

CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS.

Subchapter B. CUSTOMER SERVICE AND PROTECTION.

§26.28. Suspension or Disconnection of Service.

(a) **Dominant certificated telecommunications utility (DCTU).**

- (1) **Suspension or disconnection policy.** If a DCTU chooses to suspend or disconnect a customer's basic local telecommunications service, it must follow the procedures in this subsection or modify them in ways that are more generous to the customer in terms of the cause for suspension or disconnection, the timing of the suspension or disconnection notice, and the period between notice and suspension or disconnection. Each DCTU is encouraged to develop specific policies for suspension and disconnection that treat its customers with dignity and respect for customers' or members' circumstances and payment history, and to implement those policies in ways that are consistent and non-discriminatory. Suspension or disconnection are options allowed by the commission, not requirements placed upon the DCTU by the commission.
- (2) **Suspension or disconnection with notice.** After proper notice pursuant to paragraph (7) of this subsection, a DCTU may suspend or disconnect basic local telecommunications service for any of the following reasons:
 - (A) failure to pay tariffed charges for local telecommunications services or make deferred payment arrangements by the date of suspension or disconnection;
 - (B) failure of a residential customer to pay long distance charges incurred after toll blocking was imposed;
 - (C) failure of a non-residential customer to pay long distance charges only where the DCTU bills those charges to the customer pursuant to its tariffs or billing and collection contracts, or make deferred payment arrangements by the date of suspension or disconnection;
 - (D) failure to comply with the terms of a deferred payment agreement except as provided in §26.29 of this title (relating to Prepaid Local Telephone Service (PLTS));
 - (E) violation of the DCTU's rules on the use of service in a manner which interferes with the service of others or the operation of nonstandard equipment, if a reasonable attempt has been made to notify the customer and the customer has a reasonable opportunity to remedy the situation;
 - (F) failure to pay a deposit pursuant to §26.24 of this title (relating to Credit Requirements and Deposits); or
 - (G) failure of the guarantor to pay the amount guaranteed, when the DCTU has a written agreement, signed by the guarantor, that allows for disconnection of the guarantor's service for nonpayment.
- (3) **Suspension or disconnection without notice.** Basic local telecommunications service may be suspended or disconnected without notice, except as provided in §26.29 of this title, for any of the following reasons:
 - (A) where service is connected without authority;
 - (B) where service was reconnected without authority; or
 - (C) where there are instances of tampering with the DCTU's equipment, evidence of theft of service, or other acts to defraud the DCTU.
- (4) **Suspension or disconnection prohibited.** Basic local telecommunications service may not be suspended or disconnected for any of these reasons:
 - (A) failure to pay for any charges that are not provided for in a DCTU's tariffs;
 - (B) failure to pay for a different type or class of utility service unless charges were included on the bill at the time service was initiated;
 - (C) failure to pay charges resulting from underbilling that is more than six months before the current billing, except for theft of service;

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- (D) failure to pay disputed charges until a determination is made on the accuracy of the charges; or
 - (E) failure of a residential customer to pay for any charges other than for tariffed residential local telecommunications services, except for the nonpayment of long distance charges incurred after toll blocking was imposed.
- (5) **Suspension or disconnection on holidays or weekends.** A DCTU shall not suspend or disconnect service on holidays or weekends, or the day before a holiday or weekend, unless DCTU personnel are available on those days to take payments and reconnect service. A DCTU may suspend or disconnect service on holidays or weekends, or the day before a holiday or weekend, when:
- (A) a dangerous condition exists;
 - (B) notice is not required pursuant to paragraph (3) of this subsection; or
 - (C) the customer requests disconnection.
- (6) **Suspension or disconnection for ill and disabled.** No DCTU may suspend or disconnect service at the permanent residence of a delinquent customer if that customer establishes that such action will prevent the customer from summoning emergency medical help for someone who is seriously ill residing at that residence.
- (A) Each time a customer seeks to avoid suspension or disconnection of service under this subsection, the customer before the date of suspension or disconnection shall:
 - (i) have the person's attending physician (for purposes of this subsection, the term "physician" shall mean any public health official, including, but not limited to, medical doctors, doctors of osteopathy, nurse practitioners, registered nurses, and any other similar public health official) contact the DCTU by the stated date of disconnection;
 - (ii) have the person's attending physician submit a written statement to the DCTU; and
 - (iii) enter into a deferred payment plan.
 - (B) The prohibition against suspension or disconnection provided by this subsection shall last 63 days from the issuance of the DCTU bill or a shorter period agreed upon by the DCTU and the customer or physician.
- (7) **Suspension and disconnection notices.** Any suspension or disconnection notice issued by a DCTU to a customer shall:
- (A) not be issued to the customer before the first day after the bill is due. Payment of the delinquent bill at a DCTU's authorized payment agency is considered payment to the DCTU;
 - (B) be a separate mailing or hand delivery or sent electronically if requested by the customer, with a stated date of suspension or disconnection and with the words "suspension notice," or "disconnection notice," or similar language prominently displayed on the notice;
 - (C) have a suspension or disconnection date that is not less than ten days after the notice is issued;
 - (D) be in English and Spanish;
 - (E) for residential customers, indicate the specific amount owed for tariffed local telecommunications services required to maintain basic local telecommunications service; and
 - (F) include a statement notifying customers that if they need assistance paying their bill, or are ill and unable to pay their bill, they may be able to make some alternative payment arrangement or establish a deferred payment plan. The notice shall advise customers to contact the DCTU for more information.

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- (8) **Residential customer payment allocations.** Payment allocations related to basic local telecommunications service suspension or disconnection are as follows:
 - (A) Payments shall first be allocated to basic local telecommunications service.
 - (B) If services are bundled, the rate of basic local telecommunications service shall be the DCTU's charge for stand-alone basic local telecommunications service.
 - (9) **Toll blocking.**
 - (A) The DCTU may toll block a residential customer for the nonpayment of long distance charges.
 - (B) Access to toll-free numbers. Where technically capable, toll blocking shall allow access to toll-free numbers.
 - (C) Nondiscriminatory application. The DCTU shall not apply toll blocking in an unreasonably preferential, prejudicial, or discriminatory manner.
 - (D) Notice requirement. The DCTU shall notify the customer within 24 hours of initiating toll blocking.
 - (10) **Release of telephone line.**
 - (A) Upon a request to switch a current customer to another local service provider, the DCTU shall release the customer's telephone line and number to the preferred provider in a manner to expedite the switch without disruption in service.
 - (B) Upon a request to switch a suspended customer to another local service provider, the DCTU shall release the customer's telephone line and number within five days after the request is received. Upon a request to switch a disconnected customer to another local service provider, the DCTU shall release the customer's telephone line within five days after the request is received.
 - (C) A DCTU shall not refuse to release a customer's telephone line and number due to the non-payment of a bill.
- (b) **Nondominant certificated telecommunications utility (NCTU).**
- (1) **Application.** Only paragraphs (2)-(4), (7)(A)-(D) and (10) of this subsection apply to a deregulated company holding a certificate of operating authority or to an exempt carrier under PURA §52.154.
 - (2) **Suspension or disconnection policy.** If an NCTU chooses to suspend or disconnect a customer's basic local telecommunications service, it must follow the procedures in this subsection or modify them in ways that are more generous to the customer in terms of the cause for suspension or disconnection, the timing of the suspension or disconnection notice, and the period between notice and suspension or disconnection. Each NCTU is encouraged to develop specific policies for suspension and disconnection that treat its customers with dignity and respect for customers' or members' circumstances and payment history, and to implement those policies in ways that are consistent and non-discriminatory. Suspension or disconnection are options allowed by the commission, not requirements placed upon the NCTU by the commission.
 - (3) **Suspension or disconnection with notice.** After proper notice pursuant to paragraph (7) of this subsection, an NCTU may suspend or disconnect basic local telecommunications service for any legal reason that is clearly disclosed in the customer's terms and conditions of service.
 - (4) **Suspension or disconnection without notice.** Basic local telecommunications service may be suspended or disconnected without notice for any of the following reasons:
 - (A) where service is connected without authority;
 - (B) where service was reconnected without authority; or
 - (C) where there are instances of tampering with the NCTU's equipment, evidence of theft of service, or other acts to defraud the NCTU.

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- (5) **Suspension or disconnection prohibited.** Basic local telecommunications service may not be suspended or disconnected for any of the following reasons:
 - (A) failure to pay for any charges that are not provided for in an NCTU's tariff, schedule, list, terms and conditions of service, or customer-specific contract;
 - (B) failure to pay for a different type or class of utility service unless charges were included on the bill at the time service was initiated;
 - (C) failure to pay charges resulting from underbilling that is more than six months before the current billing, except for theft of service;
 - (D) failure to pay disputed charges until a determination is made on the accuracy of the charges; or
 - (E) failure of a residential customer to pay for any charges other than for residential local telecommunications services, except for the nonpayment of long distance charges incurred after toll blocking was imposed.
- (6) **Suspension or disconnection on holidays or weekends.** An NCTU shall not suspend or disconnect on holidays or weekends, or the day before a holiday or weekend, unless NCTU personnel are available on those days to take payments and reconnect service. An NCTU may suspend or disconnect service on holidays or weekends, or the day before a holiday or weekend, when:
 - (A) a dangerous condition exists;
 - (B) notice is not required pursuant to paragraph (4) of this subsection; or
 - (C) the customer requests disconnection.
- (7) **Suspension and disconnection notices.** Any suspension or disconnection notice issued by an NCTU to a customer must:
 - (A) not be issued to the customer before the first day after the bill is due. Payment of the delinquent bill at an NCTU's authorized payment agency is considered payment to the NCTU;
 - (B) be a separate mailing or hand delivery or sent electronically if requested by the customer, with a stated date of suspension or disconnection and with the words "suspension notice," or "disconnection notice," or similar language prominently displayed on the notice;
 - (C) have a suspension or disconnection date that is not less than ten days after the notice is issued;
 - (D) be in English and Spanish; and
 - (E) for residential customers, indicate the specific amount owed for local telecommunications services required to maintain basic local telecommunications service.
- (8) **Residential customer payment allocations.** Payment allocations related to basic local telecommunications service suspension or disconnection are as follows:
 - (A) Payments shall first be allocated to basic local telecommunications service.
 - (B) If services are bundled, the rate of basic local telecommunications service shall be the NCTU's charge for stand-alone basic local telecommunications service.
- (9) **Toll blocking.**
 - (A) The NCTU may toll block a residential customer for the nonpayment of long distance charges.
 - (B) Access to toll-free numbers. Where technically capable, toll blocking shall allow access to toll-free numbers.
 - (C) Nondiscriminatory application. The NCTU shall not apply toll blocking in an unreasonably preferential, prejudicial, or discriminatory manner.
 - (D) Notice requirement. The NCTU shall notify the customer within 24 hours of initiating toll blocking.

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- (10) **Release of telephone line.**
- (A) Upon a request to switch a current customer to another local service provider, the NCTU shall release, or cause to release, the customer's telephone line and number to the preferred provider in a manner to expedite the switch without disruption in service.
 - (B) Upon a request to switch a suspended customer to another local service provider, the NCTU shall release, or cause to release, the customer's telephone line and number within five days after the request is received. Upon a request to switch a disconnected customer to another local service provider, the NCTU shall release, or cause to release, the customer's telephone line within five days after the request is received.
 - (C) An NCTU shall not refuse to release a customer's or former customer's telephone line and number due to the non-payment of a bill.
- (c) **NCTU implementation.** NCTUs shall implement this section no later than March 1, 2001.