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| Authority | 3 AAC 53.190 and 3 AAC 53.290, effective November 11, 2001 |
| Verification Requirements | Rules adopt the FCC verification requirements as of April 2, 2001 by reference. [3 AAC 53.190(a)] |
| LOA | |
| <i>Written</i> | <p>Under FCC rules, LOAs must be signed and dated by the subscriber to the telephone line(s) requesting the PC change and include the following:</p> <ol style="list-style-type: none">1. Subscriber's billing name and address, and each telephone number to be covered by the change order;2. The decision to change the PC to the telecommunications carrier (TC) shown on the LOA;3. That the subscriber is authorizing the TC to act as his or her agent for the PC change;4. The subscriber understands that only one carrier may be designated as the subscriber's interstate or interLATA preferred interexchange carrier for any one telephone number. To the extent that the selection of additional preferred carriers (e.g., local exchange, intraLATA/intrastate toll, or international interexchange) is allowed, the LOA must contain separate statements regarding those choices, although a separate letter of agency for each choice is not necessary; and5. That the subscriber may consult with the carrier as to whether a fee will apply for the PC change. <p>The LOA must also be printed with a type of sufficient size and readable type to be clearly legible. [47 CFR §64.1130(b) and (e)]</p> <p>Under FCC rules, PC change orders must be submitted within not more than 60 days of obtaining a written LOA. [47 CFR §64.1130(j)]</p> |
| <i>Check</i> | FCC rules require that checks contain in easily readable, bold face type on the front of the check, a notice that the subscriber is authorizing a PC change by signing the check. The LOA language must be placed near the signature line on the back of the check. [47 CFR §64.1130(d)] |
| <i>Internet</i> | <p>Allowed. FCC rules require that Internet LOAs be located on a separate screen or web page containing only the authorizing language described in 47 CFR §1130(e). They may not be combined on the same screen or web page with inducements of any kind. [47 CFR §64.1130(b)(c)]</p> <p>Internet LOAs must meet all the requirements for written LOAs and include the consumer disclosures required by §101(c) of the "Electronic Signatures in Global and National Commerce Act." Carriers using</p> |

Internet LOAs are also required to give subscribers the option of using another authorization and verification method in addition to the use of Internet LOAs. [47 CFR §64.1130(i) and § 64.1120(d)]

PC change orders must be submitted within not more than 60 days of obtaining an electronically signed LOA. [47 CFR §64.1130(j)]

Electronic

Under FCC rules, the authorization must be placed from the telephone number(s) to be changed and confirm the information required for a written LOA. [47 CFR §64.1120(c)(2)]

Third Party

Allowed. Under FCC rules, the verifier must obtain the subscriber's oral authorization to submit the change order that confirms and includes appropriate verification data (e.g., date of birth or social security number). [47 CFR §64.1120(c)(3)]

A carrier or carrier sales representative initiating a three-way conference call or call through an automated verification system must drop off the call once the connection is established.

All third party verifications must elicit, at a minimum:

1. The identity of the subscriber;
2. Confirmation that the person on the call is authorized to make the carrier change;
3. Confirmation that the person on the call wants to make the carrier change;
4. The names of the carriers affected by the change;
5. The telephone numbers to be switched; and
6. The types of service involved.

Third party verifications must be conducted in the same language as was used in the underlying sales transaction and must be recorded in their entirety. Automated systems must provide consumers with an option to speak with a live person at any time during the call. The verifier also may not provide any information about the carrier or its services, including information about PC freezes or non-telecom services offered by the carrier. [47 CFR 64.1120 (c)(3)(i)-(iv)]

Written Confirmation

Not addressed.

PC Freeze

Rules adopt the FCC requirements as of April 2, 2001 by reference. [3 AAC 53.190(a)]

Addressed in FCC rules but not required. PC freeze solicitation materials

must meet specific content requirements. [47 CFR §64.1190(d)]

Verification

Under FCC rules, PC freezes must be confirmed through one of the following procedures:

1. A written and signed LOA that meets specific content requirements [47 CFR §64.1190(d)(3)];
2. Electronic authorization which confirms the appropriate authorization data (e.g., the subscriber's date of birth or social security number) and the specific information required for a written PC freeze request; or
3. Independent third party verification which confirms the appropriate authorization data (e.g., the subscriber's date of birth or social security number) and the specific information required for a written authorization. [47 CFR 64.1190(d)(2)]

Lifting

Under FCC rules, PC freezes may be lifted through, at a minimum, one of the following procedures:

1. A written or electronically signed LOA stating the intent to lift the freeze; and
2. Oral authorization stating the intent to lift the freeze. LECs must allow three-way conference calls and must confirm appropriate verification data (e.g., the subscriber's date of birth or social security number) and the intent to lift the freeze. [47 CFR §64.1190(e)]

Record Retention

Rules adopt the FCC requirements as of April 2, 2001 by reference. [3 AAC 53.190(a)]

Under FCC rules, LOAs and all other verifications, including audio records of third party verifications, must be maintained by the company for a period of 2 years. [§64.1120(a)(1)(ii) and §64.1120(c)(3)(iv)]

Other Distinctions

An intrastate interexchange or local carrier that has not received a certificate of public convenience and necessity from the RCA may not solicit, collect or submit carrier change authorizations. [3 AAC 53.190(b)]

The RCA will waive the assessment of penalties or other punitive action against a carrier for complying with FCC rules which are more recent than those adopted by reference. [3 AAC 53.190(d)]

Slamming Complaints Administration

State.

Slamming Complaints Reporting To State

Carriers who file a slamming complaint report with the FCC must file a copy of that report with the RCA. [3 AAC 53.190(e)]

**End-User
Remedies**

Rules adopt the FCC requirements as of April 2, 2001 by reference. [3 AAC 53.190(a)]

Under FCC rules, the end user remedies vary depending upon whether the subscriber has or has not paid the unauthorized carrier. Upon learning of the alleged slam, the unauthorized carrier must remove all charges incurred during the first 30 days from the subscriber's bill and cease collection efforts pending a determination (by a state or federal regulatory agency) of whether an unauthorized change occurred.

If the subscriber **has not paid** the unauthorized carrier and the change is determined to be unauthorized:

1. The subscriber is entitled to absolution from chargers incurred during the first 30 days (no further collection may occur); and
2. The subscriber must be reimbursed for any charges incurred in being returned to the authorized carrier.

For charges incurred beyond the first 30 days:

1. The unauthorized carrier must forward the subscriber's billing information to the authorized carrier; and
2. The authorized carrier may, but is not required to, bill the subscriber by either re-rating the calls at its rates, or billing the subscriber 50% of the unauthorized carrier's rate. (The subscriber may reject this proxy method and require that the calls be re-rated).

If the subscriber **has paid** the unauthorized carrier and the change is determined to be unauthorized, the authorized carrier must:

1. Forward to the subscriber within 10 days of the receipt of payment from the unauthorized carrier, a refund or credit equal to 50% of all charges paid by the subscriber to the unauthorized carrier. (The subscriber may reject this proxy method and require that the calls be re-rated at the authorized carrier's rates. The subscriber may also ask the authorized carrier, on its behalf, to seek an additional refund from the unauthorized carrier to the extent that the re-rated amount exceeds 50% of all charges paid by the subscriber to the unauthorized carrier.);
2. Notify the appropriate agency (state or federal) that it has given a credit or refund to the subscriber;
3. Where possible, reinstate the subscriber in any premium programs; and
4. Provide or restore any lost premiums.

If the authorized carrier does not receive payment from the unauthorized carrier, it does not need to refund or credit any monies to the subscriber.

In addition, the unauthorized carrier is liable to the subscriber for any charges required to return the subscriber to the authorized carrier.

**Carrier-to-Carrier
Reimbursements**

Rules adopt the FCC requirements as of April 2, 2001 by reference. [3 AAC 53.190(a)]

The unauthorized carrier must forward to the authorized carrier:

1. An amount equal to 150% of all charges paid by the subscriber;
2. Any telephone bills issued to the subscriber; and
3. Reimbursement for any reasonable billing and collection expenses incurred by the authorized carrier in collecting monies from the unauthorized carrier.

If the authorized carrier does not receive payment from the unauthorized carrier within 45 days after receiving the agency order, the authorized carrier must:

1. Notify the appropriate agency (state or federal) that it has not received the required payment from the unauthorized carrier; and
2. Notify the subscriber that is has not received the required payment from the unauthorized carrier and that the subscriber has a right to pursue a claim against the unauthorized carrier for a refund of all charges paid to the unauthorized carrier.

Carrier Penalties

Under Alaska law, a maximum penalty of \$100 may be assessed for each violation. Penalties cannot be assessed unless the commission first issues an order to show cause. [AS 42.05.571]

The RCA will waive the assessment of penalties or other punitive action against a carrier for complying with FCC rules which are more recent than those adopted by reference. [3 AAC 53.190(d)]

Pending

None.

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| Administrator | Regulatory Commission of Alaska (RCA) |
| Consumer Information | |
| Filing Information | Consumers may contact the RCA by letter, online electronic complaint form, or telephone. Regulatory Commission of Alaska Consumer Protection Section 1016 West Sixth Avenue, Suite 400 Anchorage, AK 99501 toll free - 800-390-2782 (Within Alaska) voice - 907-276-6222 (In Anchorage) fax - 907-276-0160 Internet - www.cp_mail@rca.state.ak.us e-mail - None specified |
| Content of Complaint | None specified. |
| Filing Fees | None. |
| Documentation | Staff will request a copy of the page of the consumer's telephone bill that contains the alleged unauthorized carrier's charges. |
| State Commission Procedures | |
| Informal complaints | An investigator will contact the alleged unauthorized carrier and request proof that, prior to switching the consumer, the carrier obtained authorization from the consumer or other applicable statement. If the investigator determines that the verification provided by the carrier complies with state law, the consumer is notified that no slam occurred. If the investigator determines that the verification was inadequate, then the carrier and consumer are informed that a slam did occur and both federal and state remedies apply. If the carrier fails to provide proof of authorization or does not respond to the complaint at all, the investigator will determine that a slam did occur and will notify both parties. |
| Deadlines | Carrier will be required to respond to the complaint within 30 days after notification. |
| Right to Appeal | None specified. |



✚ Article 2 Procedures for Changing an Authorized Telecommunications Carrier

Section

190. Procedures for changing an authorized telecommunications carrier.

199. Definitions.

✚ 3 AAC 53.190. PROCEDURES FOR CHANGING AN AUTHORIZED TELECOMMUNICATIONS CARRIER

✚ Statute text

(a) The provisions of 47 C.F.R. 64.1100 - 64.1195, revised as of April 2, 2001, are adopted by reference and set out the procedures for changing a subscriber's authorized intrastate, local exchange, or interstate telecommunications carrier in this state. The procedures adopted by this section also apply to an interstate telecommunications carrier providing international telecommunications service in this state.

(b) Notwithstanding (a) of this section, an intrastate interexchange or local exchange carrier that has not received a certificate of public convenience and necessity from the commission may not solicit, collect, or submit authorization to reassign a subscriber's access line.

(c) The requirements of (a) and (b) of this section do not apply if a local exchange carrier requests another local exchange carrier to modify the underlying arrangement by which the requesting local exchange carrier provides services to its own existing customers, such as changing service from resale to unbundled loop.

(d) The commission will waive the assessment of penalties or other enforcement action against a telecommunications carrier that complies with carrier-change rules of the Federal Communications Commission that are more recent than those adopted under (a) of this section.

(e) A local exchange, intrastate interexchange, or interstate telecommunications carrier that provides service in this state and files a report with the Federal Communications Commission under 47 C.F.R. 64.1180 shall file a copy of that report with the commission.

✚ History

History: Eff. 11/11/2001, Register 160

✚ Annotations

Authority: AS 42.05.141

AS 42.05.151

AS 42.05.221

AS 42.05.241

AS 42.05.711

AS 42.05.800

AS 42.05.810

AS 42.05.990

Editor's note: A copy of 47 C.F.R. 64.1100 - 1195 referred to in 3 AAC 53.190(a) is available for inspection at the Regulatory Commission of Alaska, 701 W. Eighth Avenue, Suite 300, Anchorage, Alaska. A copy of 47 C.F.R. 64.1190 - 1195 may also be obtained from the Federal Communications Commission, 445 12th Street S.W., Washington, D.C. 20554.

☒ 3 AAC 53.199. DEFINITIONS

☒ Statute text

Unless defined otherwise in 47 C.F.R. 64.1100 - 64.1195, as adopted by reference in 3 AAC 53.190(a), terms used in 3 AAC 53.190 have the meanings given in 3 AAC 48.820, 3 AAC 52.340, 3 AAC 52.399, and 3 AAC 53.299.

☒ History

History: Eff. 11/11/2001, Register 160

☒ Annotations

Authority: AS 42.05.141

AS 42.05.151

AS 42.05.311

AS 42.05.321

AS 42.05.800

AS 42.05.810



✚ 3 AAC 53.290. MISCELLANEOUS PROVISIONS

✚ Statute text

- (a) The provisions of 3 AAC [48.230](#), 3 AAC [48.275](#), 3 AAC [48.277](#), and 3 AAC [48.430](#) do not apply to a nondominant carrier.
- (b) The provisions of 3 AAC [48.275\(a\)](#) do not apply to the dominant carrier for rate decreases, new services, and repackaging of existing services.
- (c) A dominant carrier is responsible for providing local exchange telephone service in its service area as the carrier of last resort.
- (d) The provisions of 3 AAC [53.190](#) govern the reassignment of a subscriber's access line or lines to a different local exchange carrier.
- (e) No implicit modification or waiver of any statutory or regulatory requirements is intended by 3 AAC [53.200](#) - 3 AAC [53.299](#) for either dominant or nondominant carriers. Absent specific modification or waiver, all statutory and regulatory requirements remain in effect for both dominant and nondominant carriers.
- (f) A local exchange carrier shall publish a public notice of all proposed tariff revisions in a local, general circulation newspaper no later than three days after filing it with the commission. The public notice must contain a general description of the filing that is accurate, written in plain English, and sufficient to alert consumers of tariff revisions that may affect either the rules or rates applicable to them. The notice must contain sentences containing the following information: the date the utility made (or will make) its filing with the commission; the date the revisions are expected to become effective; and a statement that both the proposed revisions and the utility's current tariff are available for review at the utility's office or which an address and office hours are given. The notice must contain sentences similar to the following: "Any person may file comments on this tariff revision with the Alaska Public Utilities Commission (address). To assure that the commission has sufficient time to consider the comments prior to the revisions taking effect, (utility name) suggests that your comments be filed no later than (a specific date, not a weekend or holiday, approximately 7-10 days prior to the filing's taking effect)."
- (g) Where all necessary facilities and equipment are in place, a local exchange carrier shall complete the transfer of a customer to another local exchange carrier within seven working days of receiving a valid order for transfer of service.

✚ History

History: Eff. 6/21/98, Register 146; am 11/11/2001, Register 160

✚ Annotations

Authority: [AS 42.05.141](#)

TITLE 42. PUBLIC UTILITIES AND CARRIERS
Chapter 42.05. ALASKA PUBLIC UTILITIES COMMISSION ACT

Sec. 42.05.571. Civil penalties.

(a) In addition to all other penalties and remedies provided by law, a public utility and every person, and their lessees or receivers appointed by a court in any way subject to the provisions of this chapter, together with their officers, managers, agents or employees that either violate or procure, aid or abet the violation of any provision of this chapter, or of any order, regulation or written requirement of the commission are subject to a maximum penalty of \$100 for each violation. Each act of omission as well as each act of commission shall be considered a violation subject to the penalty.

(b) A penalty may not be assessed unless the commission first issues an order to show cause why the penalty should not be levied. The order shall describe each violation with reasonable particularity and designate the maximum penalty which may be assessed for each violation. The order shall be served on the alleged violator named in the order. The order shall state a time and place for the hearing.

(c) After a hearing the commission shall enter its findings of fact and final order which shall state when the penalties, if any, are payable.

Sec. 42.05.580. [Repealed, sec. 5 ch 113 SLA 1970].

Repealed or Renumbered

Sec. 42.05.581. Each violation a separate offense.

Each violation of a provision of this chapter or of an order, decision, regulation or written requirement of the commission is a separate and distinct offense, and in case of a continuing violation each day's continuance is a separate and distinct offense.

Sec. 42.05.590. - 42.05.600 [Repealed, sec. 5 ch 113 SLA 1970].

Repealed or Renumbered

Sec. 42.05.601. Actions to recover penalties; disposition.

(a) Actions to recover penalties under this chapter shall be brought by the attorney general in a court of competent jurisdiction.

(b) All penalties recovered under the provisions of this chapter shall be paid to the commission and deposited by it in the general fund of the state.

Sec. 42.05.610. [Repealed, sec. 5 ch 113 SLA 1970].