

**CHAPTER 64. STANDARDS AND BILLING PRACTICES
FOR RESIDENTIAL TELEPHONE SERVICE**

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Source

The provisions of this Chapter 64 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354, unless otherwise noted.

Cross References

This chapter cited in 52 Pa. Code § 1.21 (relating to appearance); 52 Pa. Code § 3.112 (relating to action on informal complaints); 52 Pa. Code § 55.115 (relating to coordination with other regulations); 52 Pa. Code § 63.51 (relating to purpose); 52 Pa. Code § 63.109 (relating to enforcement); and 52 Pa. Code § 63.205 (relating to porting telephone numbers).

Subchapter A. PRELIMINARY PROVISIONS

- Sec. 64.1. Statement of purpose and policy.
- 64.2. Definitions.

§ 64.1. Statement of purpose and policy.

The purpose of this chapter is to establish and enforce uniform, fair and equitable residential telephone service standards governing account payment and billing, credit and deposit practices, suspension, termination and customer complaint procedures. The purpose of this chapter is to assure adequate provision of residential telephone service; to restrict unreasonable suspension or termination of or refusal to provide service; and to provide functional alternatives to suspension, termination or refusal to provide service. Every privilege conferred or duty required by this chapter imposes an obligation of good faith, honesty and fair dealing in its performance and enforcement. This chapter will be liberally construed to fulfill its purpose and policy and to ensure justice for all concerned.

Source

The provisions of this § 64.1 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354.

§ 64.2. Definitions.

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

Applicant—A person who applies for residential telephone service, other than a transfer of service from one dwelling to another within the service area of the LEC or a reinstatement of service following a discontinuation or suspension.

Basic service—The transmission of messages or communications by telephone between points within a local calling area as established in the tariff of an LEC, including installation service, providing and restoring access lines, touch tone service and handling of unpaid checks as addressed in § 64.11 (relating to method of payment). The term includes charges for 911 service, telecommunications relay service and subscriber line service, but does not include premise visits for installation of new service.

Billing period—A period of at least 26 days and not more than 35 days, except in the following circumstances:

(i) An initial bill for a new customer may be less than 26 days or greater than 35 days. The initial bill may never exceed 60 days.

(ii) A final bill due to discontinuance or termination may be less than 26 days or greater than 35 days but may not exceed 42 days. A bill may be rendered after the final bill for an additional toll, lost equipment or other similar charge.

(iii) Bills for less than 26 days or more than 35 days will be permitted if they result from a rebilling initiated by the company or by a customer dispute to correct a billing problem.

Bundled service package—A package of services offered and billed on one bill by an LEC, as defined in this section, which includes nontariffed, competitive, noncompetitive or protected services, including services of an affiliate, in combinations and at a single price selected by the LEC.

Commercial service—Telephone service to a location other than a dwelling, except that service to a dwelling used for both residential and commercial purposes shall be considered commercial service if concurrent residential service is provided.

Cramming—The submission or inclusion of unauthorized, misleading or deceptive charges for products or services on an end-user customer's local telephone bill.

Customer—An applicant in whose name a residential service account is billed.

Delinquent account—Charges for telephone service which have not been paid in full by the due date stated on the bill or otherwise agreed upon. The contested portion of an account may not be deemed delinquent if, before the due date, payment arrangements with the LEC have been entered into by the

customer, a timely filed notice of dispute is pending before the LEC or an informal or formal complaint is timely filed with and is pending before the Commission.

Discontinuation of service—The temporary or permanent cessation of service upon the request of a customer.

Dispute—A grievance of an applicant, customer or customer's designee about a utility's application of one or more provisions covered by this chapter, including credit determinations, deposit requirements, the accuracy of amounts billed or the proper party to be charged, which remains unresolved after the initial contact or utility follow-up response when the applicant, customer or customer's designee consents to the utility reviewing pertinent records or other information and calling back. The term does not include a disagreement arising from matters outside the scope of this chapter, or failure to negotiate a mutually satisfactory payment agreement regarding undisputed amounts, or a disagreement over billing data provided to the local exchange carrier by an interexchange carrier.

Dwelling—A house, apartment or other location where a person resides.

Emergency—An unforeseen combination of circumstances requiring temporary discontinuation of service either to effect repairs or maintenance or to eliminate an imminent threat to life, health, safety or property.

Interexchange carrier—A carrier which provides interexchange services to the public under 66 Pa.C.S. § 3008 (relating to interexchange telecommunications carrier).

LEC—Local Exchange Carrier—A public utility which provides basic service either exclusively or in addition to toll service.

Nonbasic service—A service or a product other than telephone service which is either offered or billed for by an LEC. The term includes the sale or lease of customer premises equipment, inside wiring maintenance plans, repair services, premises visits for service installation, nonrecurring charges for nonbasic services, restoral charges for nonbasic services, custom calling services, audiotex services, pay-per-call services and international information or entertainment services.

Occupant—A person who resides at a location to which residential service is supplied.

Payment agreement—A mutually satisfactory agreement between the customer and the LEC whereby a customer who admits liability for billed service is permitted to pay the unpaid balance of the account in one or more payments over a reasonable period.

Physician—An individual permitted under the statutes of the Commonwealth to engage in the practice of medicine and surgery or in the practice of osteopathy or osteopathic surgery.

Residential service—Telephone service supplied to a dwelling, including service provided to a location used for both residential and commercial purposes

if no concurrent commercial service is provided. The term does not include telephone service provided to a hotel or motel.

Service provider—Facilities-based interexchange carrier, interexchange reseller or information service provider initiating the service or charges to end-user customers.

Slamming—The unauthorized changing of a customer’s telecommunications provider, whether for local exchange service, intraLATA toll or interLATA toll.

Suspension of service—A temporary cessation of service without the consent of the customer.

Telephone company—A public utility which provides telephone service subject to Commission jurisdiction.

Telephone service—The transmission of messages or communications by telephone. The term includes basic service and toll service.

Termination of service—Permanent cessation of service after a suspension without the consent of the customer.

Toll service—The transmission of messages or communications by telephone between points which are not both within a local calling area as established in the tariff of an LEC. The term includes service that is either billed by or provided by an LEC, toll restoral charges and presubscription interexchange carrier change charges.

Authority

The provisions of this § 64.2 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301—1325 and 1501—1511.

Source

The provisions of this § 64.2 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 14, 1989, effective July 15, 1989, 19 Pa.B. 3042; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394; amended February 2, 2001, effective February 3, 2001, 31 Pa.B. 641; amended June 25, 2010, effective June 26, 2010, 40 Pa.B. 3499. Immediately preceding text appears at serial pages (332472) and (274593) to (274594).

Cross References

This section cited in 52 Pa. Code § 55.115 (relating to coordination with other regulations); 52 Pa. Code § 64.24 (relating to provision of bundled service packages); and 52 Pa. Code § 64.73 (relating to notice when dispute pending).

Subchapter B. PAYMENT AND BILLING STANDARDS

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- 64.24. Provision of bundled service packages.

§ 64.11. Method of payment.

Payment may be made in any reasonable manner including payment by personal check, unless the customer within the past year has tendered a check which has been returned unpaid to the LEC by a financial institution for a reason for which the customer is at fault. When a tendered personal check is returned unpaid to the LEC by a financial institution for a reason for which the customer is at fault, the LEC may treat such unpaid check as a payment never made by the customer and, if it does so, shall not be obligated to halt suspension or termination action based on its receipt of this check from the customer. The LEC also may impose a handling charge, the amount of which shall be set forth in the carrier's approved tariff. Notwithstanding the foregoing provisions, the LEC may not proceed with suspension or termination of service based on a disputed billed amount or impose a handling charge if the customer stops payment on a check due to a good faith billing dispute.

Authority

The provisions of this § 64.11 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301—1325 and 1501—1511.

Source

The provisions of this § 64.11 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 14, 1989, effective July 15, 1989, 19 Pa.B. 3042; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394. Immediately preceding text appears at serial pages (241306) and (205941).

Cross References

This section cited in 52 Pa. Code § 64.2 (relating to definitions).

§ 64.12. Due date for payment.

The due date for payment of a monthly bill shall be at least 20 days from the date of mailing by the LEC to the customer.

- (1) *Extension of due date to next business day.* If the last day for payment falls on a Saturday, Sunday or bank holiday or another day when the offices of the LEC which regularly receive payments are not open to the general public, the due date shall be extended to the next business day.

(2) *Date of payment by mail.* For a remittance by mail, one of the following applies:

(i) Payment shall be deemed to have been made on the date of the postmark.

(ii) The LEC may not impose a late payment charge unless payment is received more than 5 days after the due date.

(iii) The LEC may not mail or deliver notice of suspension until at least 5 days after the stated due date.

(3) *Date of payment to branch office or authorized payment agent.* The effective date of payment to a branch office or authorized payment agent is the date of actual payment at that location.

(4) *Multiple notifications.* When a LEC advises a customer by multiple notices or contacts and they contain different due dates, the date on or before which payment is due shall be the latest date contained in the notices listed in this section.

Authority

The provisions of this § 64.12 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301—1325 and 1501—1511.

Source

The provisions of this § 64.12 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 14, 1989, effective July 15, 1989, 19 Pa.B. 3042; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial pages (140287) to (140288).

§ 64.13. Billing frequency.

An LEC shall render a bill once every billing period to customers in accordance with approved rate schedules.

Source

The provisions of this § 64.13 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140288).

§ 64.14. Billing information.

(a) Every bill rendered must state clearly the following information:

(1) The date of the bill.

(2) The due date on or before which payment shall be received to avoid an account being considered delinquent.

(3) The beginning and ending dates of the billing period for service, excluding toll usage and equipment.

(4) The amount due for basic service, nonbasic service, and taxes and applicable surcharges, during the current billing period.

(5) An itemized statement of toll charges listing the date, time, destination, duration and rate period for each toll call unless the customer subscribes to an unlimited toll service plan or toll service is included as part of the customer's bundled service package.

(6) The amounts for security deposits owed by or credited to existing customers. This amount shall be separately stated on each bill if a security deposit remains unpaid.

(7) The total amount of payments and other credits made to the account during the current billing period.

(8) The amount of late payment charges.

(9) The total amount due.

(10) A statement directing the customer to register a question or complaint about the bill prior to the due date, with the address and telephone number where the customer may direct questions or complaints.

(11) A statement that a rate schedule, an explanation of how to verify the accuracy of a bill, and an explanation of the various charges, if applicable, can be obtained by contacting the business office of the LEC.

(b) At least annually, and upon request of the customer, the LEC shall provide an itemization of all service equipment and other recurring charges.

(c) Upon request for new or additional services, the LEC shall inform the customer of the monthly recurring charge for service and each item of equipment ordered by the customer and shall provide a minimum and maximum estimate of applicable nonrecurring charges. The LEC shall maintain a record of the estimates given for 90 days. The LEC shall have available a printed explanation of alternative rates and services.

(d) Every final bill must contain a statement that a subsequent bill will be rendered if needed to collect charges, such as additional tolls or lost equipment.

Source

The provisions of this § 64.14 adopted November 30, 1984, effective January 1, 1985, 15 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended June 25, 2010, effective June 26, 2010, 40 Pa.B. 3499. Immediately preceding text appears at serial pages (399446) and (246493).

Cross References

This section cited in 52 Pa. Code § 64.24 (relating to provision of bundled service packages); and 52 Pa. Code § 69.251 (relating to plain language—statement of policy).

§ 64.15. Advance payments.

Payment may be required before furnishing any of the following services:

- (1) The construction of facilities and furnishing of special equipment.
- (2) Temporary service for short-term use.

Source

The provisions of this § 64.15 adopted November 30, 1984, effective January 1, 1985, 15 Pa.B. 4354.

§ 64.16. Accrual of late payment charges.

(a) A LEC is prohibited from levying or assessing a late payment charge on an overdue bill in an amount which exceeds 1.25% per month on the full unpaid and overdue balance of the bill. These charges are to be calculated only on the overdue portions of the bill. The rate, when annualized, may not exceed 15% per annum—computed by the simple interest method—and may not include previously accrued late payment charges. A late payment charge may not be assessed against an outstanding security deposit.

(b) An additional charge, fixed fee or penalty designed to recover the cost of a subsequent rebilling may not be charged.

Source

The provisions of this § 64.16 adopted November 30, 1984, effective January 1, 1985, 15 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial pages (169497) to (169498).

Cross References

This section cited in 52 Pa. Code § 64.19 (relating to rebilling); and 52 Pa. Code § 64.171 (relating to duties of parties: undisputed portion of bills; interest on overpayment).

§ 64.17. Partial payments for current bills.

(a) Payments received by an LEC which are insufficient to pay the total amount due for the current bill, when there is no past due balance, shall first be applied to basic service.

(b) This section does not apply when the customer supplies instructions specifying how a partial payment should be applied.

Authority

The provisions of this § 64.17 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501.

Source

The provisions of this § 64.17 adopted November 30, 1984, effective January 1, 1985, 15 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394; amended June 25, 2010, effective June 26, 2010, 40 Pa.B. 3499. Immediately preceding text appears at serial pages (246493) to (246494).

Cross References

This section cited in 52 Pa. Code § 64.24 (relating to provision of bundled service packages).

§ 64.18. Application of partial payments between past and current bills.

In the absence of instructions from a customer, or a disputed bill or a payment arrangement, payments received by the LEC which are insufficient to pay a balance due for both past and current bills shall first be applied to the balance due for past due basic service, then to other past due charges, including late payment charges.

Source

The provisions of this § 64.18 adopted November 30, 1984, effective January 1, 1985, 15 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended June 25, 2010, effective June 26, 2010, 40 Pa.B. 3499. Immediately preceding text appears at serial page (246494).

Cross References

This section cited in 52 Pa. Code § 64.24 (relating to provision of bundled service packages).

§ 64.19. Rebilling.

(a) *Underbilling.* A LEC may issue a make-up bill for unbilled services resulting from a billing error accrued within 4 years of the date of the bill under the following conditions:

(1) The LEC shall provide the ratepayer with a written explanation of the reason for the make-up bill and a statement that the customer may spread the payments over a period, as described in paragraph (2).

(2) The payment period may, at the option of the customer, be at least as long as the period during which the excess amount accrued or at least as long as necessary so that the total amount billed in 1 month is not greater than the average amount billed for 1 month plus 50%, whichever period is greater. A late payment charge may not be assessed on unbilled service when payments are made as described in this paragraph.

(b) *Overbilling.* When an overbilling occurs, the LEC shall credit the customer's account in the amount of the overbilling, including applicable taxes, for up to 4 years before discovery of the overbilling, unless the customer requests reimbursement in one lump sum. A charge, in the amount stated in § 64.16 (relating to accrual of late payment charges), shall be paid on the overbilled amount where at least 30 days have elapsed between payment of the overbilled amount and the credit or refund thereof.

(c) *Rebilling.* The LEC shall notify the Commission of rebilling affecting more than 10% of its residential customers within 90 days of the rebilling.

Authority

The provisions of this § 64.19 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301—1325 and 1501—1511.

Source

The provisions of this § 64.19 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 14, 1989, effective July 15, 1989, 19 Pa.B. 3042; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial pages (169498) to (169499) and (140291).

§ 64.20. Transfer of account.

(a) In the event of termination or discontinuance of service within the last 4 years, the LEC may transfer an outstanding amount due to a new or existing residential service account of the same customer.

(b) In the event of discontinuance of service, the LEC may continue pending termination procedures at a new or existing residential service account of the same customer.

(c) In the event of a termination of service, the LEC may transfer to the account of a third party guarantor an amount not to exceed the limit of the guarantee.

Source

The provisions of this § 64.20 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140291).

§ 64.21. [Reserved].

Authority

The provisions of this § 64.21 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501.

Source

The provisions of this § 64.21 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394; reserved June 25, 2010, effective June 26, 2010, 40 Pa.B. 3499. Immediately preceding text appears at serial page (324555).

§ 64.22. Billing service for interexchange carriers.

A LEC may provide billing services for interexchange carriers when the LEC applies its deposit rules.

Authority

The provisions of this § 64.22 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301—1325 and 1501—1511.

Source

The provisions of this § 64.22 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 14, 1989, effective July 15, 1989, 19 Pa.B. 3042; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended December 15, 2006, effective December 16, 2006, 36 Pa.B. 7558. Immediately preceding text appears at serial page (296548).

§ 64.23. Standardizing LEC responses to customer contacts alleging unauthorized charges added to the customer's bill (cramming) and unauthorized changes to the customer's long distance carrier (slamming).

(a) *Cramming.* Upon contact from a customer alleging that cramming has occurred on the bill rendered to the customer by the LEC, the LEC shall do the following:

- (1) Identify the charges, and clarify that the customer's complaint is that the customer did not authorize the charges or order or use the services or products associated with the charges.

(2) Inform the customer that the charges will be removed from the LEC bill and that basic local service cannot be disconnected for failure to pay cramming charges.

(3) Inform the customer that the LEC will instruct the billing agent or service provider, or both, to take the steps necessary to prevent further billing of those charges or types of charges to the customer's account.

(4) Inform the customer that removal of the charges from the LEC bill does not guarantee that the service provider or its billing agent will not use other collection remedies, including direct billing of the removed charges or use of a collection agency.

(5) Provide notice of a customer's right to pursue a complaint. To customers who indicate a desire to receive complaint disclosure information, the LEC shall provide information about how to pursue the complaint against the service provider or billing agent by contacting the Bureau of Consumer Protection, (800) 441-2555, of the Pennsylvania Office of Attorney General, the Federal Communications Commission (FCC), and the Federal Trade Commission.

(6) Maintain for a minimum of 3 years records of all customer complaints of cramming in order to monitor adherence to the terms of the billing contract the LEC has with the service provider or billing agent, or both, relating to cancellation of the contract for excessive cramming complaints.

(b) *Slamming*. Upon contact from a customer alleging that slamming has occurred on one or both of the past two bills rendered to the customer by the LEC, regardless of dates of charges, the LEC shall do the following:

(1) Identify the name of the alleged unauthorized service provider, isolate the charge, and clarify that the customer's complaint is that the customer did not authorize the switch to that particular service provider.

(2) Offer to restore the customer's account, at no charge, to the service provider the customer had received service from prior to the unauthorized switch, and inform the customer of the option to request that a safeguard be placed on the customer's account to prevent the LEC from processing a service provider request for a switch without the LEC obtaining express consent from the customer, consistent with FCC rules or procedures for lifting preferred carrier freezes.

(3) Inform the customer that the isolated charges will be removed from the LEC bill.

(4) Inform the customer that the LEC will instruct the service provider or billing agent, or both, to take the steps necessary to prevent further billing to the customer's account.

(5) Inform the customer that removal of the charges from the LEC bill does not guarantee that the service provider or its billing agent will not use other collection remedies, including direct billing of the charges or use of a collection agency.

(6) Provide notice of a customer's right to pursue a complaint against the service provider or billing agent and, to customers who indicate a desire to receive complaint disclosure information, information about how to pursue a complaint against the service provider or billing agent, or both, by contacting the FCC, the Commission or the Bureau of Consumer Protection, (800) 441-2555, of the Office of Attorney General.

(7) Maintain for a minimum of 3 years records of all customer allegations of slamming.

Authority

The provisions of this § 64.23 issued under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501.

Source

The provisions of this § 64.23 adopted February 2, 2001, effective February 3, 2001, 31 Pa.B. 641; amended December 15, 2006, effective December 16, 2006, 36 Pa.B. 7558. Immediately preceding text appears at serial pages (296548) and (310305) to (310306).

Cross References

This section cited in 52 Pa. Code § 63.309 (relating to acquiring LSP provisions and obligations).

§ 64.24. Provision of bundled service packages.

(a) *Right to offer bundled services.* Nothing in this chapter prohibits an LEC from offering bundled service packages, as defined in § 64.2 (relating to definitions), at a single price selected by the LEC.

(b) *Exemption from certain regulations.* An LEC that offers a single-rate bundled service package shall be exempt from certain sections of this chapter regarding payment and billing standards. The sections subject to exemption for bundled service packages are:

- (1) Section 64.14(a)(4) and (5) (relating to billing information).
- (2) Section 64.17 (relating to partial payments for current bills).
- (3) Section 64.18 (relating to application of partial payments between past and current bills).
- (4) Section 64.63(1) and (2) (relating to unauthorized suspension of service).

(c) *Consumer protection requirements.* An LEC that offers bundled service packages is subject to the following consumer protection requirements:

(1) *Conversion to basic service.* A residential customer's failure to pay the single-rate bundled service package price may not result in immediate suspension or termination of basic service to the residential customer.

- (i) When an LEC determines that a bundled service package shall be terminated for nonpayment, the account shall be converted to a basic service account subject to future suspension and termination in accordance with this chapter if the customer fails to make timely payments.

(ii) For an LEC which tracks the basic service portion of a bundled service package, when a customer fails to make payment sufficient to pay the basic service charges in the package, the LEC may suspend and terminate basic service for nonpayment in accordance with this chapter.

(2) *Disclosure statement.* An LEC shall send a disclosure statement to new bundled service package customers that:

(i) Notifies the customer of the LEC's billing practices that shall be implemented in the event of the customer's failure to pay the bundled service package charge in full.

(ii) Notifies the customer that failure to pay the bundled service package charge may not result in immediate suspension of basic service.

Source

The provisions of this § 64.24 adopted June 25, 2010, effective June 26, 2010, 40 Pa.B. 3499.

Subchapter C. CREDIT AND DEPOSIT STANDARDS POLICY

Sec.

- 64.31. LEC credit and deposit policies.
- 64.32. Credit standards.
- 64.33. Payment of outstanding balance.
- 64.34. Written procedures.
- 64.35. Deposit requirements for existing customers.
- 64.36. Method of making deposit.
- 64.37. Refund of deposits.
- 64.38. Application of deposit to bills.
- 64.39. Periodic review.
- 64.40. Refund statement.
- 64.41. Interest.

Cross References

This subchapter cited in 52 Pa. Code § 64.181 (relating to restoration of service after suspension).

§ 64.31. LEC credit and deposit policies.

An essential ingredient of the credit and deposit policies of each LEC shall be the equitable and nondiscriminatory application of those precepts to potential and actual customers throughout the service area or a part thereof. Deposit policies shall be based on the credit risk of the applicant or customer rather than upon the credit history of the affected premises or upon the collective credit reputation or experience in the area in which the applicant or customer lives without regard to race, religion, gender, age if over 18, national origin or marital status.

Authority

The provisions of this § 64.31 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501.

Source

The provisions of this § 64.31 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394. Immediately preceding text appears at serial pages (241308) and (205947).

§ 64.32. Credit standards.

A LEC shall provide residential service without requiring a deposit when the applicant satisfies one of the following requirements:

(1) *Earlier LEC payment history.* The applicant had service with a LEC within a period of 24 consecutive months before the date of application and the following conditions exist:

(i) Service was furnished in the name of the applicant, and there is no unreturned equipment.

(ii) Service was not suspended for nonpayment nor terminated during the last 12 months of service.

(iii) The applicant does not have an unpaid balance from earlier service.

(iv) The applicant was not required to pay a security deposit under § 64.35 (relating to deposit requirements for existing customers) for the earlier service.

(2) *Ownership of real property.* The applicant verifies the ownership of or the entry into an agreement to purchase real property located in the area served by the LEC or is renting a residence under a lease of 1 year or longer, unless the applicant has an otherwise unsatisfactory payment history as a LEC customer within 2 years before the application for service as described in paragraph (1).

(3) *Prior utility payment history.* The applicant has prior satisfactory credit history for use of utility service under § 56.32 (relating to credit standards). In all instances, the utility shall obtain from the applicant authorization as a condition for completing the utility credit search. If the applicant elects not to authorize completion of the credit search, the utility shall conduct a credit search in the manner prescribed under paragraph (4).

(4) *Credit information.* The applicant provides information and verification demonstrating that he is not an unsatisfactory credit risk.

(i) The absence of prior credit history does not, of itself, indicate an unsatisfactory credit risk and does not constitute grounds for requiring a deposit.

(ii) The LEC may request and consider information including the following:

(A) The applicant's social security number.

- (B) The name of the employer of the applicant.
 - (C) The place and length of employment.
 - (D) Residence during the previous 5 years.
 - (E) Letters of reference.
 - (F) Credit cards.
 - (G) A significant source of income other than from employment.
- (iii) If a credit investigation is expected to take longer than 3 business days the LEC shall provide service pending completion of the investigation.

Authority

The provisions of this § 64.32 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301—1325 and 1501—1511.

Source

The provisions of this § 64.32 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 14, 1989, effective July 15, 1989, 19 Pa.B. 3042; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial pages (140293) to (140294).

Cross References

This section cited in 52 Pa. Code § 64.36 (relating to method of making deposit); and 52 Pa. Code § 64.37 (relating to refund of deposits).

§ 64.33. Payment of outstanding balance.

(a) The LEC may require, as a condition for furnishing residential service to an applicant, the payment of an outstanding residential account with the LEC which accrued within the past 4 years, for which the applicant is legally responsible and for which the applicant was billed properly. However, the outstanding residential account with the LEC may be spread out over a reasonable period of time. Factors to be taken into account shall include, but not be limited to, the size of the unpaid balance, the payment history of the customer, and the length of time over which the bill accumulated.

(b) A LEC may not require, as a condition for the furnishing of residential service, payment for residential service previously furnished under an account in the name of persons other than the applicant unless a court, district justice or administrative agency has determined that the applicant is legally obligated to pay for the service previously furnished.

(c) This section may not affect the creditor's rights and remedies of the LEC otherwise permitted by law.

Source

The provisions of this § 64.33 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial pages (140294) to (140295).

§ 64.34. Written procedures.

Each LEC shall establish written procedures for determining the credit status of an applicant. Each LEC employee processing applications or determining the credit status of an applicant shall be familiar with and have ready access to a copy of the written procedures of the LEC. A copy of the procedures shall be maintained on file in each business office of the LEC and be made available, upon request, for inspection by the public and the Commission.

(1) *Informing applicants of procedures.* The LEC personnel shall provide an explanation of applicable credit and deposit procedures to each customer or applicant for service.

(2) *Reasons for deposit request.* If a deposit or payment of an outstanding residential account is required before furnishing service, the LEC shall inform the applicant in writing of the reasons for denial of credit and how to obtain service. Existing customers will be informed of the reasons for denial of credit before suspension of service.

Authority

The provisions of this § 64.34 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301, 1501.

Source

The provisions of this § 64.34 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394. Immediately preceding text appears at serial page (205949).

§ 64.35. Deposit requirements for existing customers.

Deposits may be required to secure the account of an existing customer if any of the following conditions exist:

(1) *Delinquent account.* A customer has made payment of two consecutive bills, or of more than two bills within the preceding 12 months, after the payment due date. Before requesting a deposit under this paragraph, the LEC shall give the customer written notification of its intent to request a deposit if current and future bills continue to be paid after the due date.

(i) Notification shall clearly indicate that a deposit is not required at this time but that, if bills continue to be paid after the due date, a deposit will be required.

(ii) Notification may be mailed or delivered to the customer together with a bill for telephone service.

(iii) Notification shall set forth the address and telephone number of the LEC office where complaints or questions may be registered.

(iv) The subsequent request for deposit shall clearly indicate that a customer should register a question or complaint about that matter prior to the date the deposit is due in order to avoid having service suspended pending

resolution of a dispute. The request shall include the telephone number of the LEC office where questions or complaints may be registered.

(2) *Condition to the reconnection of service.* A LEC may require a deposit as a condition for reconnection of service after suspension or termination of service for nonpayment.

(3) *Failure to comply with payment agreement.* A LEC may require a deposit when a customer fails to comply with the terms and conditions of a payment agreement, whether or not service has been suspended or terminated.

Source

The provisions of this § 64.35 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial pages (140295) to (140296).

Cross References

This section cited in 52 Pa. Code § 64.32 (relating to credit standards).

§ 64.36. Method of making deposit.

An LEC's request for deposit may be satisfied by one of the following:

(1) *Posting a cash deposit.* The following conditions apply:

(i) *Applicants.* The amount of cash deposit required from an applicant may not exceed the estimated average 2-month bill for basic service plus the average 2-month toll charges for existing residential customers in the applicant's exchange during the immediately preceding 12-month period. Deposits may be adjusted to maintain a level equal to the estimated average 2-month bill. No more than one half of the deposit amount may be required prior to the providing of service by the utility with the balance of the deposit due no less than 30 days from the initial deposit payment.

(ii) *Existing customers.* The amount of a cash deposit required from an existing customer may not exceed the customer's average 2-month bill, including toll charges, during the preceding 12-month period. Deposits may be adjusted to maintain a level equal to the average 2-month bill. The deposit shall be paid within 20 days of the request for deposit.

(2) *Furnishing a written third-party guarantee.* Another customer who has met or can meet the credit standards of § 64.32 (relating to credit standards) may furnish a written guarantee to secure payment in an amount equal to the cash deposit required from the applicant or customer. The guarantor shall be discharged when the applicant or customer meets the terms and conditions of § 64.37 (relating to refund of deposits)

Authority

The provisions of this § 64.36 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301—1325 and 1501—1511.

Source

The provisions of this § 64.36 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 14, 1989, effective July 15, 1989, 19 Pa.B. 3042; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial pages (140296) to (140297).

§ 64.37. Refund of deposits.

An LEC shall refund the cash deposit, plus accrued interest, under the following conditions.

(1) *Termination or permanent discontinuance of service.* Upon termination or discontinuance of service, the LEC shall apply the deposit of a customer, including accrued interest, to the outstanding balance and refund the remainder to the customer. A transfer of service from one location to another within the service area may not be deemed a discontinuance within the meaning of this paragraph.

(2) *Credit established.* At the customer's request, when a customer establishes credit under § 64.32 (relating to credit standards), the LEC shall refund the cash deposit plus accrued interest.

(3) *Prompt payment of bills.* After a customer has paid bills for service for 12 consecutive months without having service suspended or terminated and without having paid bills subsequent to the due date on more than two occasions, the LEC shall refund the cash deposit, plus accrued interest, so long as the customer is not currently delinquent.

(4) *Optional refund.* At the option of the LEC, a cash deposit, including accrued interest, may be refunded, in whole or in part, at any time before the expiration of the time period stated in paragraph (3).

Source

The provisions of this § 64.37 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial pages (140297) to (140298).

Cross References

This section cited in 52 Pa. Code § 64.36 (relating to method of making deposit); and 52 Pa. Code § 64.39 (relating to periodic review).

§ 64.38. Application of deposit to bills.

The customer may elect to have a deposit applied to reduce bills for telephone service instead of a cash refund.

Source

The provisions of this § 64.38 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354.

Cross References

This section cited in 52 Pa. Code § 64.39 (relating to periodic review).

§ 64.39. Periodic review.

If a customer is not entitled to a refund under § 64.37 (relating to refund of deposits), the LEC shall review the account of the customer each succeeding quarter and shall make appropriate disposition of the deposit in accordance with § 64.37 and § 64.38 (relating to application of deposit to bills).

Source

The provisions of this § 64.39 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140298).

§ 64.40. Refund statement.

When a cash deposit is refunded, the LEC shall either mail or deliver to the customer a written statement showing the amount of the original deposit plus all accrued interest, the application of the deposit to a bill which had previously accrued, the amount of unpaid bills liquidated by the deposit, and the remaining balance.

Source

The provisions of this § 64.40 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140299).

§ 64.41. Interest.

Interest calculated under section 202 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 202), known to as the Loan Interest and Protection Law, shall be payable on deposits without deductions for taxes thereon. Interest shall be paid annually to the customer or, at the option of either the LEC or the customer, shall be applied to the customer's bill.

Authority

The provisions of this § 64.41 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301—1325 and 1501—1511.

Source

The provisions of this § 64.41 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 14, 1989, effective July 15, 1989, 19 Pa.B. 3042; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended December 15, 2006, effective December 16, 2006, 36 Pa.B. 7558. Immediately preceding text appears at serial page (246502).

Subchapter D. INTERRUPTION AND DISCONTINUATION OF SERVICE

- Sec.
64.51. Temporary interruption.
64.52. Refunds for service interruptions.
64.53. Discontinuance of service.

§ 64.51. Temporary interruption.

The LEC may temporarily interrupt service when necessary to effect repairs or maintenance; to eliminate an imminent threat to life, health, safety or substantial property damage; or for reasons of local, State or National emergency. Each LEC shall establish procedures to be followed by its employees to prevent or mitigate interruption or impairment and provide prompt notification to affected customers.

(1) *Notification procedures.* When the LEC knows in advance of the circumstances requiring the service interruption, it shall take all reasonable steps, such as personal contact and use of the mass media, to give earlier notice of the cause and expected duration of the interruption to all customers who may be affected. When service is interrupted due to unforeseen circumstances, notice of the cause and expected duration shall be given as soon as possible thereafter.

(2) *Permissible duration.* Service may be interrupted only as long as necessary to protect the health or safety of the public, to protect property, or to remedy the situation which necessitated the interruption. Service shall be resumed as soon as possible thereafter.

Source

The provisions of this § 64.51 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial pages (140299) to (140300).

§ 64.52. Refunds for service interruptions.

(a) When main service is interrupted for a period of at least 24 hours, the LEC, after notice by the customer, shall apply the following schedule of allowances except in situations provided for in subsection (b):

(1) One-thirtieth of the tariff monthly rate of all services and facilities furnished by the company rendered inoperative, useless or substantially impaired for each of the first three full 24-hour periods during which the interruption continues after notice by the customer to the company if the out-of-service extends beyond a minimum of 24 hours.

(2) Two-thirtieths of the tariff monthly rate for each full 24-hour period beyond the first three 24-hour periods referred to in paragraph (1). However, in no instance shall the allowance for the out-of-service period exceed the total charges in a billing period for the service and facilities furnished by the company rendered useless or impaired.

(b) When service is interrupted for a period of at least 24 hours due to storms, fires, floods or other conditions beyond the control of the company, an allowance of 1/30 of the tariff monthly rate for all services and facilities furnished by the company rendered inoperative or substantially impaired shall apply for each full 24 hours during which the interruption continues after notice by the customer to the company.

(c) The allowances described in this section are not applicable when service is interrupted by the negligence or willful act of the customer to service or where the company, under the terms of the contract for service, suspends or terminates service for nonpayment of charges, or for unlawful or improper use of the facilities or service, or for another reason provided for in the filed and effective tariff.

Source

The provisions of this § 64.52 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial pages (140300) to (140301).

§ 64.53. Discontinuance of service.

A customer who wishes to have service discontinued shall give at least 5 days oral or written notice to the telephone company, specifying the date on which it is desired that service be discontinued. The customer shall retain responsibility for service and equipment charges until the day and time on which service is requested to be discontinued. If the customer fails to provide the LEC with proper notice or access to the premises, the customer shall continue to be responsible for equipment and service rendered.

Authority

The provisions of this § 64.53 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301—1325 and 1501—1511.

Source

The provisions of this § 64.53 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 14, 1989, effective July 15, 1989, 19 Pa.B. 3042; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140301).

Subchapter E. SUSPENSION OF SERVICE

GROUNDINGS FOR SUSPENSION

Sec.

- 64.61. Authorized suspension of service.
- 64.62. Days suspension or termination of service are prohibited.
- 64.63. Unauthorized suspension of service.

NOTICE PROCEDURES PRIOR TO SUSPENSION

- 64.71. General notice provisions.
- 64.72. Suspension notice information.
- 64.73. Notice when dispute pending.
- 64.74. Procedures upon customer contact before suspension.
- 64.75. Exception for suspension based on occurrences harmful to person or property.

NOTICE PROCEDURES AFTER DISPUTE FILED

- 64.81. Limited notice upon noncompliance with report or order.

EMERGENCY PROVISIONS

- 64.101. General provision.
64.102. Postponement of suspension pending receipt of certificate.
64.103. Medical certification.
64.104. Length of postponement; renewals.
64.105. Restoration of service.
64.106. Duty of customer to pay bills.
64.107. Suspension upon expiration of medical certification.
64.108. Right of LEC to petition the Commission.
64.109. Suspension prior to expiration of medical certification.

THIRD-PARTY NOTIFICATION

- 64.111. Third-party notification.

GROUND FOR SUSPENSION**§ 64.61. Authorized suspension of service.**

Telephone service to a dwelling may be suspended for any of the following reasons:

- (1) Nonpayment of an undisputed delinquent account or the undisputed portion of an account where a dispute exists as to part but not all of an amount billed by the LEC.
- (2) Failure to post a deposit, provide a guarantee or establish credit.
- (3) Unreasonable refusal to permit access to service connections, equipment and other property of the LEC for maintenance or repair.
- (4) The use of service so as to interfere with or impair the use of service rendered to other customers.
- (5) Failure to comply with the material terms of a payment agreement.
- (6) Fraud or material misrepresentation of identity to obtain telephone service.
- (7) Violation of tariff provisions on file with the Commission so as to threaten the safety of a person or the integrity of the service delivery system of the LEC.
- (8) Unpaid indebtedness for telephone service previously furnished by the LEC in the name of the customer within 4 years of the date the bill is rendered.

Source

The provisions of this § 64.61 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140302).

§ 64.62. Days suspension or termination of service are prohibited.

Except for emergency situations, suspension or termination of service for non-payment of charges may not commence on any of the following:

- (1) Saturday or Sunday.
- (2) A bank holiday.
- (3) A holiday observed by the LEC. A holiday observed by the LEC means a day when the business office of the company is closed.

Source

The provisions of this § 64.62 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140303).

§ 64.63. Unauthorized suspension of service.

Unless expressly and specifically authorized by the Commission, basic service may not be suspended and a suspension notice may not be sent for any of the following reasons:

- (1) Nonpayment for nonbasic services.
- (2) Nonpayment of delinquent fees for toll service where the LEC is technically capable of terminating toll service without also terminating basic service.
- (3) Nonpayment for commercial service received at the same or different location.
- (4) Nonpayment of delinquent charges based on previously unbilled telephone service resulting from LEC billing error if these charges exceed the otherwise normal, average bill by 50%. This paragraph may not prohibit suspension when the LEC reviews the charges with the customer and offers to enter into a payment agreement which, at the option of the customer, may extend at least as long as necessary to ensure that the bill in one billing period will not be greater than the normal, average bill for the period plus 50%.
- (5) Noncompliance with the payment agreement before the date set for payment in the payment agreement.
- (6) Nonpayment of charges for telephone service furnished more than 4 years before the date the bill is rendered.
- (7) Nonpayment for residential service already furnished in the name of persons other than the customer unless a court, district justice, or administrative agency has determined that the customer is legally obligated to pay for the service previously furnished. This paragraph may not affect the creditor's rights and remedies of the LEC otherwise permitted by law.
- (8) Nonpayment of a delinquent account which accrued within the two most recent billing periods and which amounts to a total arrearage of less than \$20 unless the arrearage represents the balance of a broken payment agreement.
- (9) Evidence that full payment of all delinquent accounts has been made.

(10) Certification in accordance with §§ 64.101—64.103 (relating to general provision; postponement of suspension pending receipt of certificate; and medical certification).

Source

The provisions of this § 64.63 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial pages (140303) to (140304).

Cross References

This section cited in 52 Pa. Code § 64.24 (relating to provision of bundled service packages).

NOTICE PROCEDURES PRIOR TO SUSPENSION

§ 64.71. General notice provisions.

The LEC shall mail or deliver written notice to the customer at least 7 days before the date of proposed suspension regardless of the grounds upon which suspension is sought, with the exception of the following: Failure to comply with the material terms of a payment agreement for toll or nonbasic service, or both. In these cases, the LEC shall comply with § 64.81 (relating to limited notice upon noncompliance with report or order).

Authority

The provisions of this § 64.71 amended the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301—1325 and 1501—1511.

Source

The provisions of this § 64.71 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 14, 1989, effective July 15, 1989, 19 Pa.B. 3042; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394. Immediately preceding text appears at serial page (205957).

Cross References

This section cited in 52 Pa. Code § 64.109 (relating to suspension prior to expiration of medical certification).

§ 64.72. Suspension notice information.

A notice of suspension must clearly and fully include the following information, when applicable, in conspicuous print:

- (1) The reason for the proposed suspension.
- (2) A statement of amounts past due, and of a required deposit. The suspension notice must identify the amount past due for basic service which the customer shall pay to avoid the suspension of basic service.
- (3) A statement that a specific reconnection fee will be required to have service restored after it has been suspended if the reconnection fee is a part of the approved tariff of the LEC.

(4) The date on or after which service will be suspended unless one of the following occurs:

- (i) Payment in full is received.
- (ii) The grounds for suspension are otherwise eliminated.
- (iii) A payment agreement is entered into.
- (iv) A dispute is filed with the LEC.

(5) A statement that the customer should immediately contact the LEC to attempt to resolve the matter, including the mailing address and telephone number where questions may be filed and payment agreements entered into with the LEC.

(6) A medical emergency notice substantially in compliance with the form as set forth in Appendix A (relating to Medical Emergency Notice).

Source

The provisions of this § 64.72 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended June 25, 2010, effective June 26, 2010, 40 Pa.B. 3499. Immediately preceding text appears at serial pages (246507) to (246508).

Cross Reference

This section cited in 52 Pa. Code § 64.109 (relating to suspension prior to expiration of medical certification).

§ 64.73. Notice when dispute pending.

(a) A LEC shall not mail or deliver a notice of suspension if a notice of dispute, as defined in § 64.2 (relating to definitions), has been filed and is unresolved and if the subject matter of the dispute forms the grounds for the proposed suspension except where toll usage exceeds the following usage in a billing period after the filing of the notice of dispute or informal complaint:

- (1) For customers who have received service for 3 months or less—150% of the average use of the customer's exchange during the previous 12 months.
- (2) For customers who have received service for greater than 3 months but less than 12 months—150% of the customer's average use.
- (3) For customers who have received service for more than 12 months—150% of the customer's average use during the previous 12 months.

(b) A notice mailed or delivered contrary to the requirements of this section shall be void.

Source

The provisions of this § 64.73 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140305).

Cross Reference

This section cited in 52 Pa. Code § 64.109 (relating to suspension prior to expiration of medical certification).

§ 64.74. Procedures upon customer contact before suspension.

(a) If, at a time after the issuance of the suspension notice and before the suspension of service, a customer contacts the LEC concerning the proposed suspension, an authorized LEC employee shall fully explain, when applicable, the following:

- (1) The reasons for the proposed suspension.
- (2) The available methods of avoiding a suspension including:
 - (i) Tendering the past due amount as specified on the suspension notice or otherwise eliminating the grounds for suspension.
 - (ii) Entering a payment agreement.
 - (iii) The right of the customer to file a dispute with the telephone company and, thereafter, an informal complaint with the Commission.
- (3) The procedures for resolving disputes relating to charges on the notice other than IXC toll charges and the procedures for filing informal complaints to request payment terms on the basic service portion of the account, including the address and the telephone number of the nearest regional Commission office.
- (4) The duty of the customer to pay a portion of a bill not honestly disputed.
- (5) The duty of the customer to restrict toll usage to 150% of average normal toll usage.
- (6) The medical emergency procedures.
- (7) That upon failure to timely appeal from or comply with a telephone company report, as defined in § 64.142 (relating to contents of written summary by the LEC), an informal complaint report, or an order from a formal complaint—the LEC is not required to give further written notice before suspension so long as the LEC makes a reasonable attempt to contact the customer personally at least 24 hours prior to suspension.

(b) The LEC, through its employees, shall exercise good faith and fair judgment in attempting to enter into a reasonable payment agreement regarding undisputed amounts or to otherwise equitably resolve the matter. Factors to be taken into account when attempting to make a reasonable payment agreement include, but are not limited to, the size of the unpaid balance, the payment history of the customer and the length of time over which the bill accumulated. When the customer breaches a payment agreement for toll or nonbasic service, or both, the LEC may suspend the toll or nonbasic, or both, service after complying with § 64.81 (relating to limited notice upon noncompliance with report or order). At the time a payment agreement is entered into, the LEC shall explain to the customer the consequences of breaching the payment agreement, including the possible suspension of toll or nonbasic service, or both, without further written notice. The LEC may not suspend service for an undisputed delinquent bill under either of the following circumstances:

- (1) While it is negotiating a payment agreement with the customer.
- (2) Within 24 hours after negotiating fails, except where toll usage increases by \$25 or more after the initial customer or customer designee contact.

Authority

The provisions of this § 64.74 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501.

Source

The provisions of this § 64.74 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394; amended June 25, 2010, effective June 26, 2010, 40 Pa.B. 3499. Immediately preceding text appears at serial pages (246509) to (246510).

Cross Reference

This section cited in 52 Pa. Code § 64.109 (relating to suspension prior to expiration of medical certification).

§ 64.75. Exception for suspension based on occurrences harmful to person or property.

Notwithstanding another provision of this chapter, when a suspension is based on an occurrence which endangers the safety of a person or appears likely to prove physically harmful to the service delivery system of the LEC, the telephone company need give no written notice before suspension if the LEC honestly and reasonably believes the grounds do exist. At the time of suspension, the LEC shall mail a notice of suspension to the customer's billing address.

Source

The provisions of this § 64.75 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial pages (140306) to (140307).

NOTICE PROCEDURES AFTER DISPUTE FILED

§ 64.81. Limited notice upon noncompliance with report or order.

Upon the customer's failure to timely appeal from or comply with a LEC report as defined in § 64.142 (relating to contents of the LEC report), an informal complaint report, an order from a formal complaint, or a payment agreement negotiated for toll or nonbasic service, or both, the original grounds for suspension shall be revived and the LEC may not be required to give further written notice before suspension if the telephone company makes a reasonable attempt to contact the customer personally at least 24 hours before suspension.

Source

The provisions of this § 64.81 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394. Immediately preceding text appears at serial page (205960).

Cross Reference

This section cited in 52 Pa. Code § 64.71 (relating to general notice provisions); and 52 Pa. Code § 64.74 (relating to procedures upon customer contact before suspension).

EMERGENCY PROVISIONS**§ 64.101. General provision.**

No LEC may suspend or refuse to restore service to a dwelling when an occupant in the dwelling is certified by a physician to be seriously ill or affected with a medical condition which will be aggravated by a complete cessation of service except where access to emergency services by telephone is retained.

Source

The provisions of this § 64.101 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140307).

Cross References

This section cited in 52 Pa. Code § 64.63 (relating to unauthorized suspension of service).

§ 64.102. Postponement of suspension pending receipt of certificate.

If, before suspension of service, a LEC employe is informed that an occupant is seriously ill or is affected with a medical condition, that the occupant will be endangered by a cessation of service, and that a medical certification will be procured, suspension may not occur for at least 3 days. Service may be suspended if no certification is produced within the 3-day period.

Source

The provisions of this § 64.102 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140308).

Cross References

This section cited in 52 Pa. Code § 64.63 (relating to unauthorized suspension of service); and 52 Pa. Code § 64.104 (relating to length of postponement; renewals).

§ 64.103. Medical certification.

Certifications initially may be written or oral, subject to the right of the LEC to verify the certification by calling the physician or to require written confirmation within 7 days. All certifications, whether written or oral, shall include all of the following information.

- (1) The name, address and telephone number of the customer in whose name the account is registered.
- (2) The name and address of the afflicted person and the afflicted person's relationship to the customer.
- (3) The nature and anticipated length of the affliction.

- (4) The name, office address and telephone number of the certifying physician.
- (5) The specific reason why access to telephone service must be maintained.

Source

The provisions of this § 64.103 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140308).

Cross References

This section cited in 52 Pa. Code § 64.63 (relating to unauthorized suspension of service); and 52 Pa. Code § 64.104 (relating to length of postponement; renewals).

§ 64.104. Length of postponement; renewals.

Service may not be suspended for the period specified in the medical certification; however, the maximum length of the certification shall be 30 days.

- (1) *Time not specified.* If no time is specified or if the time is not readily ascertainable, service may not be suspended for at least 30 days.
- (2) *Renewals.* An initial certification may be renewed for an additional period of up to 30 days in the same manner provided in §§ 64.102 and 64.103 (relating to postponement of suspension pending receipt of certificate; and medical certification) and this section. A postponement shall not extend beyond 70 days from the date of the initial certification.

Source

The provisions of this § 64.104 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354.

§ 64.105. Restoration of service.

When service is required to be restored due to emergency medical certification, the LEC shall make a diligent effort to have service restored on the date of the medical certification. Service shall be restored before the end of the next working day. Each LEC shall have employees available or on call to restore service in emergencies.

Source

The provisions of this § 64.105 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (153563).

§ 64.106. Duty of customer to pay bills.

Whenever service is restored or suspension postponed under the medical emergency procedures, the customer shall:

- (1) Make timely payment for all service provided by the LEC after the date on which service is restored or suspension postponed.

(2) Restrict toll usage to an amount no greater than \$25 in a billing period while the medical certification is in effect.

Source

The provisions of this § 64.106 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (153563).

§ 64.107. Suspension upon expiration of medical certification.

When the certification has expired, the original grounds for suspension shall be revived and the LEC may suspend service without additional written notice, if notice previously has been mailed or delivered, if the customer has failed to make or to maintain an agreement on payment arrangements, and if the LEC makes a reasonable attempt to contact the customer at least 24 hours before suspension.

Source

The provisions of this § 64.107 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial pages (153563) to (153564).

Notes of Decisions

Proper Suspension of Service

Telephone company properly complied with provisions dealing with nontermination of telephone service during period of certified medical emergency and did not have duty to arrange for an extended payment plan for customer after expiration of medical emergency. *Mest v. Pennsylvania Public Utility Commission*, 574 A.2d 737 (Pa. Cmwlth. 1990).

§ 64.108. Right of LEC to petition the Commission.

(a) To completely suspend service before the expiration of the medical certification, except when allowed under § 64.109 (relating to suspension prior to expiration of medical certification), an LEC may petition the Commission for waiver from the medical certification procedures to contest the validity of a certification.

(b) A LEC shall continue to provide access to emergency telephone services while a final Commission adjudication on the petition is pending.

(c) Upon the filing of a petition for waiver of medical certification, Commission staff will review the facts and issue an informal written decision.

(d) A party to the proceeding may, within 20 days of the informal decision, and not thereafter except for good cause shown, appeal by filing with the Secretary of the Commission a letter stating the basis for appeal. An appeal from the informal decision will be assigned to the Office of Administrative Law Judge for hearing and decision.

Authority

The provisions of this § 64.108 amended under the Public Utility Code, 66 Pa.C.S. §§ 331, 501, 504—506, 1301 and 1501.

Source

The provisions of this § 64.108 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended January 19, 1990, effective January 20, 1990, 20 Pa.B. 278; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394. Immediately preceding text appears at serial page (205963).

§ 64.109. Suspension prior to expiration of medical certification.

A telephone company may suspend service prior to the expiration of the medical certification when the customer fails to make timely payments for service provided by the LEC after the date on which service is restored or suspension postponed. The company must follow notice procedures prior to suspension according to § 64.71—64.74.

Authority

The provisions of this § 64.109 issued under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501.

Source

The provisions of this § 64.109 adopted July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394.

Cross References

This section cited in 52 Pa. Code § 64.108 (relating to right of LEC to petition the Commission).

THIRD-PARTY NOTIFICATION**§ 64.111. Third-party notification.**

Each LEC shall permit its customers to designate a consenting individual or agency which is to be sent, by the LEC, a duplicate copy of all suspension and termination notices issued by the LEC. When contact with a third party is made, the LEC shall advise the third party of the pending action and the efforts which must be taken to avoid termination. Each LEC shall institute and maintain a program:

- (1) To allow customers to designate third parties to receive copies of a customer's or customers' groups' notices of suspension or termination.
- (2) To advise customers at least annually of the availability of a third-party notification program and to encourage its use.

Source

The provisions of this § 64.111 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial pages (153564) to (153565).

Subchapter F. TERMINATION OF SERVICE**GROUND FOR TERMINATION**

Sec.

- 64.121. Authorized termination of service.
64.122. Unauthorized termination of service when dispute pending.
64.123. Termination notice.

GROUND FOR TERMINATION**§ 64.121. Authorized termination of service.**

When at least 10 days have passed since suspension of service, the company may terminate service for failure to pay a reconnection fee and to remedy the original grounds for suspension due to any of the following reasons:

- (1) Failure to make satisfactory arrangements to pay arrearages.
- (2) Failure to post a deposit, furnish a third-party guarantee or otherwise establish credit.
- (3) Failure to meet the requirements of a payment agreement.
- (4) Failure to give adequate assurances that an unauthorized use or practice will cease.

Source

The provisions of this § 64.121 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354.

§ 64.122. Unauthorized termination of service when dispute pending.

Unless expressly and specifically authorized by the Commission, service may not be terminated if both of the following exist:

- (1) A notice of dispute has been filed and is unresolved and if the subject matter of the dispute forms the grounds for termination.
- (2) The customer is making a good faith effort to pay or make payment arrangements to pay all undisputed bills and undisputed portions of disputed bills.

Source

The provisions of this § 64.122 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354.

§ 64.123. Termination notice.

Immediately after service is suspended, a termination notice which conforms substantially to the suspension notice and which indicates how the customer may arrange to have service restored shall be mailed to the customer's billing address. The termination notice must include:

- (1) The amount past due for basic service which the customer shall pay to avoid the termination of basic service.

(2) A medical emergency restoration notice substantially in the form set forth in Appendix B (relating to Medical Emergency Restoration Notice).

(3) A statement that service will be terminated on or after a specified date and a clear explanation that the customer shall request service as a new applicant, subject to additional charges, if termination occurs.

Authority

The provisions of this § 64.123 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301—1325 and 1501—1511.

Source

The provisions of this § 64.123 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 14, 1989, effective July 15, 1989, 19 Pa.B. 3042; amended June 25, 2010, effective June 26, 2010, 40 Pa.B. 3499. Immediately preceding text appears at serial pages (246515) to (246516).

Subchapter G. DISPUTES; INFORMAL AND FORMAL COMPLAINTS

GENERAL PROVISIONS

Sec.

- 64.131. Dispute procedures.
- 64.132. Time for registering dispute.
- 64.133. Termination stayed.
- 64.134. Effect of failure to timely register a termination dispute.

TELEPHONE COMPANY DISPUTE PROCEDURES

- 64.141. General rule.
- 64.142. Contents of written summary by the LEC.

INFORMAL COMPLAINT PROCEDURES

- 64.151. Time for filing.
- 64.152. Informal complaint filing procedures.
- 64.153. Commission informal complaint procedures.
- 64.154. Bureau of Consumer Services.

FORMAL COMPLAINTS

- 64.161. General rule.
- 64.162. Time for filing.
- 64.163. Formal complaint procedures.

PAYMENT OF BILLS PENDING RESOLUTION OF DISPUTES AND COMPLAINTS

- 64.171. Duties of parties: undisputed portion of bills; interest on overpayment.

Cross References

This subchapter cited in 52 Pa. Code § 55.115 (relating to coordination with other regulations).

GENERAL PROVISIONS**§ 64.131. Dispute procedures.**

A dispute shall proceed in accordance with this subchapter before an informal complaint can be filed.

Source

The provisions of this § 64.131 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354.

§ 64.132. Time for registering dispute.

To be timely registered a dispute must be brought to the attention of the LEC orally or in writing by the customer or the customer's designee before actual suspension or termination of service.

Source

The provisions of this § 64.132 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140313).

§ 64.133. Termination stayed.

Except as otherwise provided in this chapter, when a dispute is properly registered in accordance with this subchapter, suspension or termination based on disputed portions of the bill is prohibited until resolution of the dispute. However, the disputing party shall pay, or enter into a reasonable payment agreement for all undisputed portions of the bill. If the disputing party does not do so, the LEC may suspend or terminate service based on the nonpayment, if the suspension or termination is otherwise permitted under this chapter.

Authority

The provisions of this § 64.133 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501.

Source

The provisions of this § 64.133 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394. Immediately preceding text appears at serial page (220838).

§ 64.134. Effect of failure to timely register a termination dispute.

Failure to timely register a dispute, except for good cause, shall constitute a waiver of applicable rights to retain service without complying with the termination notice, suspension notice or LEC written summary, and may constitute a waiver of rights to file an informal complaint under this chapter.

Source

The provisions of this § 64.134 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140313).

TELEPHONE COMPANY DISPUTE PROCEDURES**§ 64.141. General rule.**

If, at any time before suspension or termination of service, a customer registers a dispute, the LEC shall do the following:

(1) Not issue a suspension or termination notice based on the disputed subject matter.

(2) Investigate the matter using reasonable methods which may include telephone contacts and personal contacts with the customer.

(3) In a manner clear to the customer, set aside the disputed charges pending resolution of the dispute and demand payment of undisputed charges only.

(4) Provide the customer with the information necessary to arrive at an informed judgment, including, but not limited to, relevant portions of tariffs and statements of account.

(5) Within 30 days of the registration of the dispute, review findings with the customer in a manner which outlines clearly the results of the investigation and which indicates what action will be necessary for the customer to continue service. The findings shall be summarized in a report as follows, and the LEC shall inform the customer that a copy of the report is available upon request:

(i) If the complainant is not satisfied with the dispute resolution, the LEC report shall be in writing and conform to § 64.142 (relating to contents of the LEC report). In these instances, the written report shall be sent to the complaining party if requested, or if deemed necessary by the LEC. The written report shall also be sent to the Commission upon request.

(ii) If, however, the complaining party is satisfied with the orally conveyed dispute resolution, the written LEC report may be limited to the information required by § 64.142(1) and (2), and, if applicable, § 64.142(7).

(iii) If the complaining party expresses satisfaction but requests a written report, the report shall conform with § 64.142 in its entirety.

Authority

The provisions of this § 64.141 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501.

Source

The provisions of this § 64.141 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394. Immediately preceding text appears at serial page (205967).

Cross References

This section cited in 52 Pa. Code § 63.15 (relating to complaint procedures).

§ 64.142. Contents of written summary by the LEC.

The LEC report shall include the following:

- (1) A statement of the claim or dispute and a copy thereof if the claim or dispute was made in writing.
- (2) The position of the LEC and the results of investigation.
- (3) An itemized statement of the account, specifying amounts credited or due as a result of the disputed subject matter.
- (4) A statement that service will not be suspended pending completion of the dispute process, including both informal and formal complaints, so long as the customer:
 - (i) Pays all nondisputed amounts.
 - (ii) Files an informal complaint with the Commission within 10 days of the date on which the LEC mailed the written summary to the customer.
- (5) The address and telephone number of the LEC office where payment can be made or information obtained.
- (6) A complete explanation of procedures for filing an informal complaint with the Commission (see § 64.152 (relating to informal complaint filing procedures)). If a written report is not requested by the complaining party or deemed necessary by the LEC, the LEC must provide the information in § 64.152(a)(1)—(3) and (6). In addition, the LEC should provide the telephone number and address of the office of the Commission where the informal complaint may be filed.
- (7) The date on or after which the account will be delinquent unless a payment agreement is entered into or an informal complaint is filed with the Commission. The date may not be earlier than the original due date of the bill or 10 days after the mailing or personal delivery of the written summary, whichever is later.

Authority

The provisions of this § 64.142 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501.

Source

The provisions of this § 64.142 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394. Immediately preceding text appears at serial pages (205967) to (205968).

Cross References

This section cited in 52 Pa. Code § 63.15 (relating to complaint procedures); 52 Pa. Code § 64.74 (relating to procedures upon customer contact before suspension); 52 Pa. Code § 68.81 (relating to limited notice upon noncompliance with report or order); and 52 Pa. Code § 64.141 (relating to general rule).

INFORMAL COMPLAINT PROCEDURES**§ 64.151. Time for filing.**

Within 10 days of the notification or mailing of a LEC written summary and not thereafter, except for failure to receive notice or other good cause, an informal complaint shall be filed by the customer or customer designee with the Commission.

Source

The provisions of this § 64.151 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140315).

Cross References

This section cited in 52 Pa. Code § 63.15 (relating to complaint procedures).

§ 64.152. Informal complaint filing procedures.

(a) An informal complaint may be filed orally or in writing and shall include the following information:

- (1) The name of the customer.
- (2) The address of the customer and, if different, the address at which service is provided.
- (3) The telephone number of the account.
- (4) The telephone number at which the customer can be reached during the day and evening.
- (5) The name of the LEC.
- (6) A brief statement of the dispute.
- (7) Whether the dispute formerly has been the subject of a LEC investigation and written summary.
- (8) Whether the dispute formerly has been the subject of a Commission informal or formal complaint.
- (9) The date, if any, of the proposed suspension or termination.
- (10) The relief sought.

(b) Subsection (a) supersedes § 3.111 (relating to form and content of informal complaints).

Source

The provisions of this § 64.152 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial pages (140315) to (140316).

Cross References

This section cited in 52 Pa. Code § 3.111 (relating to form and content of informal complaints); 52 Pa. Code § 63.15 (relating to complaint procedures); and 52 Pa. Code § 64.142 (relating to contents of written summary by the LEC).

§ 64.153. Commission informal complaint procedures.

(a) The timely filing of an informal complaint acts as a limited stay and the LEC may not suspend or terminate service based on the complaining party's nonpayment of any billed amount which is contested in the informal complaint until the complaint is resolved. The LEC may not suspend or terminate service based on the complaining party's nonpayment of additional billed amounts that reflect the same underlying problem, other than a claimed inability to pay, as the billed amounts contested in the informal complaint. This limited stay does not prevent the LEC from suspending or terminating service based on the complaining party's nonpayment of other billed amounts, where the suspension or termination is otherwise permitted under this chapter.

(b) Upon the filing of an informal complaint, which shall be docketed as "(complainant) v. (company)," Commission staff will immediately notify the utility, review the dispute, and, within a reasonable period of time, issue to the utility and the complaining party an informal report with findings and a decision. The reports shall be in writing and a summary will be sent to the parties if a party requests it or if the Commission staff finds that a summary is necessary.

(1) *Review techniques.* Review shall be by appropriate means, including LEC written summaries, telephone calls, conferences, written statements, research, inquiry and investigation. Procedures shall be designed to insure a fair and reasonable opportunity to present pertinent evidence and to challenge evidence submitted by the other party to the dispute. Information and documents requested by Commission staff as part of the review process shall be provided by the LEC within 30 days of the request.

(2) *Settlement.* Before the issuance of its report, Commission staff may negotiate with the parties in an attempt to settle the matters in dispute.

(c) Commission staff resolution of informal complaints is binding upon the parties unless formal proceedings are initiated under Chapter 5 (relating to formal proceedings).

(d) Subsection (b) supersedes § 3.112 (relating to action on informal complaints).

Authority

The provisions of this § 64.153 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301—1325 and 1501—1511.

Source

The provisions of this § 64.153 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 14, 1989, effective July 15, 1989, 19 Pa.B. 3042; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394. Immediately preceding text appears at serial pages (225751) to (225752).

Cross References

This section cited in 52 Pa. Code § 63.15 (relating to complaint procedures).

§ 64.154. Bureau of Consumer Services.

The Bureau of Consumer Services shall have primary jurisdiction over all complaints arising under this chapter.

Source

The provisions of this § 64.154 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354.

Cross References

This section cited in 52 Pa. Code § 63.15 (relating to complaint procedures).

FORMAL COMPLAINTS**§ 64.161. General rule.**

(a) Except as otherwise provided in this chapter, formal complaint proceedings shall proceed according to Chapters 3 and 5 (relating to special provisions; and formal proceedings).

(b) The timely filing of a formal complaint acts as a limited stay and the LEC may not suspend or terminate service based on the complaining party's nonpayment of any billed amount which is contested in the formal complaint until the complaint is resolved. This limited stay does not prevent the LEC from suspending or terminating service based on the complaining party's nonpayment of other billed amounts, if the suspension or termination is otherwise permitted under this chapter, and if the suspension or termination is preceded by the required notification.

Authority

The provisions of this § 64.161 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501.

Source

The provisions of this § 64.161 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394. Immediately preceding text appears at serial page (225752).

Cross References

This section cited in 52 Pa. Code § 63.15 (relating to complaint procedures).

§ 64.162. Time for filing.

Within 10 days of notification or mailing of the informal complaint report, and not thereafter except for good cause, an appeal from the report of the Consumer Service Representative may be filed by means of a written intention to appeal.

Source

The provisions of this § 64.162 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354.

Cross References

This section cited in 52 Pa. Code § 63.15 (relating to complaint procedures).

§ 64.163. Formal complaint procedures.

All appeals from informal complaint reports shall be heard de novo by the Commission, a Commissioner, or an Administrative Law Judge.

(1) *Filing and docketing.* Appeals shall be filed and docketed as formal Commission complaints, under § 5.22 and § 5.61 (relating to contents of formal complaint; and answers to complaints and petitions).

(2) *Captions.* The parties to an appeal shall be stated in the caption as they stood upon the record of the informal complaint proceeding.

(3) *Hearings.* Hearings conducted by an Administrative Law Judge shall be held within 90 days after the filing of the complaint. The parties may incorporate portions of the conference report or informal complaint report upon which they agree.

(4) *Formal complaint report.* The Administrative Law Judge assigned to the formal complaint shall render a decision within 90 days after the record is closed unless the Commission allows an extension.

(5) *Exceptions.* A party to a proceeding may file exceptions to the decision of the Administrative Law Judge and appeal to the Commission from the ruling on the exceptions, in the manner set forth at 66 Pa.C.S. § 332(h) (relating to procedures in general). If no exceptions are filed or no appeal is taken, the Administrative Law Judge's decision or ruling will become final without further Commission action, unless two or more of the Commissioners request Commission review.

Source

The provisions of this § 64.163 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354.

Cross References

This section cited in 52 Pa. Code § 63.15 (relating to complaint procedures).

**PAYMENT OF BILLS PENDING RESOLUTION OF
DISPUTES AND COMPLAINTS****§ 64.171. Duties of parties: undisputed portion of bills; interest on overpayment.**

Pending resolution of a dispute, including a termination dispute, the disputing party shall be required to pay the undisputed portion of all bills, as described in this section:

(1) *Pending informal complaint.* Pending the outcome of an informal complaint, the disputing party shall be obligated to pay the portion of a bill which is not honestly disputed. Amounts ultimately determined, by the parties or the

Commission, to have been validly due but not paid shall be paid with a late payment charge at the tariff rate filed under § 64.16 (relating to accrual of late payment charges) except when late payment charges have been reduced or eliminated by the parties or the Commission to facilitate payment by the disputing party.

(2) *Pending formal complaint.* Before the hearing on a formal complaint or before the issuance of a Commission order when no hearing is to be held in a formal complaint proceeding, the customer shall be required to pay the amount which the Consumer Services Representative determines is not reasonably disputed.

(3) *Overpayments reimbursed with interest.* Amounts ultimately determined to have been overpaid by the disputing party shall be reimbursed with interest at the tariff rate filed under § 64.16.

(4) *Effect of offer of payment.* An offer by a ratepayer to pay all or a portion of a bill shall not be deemed a waiver of a right to reimbursement for all amounts subsequently deemed by the parties or the Commission to have been overpaid.

(5) *Effect of acceptance of partial payment.* The acceptance by a LEC of a partial payment for a bill pending final outcome of a dispute shall not be deemed an accord and satisfaction or waiver of the right of the utility to payment in full as subsequently agreed to by the parties or decided by the Commission.

Source

The provisions of this § 64.171 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140319).

Cross References

This section cited in 52 Pa. Code § 63.15 (relating to complaint procedures).

Subchapter H. RESTORATION OF SERVICE

Sec.

64.181. Restoration of service after suspension.

64.182. Restoration of service after termination.

§ 64.181. Restoration of service after suspension.

If service has been suspended, the LEC shall reconnect service by the end of the first full working day after the customer has complied with or provided adequate assurance of compliance with an applicable provision of Subchapter C (relating to credit and deposit standards policy) and one of the following:

(1) Full payment of outstanding charges plus the reconnection fee listed in the LEC's lawful tariff. The payment may not exceed the total of applicable rates and reconnection fees specified in the LEC's tariff. Payment of outstanding charges and the reconnection fee may be spread out over a reasonable period. Factors to be taken into account include the size of the unpaid balance, the payment history of the ratepayer and the length of time over which the bill accumulated.

(2) Payment of amounts currently due according to a payment agreement, plus a reconnection fee, which may be a part of the settlement or payment agreement.

(3) Payment of an amount deemed appropriate by Commission staff upon its review of an informal complaint.

(4) Adequate assurances that unauthorized use or practice will cease, plus full payment of the reconnection fee of the LEC, which reconnection fee may be subject to a payment agreement.

Authority

The provisions of this § 64.181 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301—1325 and 1501—1511.

Source

The provisions of this § 64.181 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 14, 1989, effective July 15, 1989, 19 Pa.B. 3042; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140320).

Cross References

This section cited in 52 Pa. Code § 63.15 (relating to complaint procedures).

§ 64.182. Restoration of service after termination.

When service has been terminated, the customer shall reapply for service as an applicant.

Source

The provisions of this § 64.182 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354.

Cross References

This section cited in 52 Pa. Code § 63.15 (relating to complaint procedures).

Subchapter I. PUBLIC INFORMATION; RECORD MAINTENANCE

Sec.

64.191. Public information.

64.192. Record maintenance.

§ 64.191. Public information.

(a) LEC service representatives shall provide applicants who apply for residential telephone service in person with a concise, easy-to-understand printed price list showing all available service and equipment options. The price of the least expensive single-party basic service option shall be clearly and conspicuously displayed on the list.

(b) If an applicant applies for service by telephone, the LEC service representative shall:

(1) Explain and give the price of the least expensive type of single-party basic service.

(2) Determine whether the applicant wants information about services for customers with disabilities.

(c) The LEC service representative may complete the remainder of the application in the manner the LEC determines best responds to the applicant's questions and needs. Applicants shall be informed of the following information during the application process:

(1) The date service will be installed.

(2) Available blocking options, for example, 900, 976, collect call, Caller ID.

(3) Directory listing options.

(d) The LEC service representative shall inform applicants when services discussed are optional and shall include the price with the description of each optional service.

(e) The explanations of toll presubscription, whether interLATA, intraLATA, or both, shall be objective and unbiased.

(f) The LEC service representative shall inform each applicant that they will be sent a confirmation letter, which will include:

(1) An itemization of the services ordered.

(2) The price of each service ordered.

(3) Identification of the services that are optional.

(4) Information instructing the applicant that a more thorough explanation and price list of services of interest to residential customers, and instructions on how to obtain the information, may be found in the telephone directory, when applicable.

(g) In addition to the notice requirements set forth in this chapter, before July 1, 1985, each LEC shall prepare a summary of the rights and responsibilities of the LEC and its customers under this chapter. This written information shall be subject to Commission review and approval and shall be reproduced by the LEC, displayed prominently, available at LEC locations open to the general public, printed in each telephone directory, and made available to each customer. Thereafter, the information shall be delivered or mailed to each new customer when service begins and shall be available at all times upon request. The written infor-

mation shall indicate conspicuously that it is being provided in accordance with this chapter and shall contain information including, but not limited to, the following:

- (1) Billing procedures.
- (2) Methods of customer verification of billing accuracy.
- (3) Payment requirements and procedures.
- (4) Security deposit and guarantee requirements.
- (5) Procedures for suspension, termination and reconnection of service.
- (6) Dispute, informal complaint and formal complaint procedures.
- (7) Third-party notification procedures.
- (8) Telephone numbers and addresses of the LEC and of the nearest Regional Office of the Commission where further inquiries may be made.
- (9) Definitions of terms or abbreviations used by the telephone company on its bills.

Authority

The provisions of this § 64.191 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504—506, 1301 and 1501.

Source

The provisions of this § 64.191 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended July 17, 1998, effective July 18, 1998, 28 Pa.B. 3394; corrected April 21, 2000, effective July 18, 1998, 30 Pa.B. 2028. Immediately preceding text appears at serial page (246526).

§ 64.192. Record maintenance.

Each LEC shall preserve all written or recorded disputes and complaints for 4 years from the date of the written or recorded dispute or complaint. It shall also keep the records within this Commonwealth at an office located in the territory served by them, and shall make the records available for examination by the Commission or its staff. Information to be maintained shall include the following:

- (1) The payment performance of the disputing and complaining customers.
- (2) The number of suspensions, terminations and reconnections for each of the disputing and complaining customers.
- (3) Communications to or from the disputing and complaining customers regarding matters which may be broadly construed to fall within the purview of this chapter.

Source

The provisions of this § 64.192 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140322).

Cross References

This section cited in 52 Pa. Code § 63.221 (relating to customer complaint procedures).

Subchapter J. ANNUAL LEC REPORTING REQUIREMENTS

Sec.

- 64.201. Reporting requirements.
64.202. Petition for waiver.

§ 64.201. Reporting requirements.

(a) *Annual report.* Within 90 days after the end of each calendar year, each LEC with residential accounts shall file with the Commission an annual report containing residential account information as listed in subsection (b) for the previous calendar year.

(b) *Elements of periodic reporting.* The following must be included in periodic reporting as required under this section:

- (1) The average number of residential accounts per month.
- (2) The average residential customer bill per month for each of the following:
 - (i) Basic service.
 - (ii) Nonbasic service.
 - (iii) Toll service.
 - (iv) Total amount due ((i) + (ii) + (iii)).
- (3) The average number of overdue residential accounts per month.
- (4) The average overdue residential customer bill per month for:
 - (i) Basic service.
 - (ii) Nonbasic service.
 - (iii) Toll service.
 - (iv) Total amount overdue ((i) + (ii) + (iii)).

- (5) The average number of residential basic service suspension notices sent per month.
- (6) The average number of residential basic service suspensions per month.
- (7) The average number of residential basic service terminations per month.
- (8) LEC gross revenue from all residential accounts separated as follows:
 - (i) Basic service.
 - (ii) Nonbasic service.
 - (iii) Toll service.
 - (iv) Total revenue ((i) + (ii) + (iii)).
- (9) LEC gross write-offs of uncollectible residential accounts separated as follows:
 - (i) Basic service.
 - (ii) Nonbasic service.
 - (iii) Toll service.
 - (iv) Total gross write-offs ((i) + (ii) + (iii)).
- (10) LEC net write-offs of uncollectible residential accounts separated as follows:
 - (i) Basic service.
 - (ii) Nonbasic service.
 - (iii) Toll service.
 - (iv) Total net write-offs ((i) + (ii) + (iii)).
- (11) The total number of Chapter 64 disputes handled.

Authority

The provisions of this § 64.201 amended under the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 1501 and 1504.

Source

The provisions of this § 64.201 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4354; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887; amended December 15, 2006, effective December 16, 2006, 36 Pa.B. 7558. Immediately preceding text appears at serial pages (312637) to (312638).

§ 64.202. Petition for waiver.

If unreasonable hardship to an LEC would result from compliance with this subchapter, the LEC may petition for waiver.

Authority

The provisions of this § 64.202 issued under the Public Utility Code, 66 Pa.C.S. §§ 501, 504, 1501 and 1504.

Source

The provisions of this § 64.202 adopted July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887.

Subchapter K. GENERAL PROVISIONS

Sec.

- 64.211. Availability of normal Commission procedures.
- 64.212. Applications for modification or exception.
- 64.213. Repealers.

§ 64.211. Availability of normal Commission procedures.

Nothing in this chapter will be deemed to prevent a customer of a LEC from pursuing other Commission procedures in a case not described in this chapter.

Source

The provisions of this § 64.211 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4345; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140323).

§ 64.212. Applications for modification or exception.

(a) If unreasonable hardship to a customer or to a LEC results from compliance with this chapter, application may be made to the Commission for modification of the section or for temporary exemption from its requirements. The adoption of this chapter by the Commission will in no way preclude the Commission from altering or amending this chapter under applicable statutory procedures, nor will the adoption of this chapter preclude the Commission from granting exemptions in exceptional cases.

(b) A customer, customer designee or LEC that files an application under this section shall provide notice to persons who may be affected by the modification or waiver. Notice may be made by a bill insert or in another reasonable manner.

Source

The provisions of this § 64.212 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4345; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140324).

§ 64.213. Repealers.

A tariff provision inconsistent with this chapter will be deemed inoperative and superseded by this chapter.

Source

The provisions of this § 64.213 adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4345.

APPENDIX A**MEDICAL EMERGENCY NOTICE**

If you, or anyone presently and normally living in your home is **SERIOUSLY ILL, WE WILL NOT CUT OFF YOUR TELEPHONE SERVICE** for up to 30 days during such illness provided you:

- (a) Have a physician certify by phone or in writing that such an illness exists and that the person will be endangered if your telephone service is stopped.
- (b) Make some equitable arrangement to pay the LEC your past due and current bills for service.
- (c) Contact us by calling the following number
(LEC) Phone Number:
(LEC) Address

Source

The provisions of this Appendix A adopted November 30, 1984, effective January 1, 1985, 14 Pa.B. 4345; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140324).

Cross References

This appendix cited in 52 Pa. Code § 64.72 (relating to suspension notice information).

APPENDIX B
MEDICAL EMERGENCY RESTORATION NOTICE

If you or anyone presently and normally living in your home is seriously ill, we will restore your telephone service for up to 30 days during the illness if you:

- (a) Have a physician certify by phone or in writing that the illness exists and that the person will be endangered if your telephone service is stopped.
- (b) Make some equitable arrangement to pay the LEC your past due and current bills for service.
- (c) Contact us by calling the following number:
 - (LEC) Phone Number.
 - (LEC) Address.

Authority

The provisions of this Appendix B issued under the Public Utility Code, 66 Pa.C.S. §§ 501, 1301—1325 and 1501—1511.

Source

The provisions of this Appendix B adopted July 14, 1989, effective July 15, 1989, 19 Pa.B. 3042; amended July 21, 1995, effective July 22, 1995, 25 Pa.B. 2887. Immediately preceding text appears at serial page (140325).

Cross References

This appendix cited in 52 Pa. Code § 64.123 (relating to termination notice).

[Next page is 65-1.]

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