOCAL EXCHANGE TELEPHONE SERVICE

20VAC5-413-5. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Ancillary services" mean a service or services that are supplemental or incidental to the provision of basic telephone service including, but not limited to, directory assistance, directory listings, voice mail, vertical services, or detailed billing.

"Basic bundle" means a bundled service that includes basic telephone service and additional service components in the designated group of services. The additional service components of the basic bundle are limited to vertical and ancillary services, interstate and intrastate interexchange services provided by the LEC or an affiliated carrier of the LEC, or any combination of these additional components.

"Basic telephone service" means the customer's dial tone line and local usage. Local usage can be purchased on a flat rate, measured, or per message basis, or some combination thereof.

"Bona fide dispute" means (i) a dispute on an identified charge or charges between the LEC and its customer that is being investigated and is pending a determination by the LEC or (ii) a dispute on an identified charge or charges being investigated and pending disposition by the commission.

"Bundled service" means a designated group of services or products offered to customers at a package or set price. A bundled service may consist of regulated and nonregulated services or products.

"Commission" means the State Corporation Commission.

"Customer" means any person, firm, partnership, corporation, or lawful entity that purchases local exchange telecommunications services.

"Dial tone" means the audible sound that a customer hears when the telephone is taken off hook. The sound advises a customer that the telephone line is active and available for use.

"Disconnect" means the LEC's intentional cessation of service or services to a customer.

"Fee or surcharge" means an additional charge appearing on the customer's bill separate from the rates and charges for a service or product. These charges may be specifically authorized by a regulatory or legislative body, or in other instances, may be initiated by a LEC or other carrier.

"Interexchange carrier (IXC)" means a carrier that offers interexchange long-distance telecommunications services.

"Interexchange service" means interexchange telephone service as defined by § 56-1 of the Code of Virginia.

"Interstate" means service that originates in one state and terminates in another state.

"Intrastate" means service that originates and terminates within a state.

"Local exchange carrier (LEC)" means a certificated provider of local exchange services.

"Local exchange service" or "local exchange services" for purposes of this chapter means the offerings provided by a LEC certificated pursuant to Chapter 10.1 (§ 56-265.1 et seq.) of Title 56 of the Code of Virginia.

"Selective toll blocking" means the ability to block calls from a specific customer's telephone line or lines from being routed to, or carried by, a specific IXC.

"Subscriber line charge (SLC)" means a per line charge allowed by the Federal Communications Commission appearing on a customer's local telephone bill intended to recover a portion of a LEC's interstate costs. A SLC or comparable charge may be identified on the bill by other names, such as access line charge or end user common line charge.

"Telecommunications relay service (TRS)" means telecommunications relay service as defined by § 56-484.4 of the Code of Virginia or successor statute.

"Universal service fund (USF)" means a federal government program, the goal of which is to help make telephone service affordable and available to all households. The USF provides support for low income households, high cost (i.e. rural) LECs, schools and libraries, and rural healthcare. The USF is funded by assessments on telecommunications carriers, many of which charge their customers a fee to recover the assessments.

"Vertical services" means optional, advanced calling features associated with a customer's basic telephone service such as, but not limited to, the ability to identify callers and manage multiple calls.

20VAC5-413-10. Disconnection of local exchange service for failure to pay.

A. A LEC may disconnect local exchange services, including basic telephone service for a customer's failure to pay fully for such local exchange services or basic telephone service when those services are found in the LEC's tariff on file with the commission and there is no bona fide dispute concerning those services.

B. A LEC may disconnect a bundled service for a customer's failure to pay fully for the bundled service when the bundled service is considered a basic bundle and the description and full price of the basic bundle are found in the LEC's tariff on file with the commission, and there is no bona fide dispute concerning the basic bundle.

C. A LEC may disconnect local exchange services, including basic telephone service, or a basic bundle identified in subsections A and B of this section, for a customer's failure to pay the SLC, USF, or TRS fees or surcharges billed by the LEC. If billed on behalf of an affiliate, the SLC, USF, or TRS fees or surcharges or a portion thereof must be associated with a basic bundle.

1. The LEC must provide written notice to the commission's Division of Communications of the SLC, USF, or TRS fees or surcharges. This notice shall include the fee or surcharge name as it appears on the customer's bill, an explanation of the charge, and the billed amount. The LEC is responsible for the timely submission of information to the Division of Communications on any changes to the amount, name, explanation, or applicability of the fees or surcharges. A LEC shall not disconnect a customer's local exchange services, including basic telephone service, or a basic bundle, for failure to pay any of these fees or surcharges if this notice has not been submitted to the Division of Communications, or the information provided is not current.

2. The SLC, USF, and TRS fees and surcharges must be separately identified on the customer's bill for the LEC to have authority to disconnect local exchange services, including basic telephone service, or a basic bundle, for nonpayment of any of these fees or surcharges.

3. A LEC may petition the commission for similar treatment of additional fees or surcharges as is provided for the SLC, USF, and TRS in this subsection. Any such petition shall provide sufficient documentation and rationale for the request. The commission may grant such treatment for an additional fee or surcharge for an individual LEC or on behalf of all LECs.

D. A LEC may disconnect any local exchange service that the LEC is not required by the commission to include in tariffs on file with the commission for nonpayment of such service; however, the LEC may disconnect only those nontariffed local exchange services for a customer's failure to pay for those nontariffed local exchange services.

E. Nothing in this chapter is intended to alter the responsibility of a customer to pay for services or products used or subscribed to, or other charges that appear on the customer's bill from a LEC.

20VAC5-413-20. Customer bill and directory information.

A. A LEC shall indicate on a customer's bill either those items for which local exchange services, including basic telephone service, or a basic bundle, may be disconnected, or those items for which such services may not be disconnected for failure to pay, and shall include an explanation, by footnote or otherwise, that local exchange services, including basic telephone service, or a basic bundle, may not be disconnected for failure to pay for other services.

B. The form of this notification and any subsequent modifications must receive prior approval from the commission's Division of Communications.

C. LEC White Pages telephone directories shall include an explanation of the services for which local exchange services, including basic telephone service and basic bundles, may be disconnected for failure to pay, an explanation that billing disputes may be referred to the commission's Division of Communications, and a listing of the division's toll-free and local telephone numbers.

20VAC5-413-25. Customer notice of disconnection.

A. A LEC shall provide a customer written notice by mail, or may use e-mail notice if the customer elects to be billed electronically, of the potential disconnection of basic telephone service or a basic bundle. Notice shall be sent separate from the customer's bill, and must be mailed at least 10 days prior to the planned disconnection date stated on the notice.

B. A LEC may be permitted to provide the notice required in subsection A in a different format or vehicle if a request with supporting rationale is submitted to and approved by the Division of Communications.

C. The notice shall clearly identify the amount that must be paid to prevent disconnection of the customer's basic telephone service or a basic bundle. That amount may or may not be the total outstanding amount owed to the LEC. The notice shall also include the date by which the payment must be received by the LEC to avoid disconnection.

D. The notice shall include the toll-free number of the LEC for customer inquiries about the notice or to make payment arrangements.

20VAC5-413-30. Access to interexchange carriers.

A LEC, at the request of an IXC, may use selective toll blocking to restrict a customer's access to that IXC when the long-distance charges of that IXC have not been paid by that customer; but the LEC may not block that customer's access to other IXCs for such nonpayment.

20VAC5-413-35. Customer billing disputes.

A. Any billing dispute between the LEC and a customer that is being investigated by the LEC shall be considered a bona fide dispute until the LEC completes its investigation and advises the customer of its determination. The customer's service or services, which are subject to the dispute, shall not be disconnected pending resolution of a bona fide dispute.

B. Any billing dispute between a customer and a LEC that is being investigated by the Division of Communications shall be considered a bona fide dispute until such time as the Division of Communications completes its investigation and advises the customer and LEC of the disposition of the dispute. A customer's service or services, which are subject to the dispute, shall not be disconnected pending resolution by the Division of Communications of a bona fide dispute.

C. A customer with a bona fide dispute under investigation by either the LEC or commission is required to pay on time the undisputed portion of the bill. If requested, the LEC shall assist the customer with determining the undisputed portion of the bill, including any associated taxes, surcharges, and fees.

20VAC5-413-40. Payment credits.

Customer payments that are less than the total bill balance shall be credited first to tariffed local exchange services, including basic telephone service, basic bundles, and fees and surcharges, where nonpayment would result in a customer being disconnected from basic telephone service or a basic bundle. Any remainder shall be credited to any other charges on the bill.

20VAC5-413-50. Waiver.

The commission may, at its discretion, waive or grant exceptions to any provision of this chapter.

Statutory Authority

§ 12.1-13. Commission to have powers of court of record; rules and regulations; fines.

In all matters within the jurisdiction of the Commission, it shall have the powers of a court of record to administer oaths, to compel the attendance of witnesses and the production of documents, to punish for contempt, and to enforce compliance with its lawful orders or requirements by adjudging and enforcing by its own appropriate process such fines or other penalties as may be prescribed or authorized by law.

In the administration and enforcement of all laws within its jurisdiction, the Commission shall have the power to promulgate rules and regulations, to impose and collect such fines or other penalties as are provided by law, to enter appropriate orders, and to issue temporary and permanent injunctions. The Commission is empowered to suspend or revoke any Commission-issued license, certificate, registration, permit, or any other Commission-issued authority of any person who fails to satisfy any fine or penalty imposed by an order of the Commission.

Whenever no fine or other penalty is specifically imposed by statute for the failure of any such individual or business conducted by any entity other than an individual to comply with any provision of law or with any valid rule, regulation, or order of the Commission, the Commission may impose and collect from such individual or business conducted by any entity other than an individual a fine in an amount not to exceed \$5,000 in the case of an individual, and in the case of a business conducted by any entity other than an individual not to exceed \$10,000.

(Code 1950, § 12-14; 1971, Ex. Sess., c. 157; 1992, c. 11; 2000, c. 986.)