

**R20-01 SLAMMING, CRAMMING AND RELATED ABUSES IN THE MARKETING OF TELECOMMUNICATIONS SERVICES**

(a) No telecommunications provider shall submit, or cause to be submitted, a change order for preferred intraLATA interexchange carrier, interLATA interexchange carrier or local exchange carrier to any telecommunications company except in accordance with the procedures required by the current regulations of the Federal Communications Commission.

(b) If the Commission determines that a telecommunications provider has submitted, or caused to be submitted, a change order and cannot demonstrate that it has complied with subsection (a), the Commission shall make available to the customer the remedies authorized by the current regulations of the Federal Communications Commission, with respect to both interstate and intrastate service, and for this purpose the customer's authorized carrier may be made a party to the proceeding.

(c) (Reserved for future use.)

(d) No telecommunications provider shall provide any service to any customer for compensation, or submit or authorize any billing, unless and until the customer or the customer's representative has clearly, expressly and affirmatively agreed to purchase the service; provided, however, with respect to dial-around charges or per-use charges associated with vertical feature offerings of local providers and subject to forgiveness policies relating to the billing of charges, use of such services by an employee of the customer or by a member or guest of the customer's household shall be deemed to have been made under the authority of the customer. For purposes of this subsection, each day the provider continues to make the service available to the customer for compensation constitutes a separate violation, even if the customer does not actively make use of the service.

(e) Any telecommunications provider's telemarketing, direct mail or other forms of solicitation to change a customer's preferred local exchange carrier, intraLATA interexchange carrier, or interLATA interexchange carrier shall comply with the current regulations of the Federal Communications Commission regarding separate letters of authorization.

(f) As used in this section:

(1) "Express authorization" means an express, affirmative act by the customer or the customer's representative clearly agreeing to the change in preferred intraLATA interexchange carrier, interLATA interexchange carrier or local exchange carrier, in a manner consistent with this section and the regulations of the Federal Communications Commission.

(2) "Customer" means the party in whose name the telecommunications service is provided.

(3) "Customer's representative" means any adult person authorized by the customer to change telecommunications services, or contractually or otherwise lawfully authorized to represent the customer.

(4) "Telecommunications provider" means any public utility that provides telecommunications service.

(NCUC Docket No. P-100, Sub 148, 07/12/01; NCUC Docket No. P-100, Sub 165, 08/5/10.)