

## CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS.

### Subchapter B. CUSTOMER SERVICE AND PROTECTION.

#### §26.31. Disclosures to Applicants and Customers.

- (a) **Application.** Subsection (b)(4)(C)(viii) of this section does not apply to a deregulated company holding a certificate of operating authority or to an exempt carrier under Public Utility Regulatory Act (PURA) §52.154.
- (b) **Certificated telecommunications utilities (CTU).** These disclosure requirements shall apply only to residential customers and business customers with five or fewer customer access lines.
- (1) **Promotional requirements.** Promotions, including, but not limited to advertising and marketing, conducted by any CTU shall comply with the following:
- (A) If any portion of a promotion is translated into another language, then all portions of the promotion shall be translated into that language. Promotions containing a single informational line or sentence in another language to advise persons how to obtain the same promotional information in a different language are exempt from this requirement.
- (B) Promotions shall not be fraudulent, unfair, misleading, deceptive, or anti-competitive as prohibited by federal and state law.
- (2) **Prior to acceptance of service.** Each CTU shall provide the following information to applicants before any acceptance of service:
- (A) notice that the customer will receive the information packet described in paragraphs (3) and (4) of this subsection;
- (B) an explanation of each product or service being offered;
- (C) a description of how each charge will appear on the telephone bill;
- (D) any applicable minimum contract service terms;
- (E) disclosure of any and all money that must be paid prior to installation of new service or transfer of existing service to a new location and whether or not the money is refundable;
- (F) disclosure of construction charges in accordance with §26.22 of this title (relating to Request for Service);
- (G) information about any necessary change in the applicant's telephone number;
- (H) disclosure of the company's cancellation policy; and
- (I) information on whom to call and a working toll-free number for customer inquiries.
- (3) **Terms and conditions of service.** A CTU shall provide information regarding terms and conditions of service to customers in writing and free of charge at the initiation of service. Upon request, customers are entitled to receive an additional copy of the terms and conditions of service once annually free of charge. Any contract offered by a CTU must include the terms and conditions of service statement. A CTU may not offer a customer a contract or terms and conditions of service statement which waives the customer's rights under law or commission rule.
- (A) The information shall be:
- (i) sent to new customers before payment for a full bill is due;
- (ii) clearly labeled to indicate it contains the terms and conditions of service;
- (iii) provided in a readable format written in plain, non-technical language; and
- (iv) provided in the same languages in which the CTU markets service to a customer.
- (B) The following information shall be included:
- (i) all rates and charges as they will appear on the telephone bill;
- (ii) an itemization of any charges which may be imposed on the customer, including but not limited to, charges for late payments and returned checks;
- (iii) a full description of each product or service to which the customer has subscribed;

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- (iv) any applicable minimum contract service terms and any fees for early termination;
  - (v) any and all money that must be paid prior to installation of new service or transfer of existing service to a new location and whether or not the money is refundable;
  - (vi) applicable construction charges in accordance with §26.22 of this title;
  - (vii) any necessary change in the applicant's telephone number;
  - (viii) the company's cancellation policy;
  - (ix) a working toll-free number for customer inquiries; and
  - (x) the provider's legal or "doing business as" name used for providing telecommunications services in the state.
- (4) **Customer rights.** A CTU shall provide information regarding customer rights to customers in writing and free of charge at the initiation of service.
- (A) The information in subparagraph (C) of this paragraph shall be:
    - (i) sent to new customers before payment for a full bill is due;
    - (ii) clearly labeled to indicate it contains the customer rights;
    - (iii) provided in a readable format written in plain, non-technical language; and
    - (iv) provided in the same languages in which the CTU markets service to a customer.
  - (B) The CTU shall also provide:
    - (i) the information in subparagraph (C) of this paragraph to customers at least every other year at no charge; or
    - (ii) a printed statement on the bill or a billing insert identifying the location of the information in subparagraph (C) of this paragraph. The statement shall be provided to customers every six months.
  - (C) The following information shall be included:
    - (i) the CTU's credit requirements and the circumstances under which a deposit or an additional deposit may be required, how a deposit is calculated, the interest paid on deposits, and the time frame and requirement for return of the deposit to the customer and any other terms and conditions related to deposits;
    - (ii) the time allowed to pay outstanding bills and the amount and conditions under which penalties may be applied to delinquent bills;
    - (iii) grounds for suspension and/or disconnection of service;
    - (iv) the steps that must be taken before a CTU may suspend and/or disconnect service;
    - (v) the steps for resolving billing disputes with the CTU and how disputes affect suspension and/or disconnection of service;
    - (vi) information on alternative payment plans offered by the CTU, including, but not limited to, payment arrangements and deferred payment plans, as well as a statement that a customer has the right to request these alternative payment plans;
    - (vii) the steps necessary to have service restored and/or reconnected after involuntary suspension or disconnection;
    - (viii) a customer's right to continue local service as long as full payment for local service is timely made;
    - (ix) information regarding protections against unauthorized billing charges ("cramming") and selection of telecommunications utilities ("slamming") as required by §26.32 of this title (relating to Protection Against Unauthorized Billing Charges ("Cramming")) and §26.130 of this title (relating to Selection of Telecommunications Utilities), respectively;

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- (x) the customer's right to file a complaint with the CTU, the procedures for a supervisory review, and right to file a complaint with the commission regarding any matter concerning the CTU's service. The commission's contact information: Public Utility Commission of Texas, Customer Protection Division, P.O. Box 13326, Austin, Texas 78711-3326, (512) 936-7120 or in Texas (toll-free) 1-888-782-8477, fax (512) 936-7003, e-mail address: customer@puc.texas.gov, Internet address: www.puc.texas.gov, TTY (512) 936-7136, and Relay Texas (toll-free) 1-800-735-2989, shall accompany this information;
  - (xi) the hours, addresses, and telephone numbers of CTU offices where bills may be paid and information may be obtained, or a toll-free number at which the customer may obtain this information;
  - (xii) a toll-free telephone number or the equivalent (such as use of WATS or acceptance of collect calls) that customers may call to report service problems or make billing inquiries;
  - (xiii) a statement that CTU services are provided without discrimination as to a customer's race, color, sex, nationality, religion, marital status, income level, source of income, or from unreasonable discrimination on the basis of geographic location;
  - (xiv) a summary of the company's policy regarding the provision of credit history based upon the credit history of a customer's former spouse;
  - (xv) notice of any special services such as readers or notices in Braille, if available, and the telephone number of the text telephone for the deaf or hard of hearing at the commission;
  - (xvi) how customers with physical disabilities, and those who care for them, can identify themselves to the CTU so that special action can be taken to appropriately inform these persons of their rights; and
  - (xvii) if a CTU is offering Lifeline, how information about customers who qualify for Lifeline may be shared between state agencies and their local phone service provider.
- (5) **Notice of changes.** A CTU shall provide customers written notice between 30 and 60 calendar days in advance of a material change in the terms and conditions of service or customer rights and shall give the customer the option to decline any material change in the terms and conditions of service and cancel service without penalty due to the material change in the terms and conditions of service. This paragraph does not apply to changes that are beneficial to the customer such as a price decrease or mandated regulatory changes.
- (6) **Right of cancellation.**
- (A) A CTU shall provide all of its residential applicants and customers the right of rescission in accordance with applicable law.
  - (B) If a residential applicant or customer will incur an obligation exceeding 31 days, a CTU shall promptly provide the applicant or customer with the terms and conditions of service after the applicant or customer has provided authorization to CTU. The CTU shall offer the applicant or customer a right to cancel the contract without penalty or fee of any kind for a period of six business days after the terms and conditions of service are mailed or sent electronically to the applicant or customer.

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- (c) **Dominant certificated telecommunications utility (DCTU).** In addition to the requirements of subsection (b) of this section, the following requirements shall apply to residential customers and business customers with five or fewer customer access lines.
- (1) **Prior to acceptance of service.** Before signing applicants or accepting any money for new residential service or transferring existing residential service to a new location, each DCTU shall provide to applicants information:
- (A) about the DCTU's lowest-priced alternatives, beginning with the least cost option, and the range of service offerings available at the applicant's location with full consideration to applicable equipment options and installation charges; and
- (B) that clearly informs applicants about the availability of Lifeline service.
- (2) **Customer rights.**
- (A) If a DCTU provides its customers with the same information as required by subsection (b)(4)(C) of this section in the telephone directories provided to each customer pursuant to §26.128 of this title (relating to Telephone Directories), the DCTU shall provide a printed statement on the bill or a billing insert identifying the location of the information. The statement or billing insert shall be provided to customers every six months.
- (B) The information required by subsection (b)(4)(C) of this section and this subsection shall be provided in English and Spanish; however, a DCTU is exempt from the Spanish language requirement if 10% or fewer of its customers are exclusively Spanish-speaking. If the DCTU is exempt from the Spanish language requirement, it shall notify all customers through a statement in both English and Spanish, in the customer rights, that the information is available in Spanish from the DCTU, both by mail and at the DCTU's offices.
- (C) The information required in subsection (b)(4)(C) of this section shall also include:
- (i) the customer's right to information about rates and services;
- (ii) the customer's right to inspect or obtain at reproduction cost a copy of the applicable tariffs and service rules;
- (iii) information on prohibitions for disconnection of local service for the ill and disabled;
- (iv) information on the availability of prepaid local telephone service as required by §26.29 of this title (relating to Prepaid Local Telephone Service (PLTS)); and
- (v) information regarding privacy issues as required by §26.121 of this title (relating to Privacy Issues).
- (d) **Nondominant certificated telecommunications utility (NCTU) implementation.** NCTUs shall implement this section no later than March 1, 2001.