

LOUISIANA PUBLIC SERVICE COMMISSION

GENERAL ORDER

LOUISIANA PUBLIC SERVICE COMMISSION,

EX PARTE.

Docket No. U-24638 - In re: Rules and Regulations Regarding Telephonic Solicitation within Louisiana.

(Decided at the March 22, 2000 Business and Executive Session)

During the 1999 Regular Session, the Louisiana Legislature enacted LSA-R.S. 45:844.1 - 844.3, (the "Statute"). Among other things, the Statute prohibits telephone solicitors from blocking caller-identification information and requires telecommunications service providers to forward the caller identification information of telephone solicitors, if technically feasible.

Pursuant to the Statute's directive that the Louisiana Public Service Commission ("Commission") promulgate regulations implementing the Statute, the Commission Staff drafted proposed regulations and initiated Docket U-24638. Notice of Docket U-24638 and a draft of the proposed regulations was published in the Commission's Official Bulletin on December 24, 1999. The following parties intervened: BellSouth Corp.; Sprint Communications, Inc.; Cox Communications, Inc; AT&T, Corp; Radiophone, Inc.; MCI WorldCom, Inc.; and the Small Company Committee of the Louisiana Telephone Association.

During technical conferences held on February 11, 2000 and March 10, 2000, the parties achieved a consensus regarding the proposed regulations. At the March 22, 2000 Open Session, Staff recommended to the Commission that the proposed regulations be adopted. Following a motion by Commissioner Sittig, which was seconded by Commissioner Field, the Commission unanimously voted to adopt the proposed regulations.

IT IS THEREFORE ORDERED THAT:

1. All provisions of Staff's proposed regulations be adopted.
2. This order is effective immediately.

BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA
MARCH 29, 2000

/S/ IRMA MUSE DIXON
DISTRICT III
CHAIRMAN IRMA MUSE DIXON

/S/ JAMES M. FIELD
DISTRICT II
VICE CHAIRMAN JAMES M. FIELD

/S/ DON OWEN
DISTRICT V
COMMISSIONER DON OWEN

/S/ C. DALE SITTIG
DISTRICT IV
COMMISSIONER C. DALE SITTIG

/S/ LAWRENCE C. ST. BLANC
S E C R E T A R Y
LAWRENCE C. ST. BLANC

/S/ JACK "JAY" A. BLOSSMAN
DISTRICT I
COMMISSIONER JACK "JAY" A. BLOSSMAN

**RULES AND REGULATIONS
REGARDING
TELEPHONIC SOLICITATION
WITHIN LOUISIANA**

Preamble

In the 1999 Regular Session, the Louisiana Legislature enacted LSA-R.S. 45:844.1 - 844.3, (the "Statute"), which prohibits telephone solicitors from blocking caller-identification information. In addition, the Statute requires telecommunications service providers to forward the caller identification information of telephone solicitors, if technically feasible. The purpose of the Statute is to allow Louisiana residents, who subscribe to a caller-identification service, the luxury of declining calls from telephone solicitors. Pursuant to the Statute's requirement that the Louisiana Public Service Commission promulgate regulations implementing the Statute, the Commission hereby adopts the following:

Section 101. Definitions

As used in this Order, the following terms and phrases shall have the meaning ascribed to them:

- A. "Commission" means the Louisiana Public Service Commission.
- B. "Telephone solicitation" means a call made by a telephone solicitor to a consumer, for the purpose of soliciting a sale of any consumer goods or services, or for the purpose of soliciting an extension of credit for consumer goods or services, or for the purpose of obtaining information that will or may be used for the direct solicitation of a sale of consumer goods or services or an extension of credit for such purposes, or for the purpose of soliciting contributions for or on behalf of a charitable organization as defined in LSA-R.S. 51:1901(1).
3. "Telephone solicitor" means any natural person, firm, organization, partnership, association, or corporation, or a subsidiary or affiliate thereof, doing business in this state, who makes or causes to be made a telephone solicitation, including but not limited to calls made by use of automated dialing or recorded message devices.
4. "Private branch exchange" means a private telephone switching system which is connected to a common group of lines from one or more central offices, in order to provide service to a number of individual phones.
5. "Telecommunications service provider" (TSP) means any person or entity offering and/or providing telecommunications services for compensation or monetary gain.
6. "Signaling System 7" (SS7) refers to the signaling protocol by that name, which is characterized by the ability of the called party to identify the calling party.

Section 201. Identification Codes; Prohibited Acts

1. Any telephone solicitor who contacts any residential or mobile telephone subscriber for the purpose of making a telephone solicitation shall possess an identification code that will appear on a caller identification unit. The identification code will correctly identify the name of the telephone solicitor and a phone number where the solicitor can be reached during normal business hours. No telephone solicitor may use any device which blocks a caller identification unit or otherwise conceals or misrepresents the identity of the telephone solicitor or the phone number where the solicitor can be reached during normal business hours.

2. In the event the telephone solicitor originates calls from a private branch exchange (PBX) and such PBX does not pass the identifying telephone number to the telecommunications service provider (TSP), the TSP delivering the call will be required to transmit a PBX trunk number which would identify the telephone solicitor. The TSP will be exempt from this requirement only in the event such telephone trunk number delivery is not technically feasible via a Signaling System 7 (SS7) or other comparable network capable of transmitting calling party number information.
3. Any TSP that cannot currently deliver calling party number identification must file with the Commission's Utilities Division, within sixty (60) days of either the promulgation of this Order or the acquisition of their network, a detailed explanation of why their network is incapable of providing such information. A TSP filing such information with the Commission's Utilities Division may use the Certification of Compliance form included in Appendix "A".
4. A telephone solicitor who makes telephone calls on behalf of an organization which has nonprofit status under Section 501(C)(3) of the Internal Revenue Code, and who makes such calls from a location other than the principal place of business of such organization, shall comply with the provisions of this Order, except that the identification code used by such solicitor need not correctly identify the name of the organization nor a phone number where the organization can be reached during normal business hours.

Section 301. Violations; Penalties; Right to a Hearing

1. Complaints concerning violations of this Order shall be directed to the Commission's Utilities Division. If, after investigating a complaint, the Utilities Division finds that there has been a violation of this Order, the Utilities Division shall impose a fine against the telephone solicitor and/or TSP. Said fine shall be in the amount of five hundred dollars for each violation. Repeated violations of this Order by a TSP may result in the revocation of said TSP's authority to operate in Louisiana.
2. A telephone solicitor or TSP who has been fined pursuant to this Order shall, within thirty (30) days of receiving notification of the fine, either pay the fine or request a hearing before the Commission's Administrative Hearings Division for the purpose of proving that there was no violation of this Order. A request for a hearing shall be directed to the Executive Secretary of the Commission.

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APPENDIX "A"

To: All Jurisdictional Telecommunications Services Providers

From: The Louisiana Public Service Commission

Re: Certification of Compliance with Commission General Order dated March 29, 2000 regarding telephonic solicitation within Louisiana.

The Louisiana Public Service Commission ("Commission") requires that all jurisdictional telecommunications services providers ("TSPs") complete and return the attached Certification of Compliance in accordance with the Commission's General Order dated March 29, 2000 (the "Order"). This form should be completed annually and attached to each TSP's annual report submitted in accordance with Section 302 of the Regulations for Competition in the Local Telecommunications Market.

Section 201(C) of the Rules and Regulations Regarding Telephonic Solicitation Within Louisiana (the "Rules") requires each TSP to submit to the Commission a detailed explanation of circumstances that may prevent it from delivering calling party information to its end users. The Order provides that a TSP will be considered to be in compliance with the requirement that it deliver calling party information to its end users, even though its end users may not receive calling party information when:

1. The information cannot be delivered, because the calling party blocks its delivery (for example, with call blocking (*67));
2. The information cannot be delivered, because Common Channel Signaling System 7 ("SS7") or other comparable network connectivity is not shared throughout the end-to-end calling path and/or a TSP does not receive the calling party information from a previous TSP;
3. The information cannot be delivered, because at some point in the call routing a non-SS7 trunk or other comparable network is used to carry the call;
4. The information may not be delivered, because a private branch exchange ("PBX") or other customer premises equipment does not or is not capable of delivering calling party information.¹

If, except in one or more of these four circumstances, a TSP delivers calling party information to each of its end users, then that TSP should check the first box on the attached Certification of Compliance. If, in addition to one or more of these four circumstances, there are other circumstances that may prevent a TSP from delivering calling party information to its end users, then that TSP should check the second box on the Certification of Compliance and attach to the certification a detailed explanation of the reasons it does not deliver calling party information to some or all of its end users.

Neither the Rules nor the Order require a TSP to have specific network capabilities; therefore, the mere inability to deliver calling party information is not a violation of the Rules or the Order, and checking the second box of the Certification of Compliance does not, in any way, constitute or acknowledge a violation of the Rules or the Order.

A full text of the Rules is available at <http://www.lpsc.org/AnnualReports.htm> and a full text of the Order is available at <http://www.lpsc.org/orders.htm>. The Commission appreciates your assistance in completing and returning this form. If you have any questions regarding this matter, please feel free to contact the Louisiana Public Service Commission's Utility Division or Auditing Division in Baton Rouge, Louisiana at (225) 342-4416.

¹ In those cases where the PBX does not send or is not capable of sending calling party information, the Order requires that the originating TSP transmit a PBX trunk number if the TSP is SS7 capable or has other comparable network capability.

CERTIFICATION OF COMPLIANCE

The undersigned hereby certifies, on behalf of

Company name _____

Company address _____

Company telephone _____

that s/he has been designated by the Company to certify the following (check only one box):

Except in one or more of the following four circumstances, the Company is capable of delivering calling party information to each of its end users in accordance with the Rules and Regulations Regarding Telephonic Solicitation Within Louisiana and the General Order of the Commission dated March 29, 2000.

- < The information cannot be delivered, because the calling party blocks its delivery (for example, with call blocking (*67));
- < The information cannot be delivered, because Common Channel Signaling System 7 ("SS7") or other comparable network connectivity is not shared throughout the end-to-end calling path and/or a TSP does not receive the calling party information from a previous TSP;
- < The information cannot be delivered, because at some point in the call routing a non-SS7 trunk or other comparable network is used to carry the call;
- < The information may not be delivered, because a private branch exchange ("PBX") or other customer premises equipment does not or is not capable of delivering calling party information.¹

For reasons in addition to or other than listed above, and as set forth in the attachment to this Certification of Compliance, the Company is not capable of delivering calling party information to each of its end users in accordance with the Rules and Regulations Regarding Telephonic Solicitation Within Louisiana and the General Order of the Commission dated March 29, 2000.

NOTE: IF THE SECOND BOX IS CHECKED, THE COMPANY MUST ATTACH TO THIS CERTIFICATION A DETAILED EXPLANATION OF CIRCUMSTANCES THAT MAY PREVENT IT FROM DELIVERING CALLING PARTY INFORMATION TO AN END USER.

Signature: _____

Name and Title: _____

Date: _____

¹ In those cases where the PBX does not send or is not capable of sending calling party information, the Order requires that the originating TSP transmit a PBX trunk number if the TSP is SS7 capable or has other comparable network capability.