

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the Commission's
Own Motion to Establish Consumer Rights and
Protection Rules Applicable to All
Telecommunications Utilities

Rulemaking 00-02-004
(Filed February 3, 2000)

TO: ALL PARTIES OF RECORD IN THE ABOVE-CAPTIONED PROCEEDING

NOTICE OF AVAILABILITY

The alternate proposed decision of Commissioner Dian M. Grueneich has been made available at http://www.cpuc.ca.gov/PUBLISHED/COMMENT_DECISION/53090.htm on January 25, 2006. This Notice of Availability explains the comment and review period and provides a digest of the Alternate Proposed Decision.

Any recipient of this Notice of Availability who is not receiving service by electronic mail in this proceeding or who is unable to access the link to the Commission's web site given above may request a paper copy of the alternate proposed decision from the Commission's Central Files Office, at (415) 703-2045; fax number (415) 703-2263; e-mail cen@cpuc.ca.gov.

DIGEST

This Alternate Proposed Decision differs from the Proposed Decision in several ways. Generally speaking, the Alternate Decision proposes a comprehensive telecommunications consumer protection program with four equally essential elements: a Consumer Bill of Rights, clear and concise Rules to enforce those Rights, a new emphasis on the Education of consumers, and improved Enforcement of the Rules.

Specifically, the Alternate Decision proposes a Bill of Rights that is enforceable through the revised General Order 168 Part II Rules. The Rights focus on Choice, Non-Discrimination, Safety, Privacy, Disclosure, Accurate Bills and Public Participation. The Bill of Rights does not include references to the Internet or Broadband Services, as suggested in the Proposed Decision, because the Commission has no jurisdiction to enforce rules related to information services.

The proposed Rules in Part II are a streamlined subset of the 2004 Rules that respond to carrier concerns regarding cost, innovation, and competition. The proposed Rules establish a uniform, level playing field for carriers and respond to increased complaints in about telecommunications service. The proposed Rules require, among other things:

- Clear and concise disclosure of key terms and conditions and presentation of the contract of service at the point of sale;
- A summary document of the key terms and conditions at the point of sale;
- Point of sale disclosures and contracts in the same language in which the solicitations or offer of service was made; and
- a 30-day rescission period without penalties.

In addition to the revised Part II rules, the Alternate Decision keeps in place the current Cramming Rules in G.O. 168 Part IV that the Proposed Decision would repeal and the current Slamming Rules in G.O. 168 Part V.

The Education element in the Alternate Decision differs from that in the Proposed Decision by establishing a program that is shared between the Commission and carriers, rather than simply the responsibility of the Commission, and by directing staff to establish a federal consumer advocacy program. The Enforcement element of the Alternate Decision encourages collaborative efforts between the Commission and the Attorney General as does the Proposed Decision but places greater emphasis on the Commission's responsibility to protect California telecommunications consumers.

COMMENT AND REVIEW PERIOD

The alternate proposed decision will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later. When the Commission acts on this agenda item, it may adopt all or part of the decision as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Public Utilities Code Section 311(e) requires that an alternate to a proposed decision or to a decision subject to subdivision (g) be served on all parties, and be subject to public review and comment prior to a vote of the Commission.

Page 3 of 3

Parties to the proceeding may file comments on the alternate proposed decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure," accessible on the Commission's website at

http://www.cpuc.ca.gov/PUBLISHED/RULES_PRAC_PROC/46095.htm.

Pursuant to Rule 77.3 opening comments shall not exceed 15 pages.

Comments must be filed with the Commission's Docket Office. Comments should be served on parties to this proceeding in accordance with Rules 2.3 and 2.3.1. Comments on the alternate proposed decision must be filed and served no later than February 14, 2006. Reply comments are due no later than February 21, 2006. Electronic copies of comments should be sent to ALJ James C. McVicar at jcm@cpuc.ca.gov and Commissioner Dian M. Grueneich's advisor Kelly Hymes at khy@cpuc.ca.gov. All parties must serve hard copies on the ALJ, the assigned Commissioner and Commissioner Grueneich, and for that purpose I suggest hand delivery, overnight mail or other expeditious methods of service. The current service list for this proceeding is available on the Commission's web site, www.cpuc.ca.gov.

Dated January 25, 2006, at San Francisco, California.

/s/ ANGELA K. MINKIN

Angela K. Minkin, Chief
Administrative Law Judge