

D.T.E. 98-59

Complaint and request for relief of Tel-Save, Inc. against New England Telephone and Telegraph Company, d/b/a Bell Atlantic - Massachusetts, for alleged violation of Section 201(b) and 202 of the Communications Act of 1934, as amended, and alleged violation of M.G.L. Chapter 159, §§ 16 and 17.

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ORDER

I. INTRODUCTION

On June 15, 1998, Tel-Save, Inc. ("TSI") filed a complaint ("Complaint") against New England Telephone and Telegraph Company d/b/a Bell Atlantic-Massachusetts ("Bell Atlantic") with the Massachusetts Department of Telecommunications and Energy ("Department") alleging that Bell Atlantic is engaging in unjust and unreasonable practices by refusing to accept subscriber-originated electronically mailed requests to lift primary interexchange carrier ("PIC") freezes (Complaint at 2). A PIC freeze restricts access to a customer's account by preventing the use of a PIC change request without additional authorization from the customer (*id.* at 2 n.1). Bell Atlantic filed its answer ("Answer") on July 1, 1998 contending its practice of not accepting electronically mailed requests to lift PIC freezes is reasonable in light of the prevalence of "slamming"<sup>(1)</sup> and an on-going Federal Communications Commission ("FCC") investigation of current PIC change techniques (Answer at 4). See In the Matter of Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996, Second Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 94-129, FCC 98-334 (December 23, 1998) ("Second Report and Order"). Currently, Bell Atlantic processes requests to lift the PIC freeze by (1) a three-way telephone call with Bell Atlantic, the customer and the new carrier; (2) a telephone request initiated by the customer; or (3) a written instruction letter initiated by the customer (Answer at 3).

II. PROCEDURAL HISTORY

On August 6, 1998, the Department conducted a public hearing and a procedural conference on the above-captioned matter at its offices in Boston, Massachusetts, at which time an evidentiary hearing was tentatively scheduled for October 8, 1998, if a party filed a written request for such hearing with the Department.<sup>(2)</sup>

On September 14, 1998, TSI filed its written request for evidentiary hearing ("Request"). In response to this Request, on September 21, 1998, Bell Atlantic filed (1) a Motion to Defer further investigation and decision ("Motion to Defer") in this proceeding pending promulgation of regulations by the FCC, and (2) a Motion for Stay ("Motion to Stay") for this proceeding and the evidentiary hearing, pending a ruling on the Motion to Defer (Motion to Defer at 1). On October 7, 1998, TSI filed its Opposition to the Motion for Stay and to the Motion to Defer. On October 22, 1998, the Department granted TSI's Request for an evidentiary hearing, granted Bell Atlantic's Motion to Stay pending resolution of its Motion to Defer, denied the Motion to Defer and set a new procedural schedule. On November 17, 1998, the Department conducted evidentiary hearings on the docket. On December 10, 1998, Massachusetts' new state legislation protecting consumers from slamming, the "Anti-Slamming Law" went into effect.<sup>(3)</sup> On December 23, 1998, the FCC released new regulations intended to deter slamming (Second Report and Order); included in these regulations was a discussion about procedures used to lift PIC freezes (*id.* at ¶ 127). On January 6, 1999, the parties submitted initial briefs, and on January 20, 1999, the parties filed their reply briefs.

### III. STANDARD OF REVIEW

The Department's standard to determine whether to grant or deny TSI's Petition must be considered against the backdrop of federal and state statutes and regulations on slamming and common carriers.

Section 258 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 ("the 1996 Act")<sup>(4)</sup> and codified as 47 U.S.C. § 258, prohibits a telecommunications carrier from changing a subscriber's carrier selection except as prescribed by the FCC.<sup>(5)</sup> Section 258, however, does not address the particular process known as lifting the PIC freeze.<sup>(6)</sup>

On December 23, 1998, the FCC released new rules and regulations implementing Section 258 of the 1996 Act which are designed to deter the practice of slamming. Second Report and Order. These regulations address various procedures used to lift PIC freezes, with the approach that carriers must give its subscribers "a simple, easily understandable, but secure, way of lifting preferred carrier freezes in a timely manner." Second Report and Order at ¶ 127. The FCC specifically endorsed three procedures to lift a PIC freeze: (1) a subscriber's written and signed authorization stating the intent to lift the PIC freeze ("letter of agency"); (2) a subscriber's oral authorization to remove the PIC freeze; and (3) a three-way conference call involving the submitting carrier, the subscriber, and the local exchange carrier ("LEC"). Second Report and Order at ¶¶ 128-129.

Significant to the instant docket, the FCC decided that the list of practices is to be a "baseline standard" and not an exclusive list of practices:

We decline to enumerate all acceptable procedures for lifting preferred carrier freezes. Rather, we encourage parties to develop new means of accurately confirming a subscriber's identity and intent to lift a preferred carrier freeze, in addition to offering written and oral authorization to lift preferred carrier freezes. Other methods should be secure, yet impose only the minimum burdens necessary on subscribers who wish to lift a preferred carrier freeze.

Second Report and Order at ¶ 130.

Massachusetts General Law c. 159, § 16 authorizes the Department to require a common carrier to adopt certain corrective practices if the Department determines that the practices of a common carrier are unjust, unreasonable, improper, or inadequate. Massachusetts General Law c. 93, §§ 108-113, the new "Anti-Slamming Law," addresses the proper procedures for changing one's primary interexchange carrier ("IXC") or local exchange carrier ("LEC") but does not specifically address the proper procedures used to lift PIC freezes.

#### IV. POSITION OF THE PARTIES

##### A. Bell Atlantic

Bell Atlantic opposes TSI's proposal to either allow customers to lift PIC freezes via e-mail requests or allow TSI to forward such requests, due to serious security and privacy concerns raised by this approach (Brief of Bell Atlantic at 1-2). Bell Atlantic states that those same concerns were recognized by the FCC in its recent order on rules for carrier changes (*id.* at 2, citing Second Report and Order).

Bell Atlantic states that once a customer's line is frozen, that customer can make a PIC change by notifying Bell Atlantic either by letter, orally, or via a three-way conference call among the customer, Bell Atlantic, and the new carrier (*id.* at 5). Bell Atlantic claims that these procedures, which have been in place since 1992, provide a consumer safeguard by ensuring that no PIC freeze is removed without the customers's express knowledge and consent (*id.*). Bell Atlantic states that both residential and business customers have ample opportunities to contact Bell Atlantic offices to remove a PIC freeze (*id.*). Bell Atlantic further states that it offers extended office hours on Saturdays for residential customers convenience, and that response time by Bell Atlantic customer

service representatives is relatively short (id. at 5-6). Bell Atlantic also notes that no other state has adopted e-mail as a viable method of lifting PIC freezes (id. at 6).

Bell Atlantic argues that FCC verification rules for carriers who receive calls requesting a carrier change request are similar to current Massachusetts verification rules (id. at 7). Bell Atlantic states that the FCC has declined to identify additional acceptable procedures for lifting PIC freezes, and, although it did not preclude state commissions from doing so, the FCC required that, if other methods were adopted, they be simple, understandable, and secure (id. at 8, citing Second Report and Order, at ¶¶ 127, 130, 132). Bell Atlantic contends that the FCC also cautioned carriers against using the Internet as a means of initiating carrier changes, including the placing and lifting of PIC freezes, because of the need for verification, which is not satisfied by electronic signatures. (id. citing Second Report and Order at ¶ 171).

Bell Atlantic contends that TSI's complaint must be dismissed because it fails to demonstrate a need for adopting an e-mail method for lifting PIC freezes (id.). Bell Atlantic argues that TSI is indifferent to the security risks, such as verification and authentication, that an e-mail solution would pose (id. at 9). Bell Atlantic asserts that the Department should uphold Bell Atlantic's existing methods of lifting PIC freezes as reasonable, appropriate, and sufficient to meet customer needs, until the FCC completes its investigation and determines parameters for making carrier changes via the Internet (id.). Bell Atlantic argues that it would be premature for the Department to require Bell Atlantic to implement any computer-based method to remove PIC freezes (id.).

Bell Atlantic argues that e-mail messages cannot be automatically processed, even with a message embedded in the form (id. at 10). Because human intervention is required to read and process such messages, Bell Atlantic argues there are no efficiencies in implementing an e-mail method (id.). Bell Atlantic also claims that using e-mail to lift PIC freezes could expose it to high volumes of requests for changes sent to it during promotions, which would further slow down processing time (id.). For these reasons, Bell Atlantic argues that an e-mail method is not as efficient as a telephone call (id. at 11).

Addressing security, public policy, and customer privacy issues, Bell Atlantic argues that e-mail messaging, as proposed by TSI, does not provide for the sender/customer authentication necessary to ensure that customers with frozen PICs are not "unfrozen," and then changed to other carriers by unauthorized parties (id.). Bell Atlantic claims that authentication is not possible unless both the sender and recipient use the same secure e-mail system (id. at 11-12). Bell Atlantic argues that, because of this flaw, it could be subject to repudiation by carriers or customers denying that they intended to lift a PIC freeze or change a PIC (id. at 12).

Bell Atlantic states that once a customer provides sensitive information, such as a social security number, as proposed under TSI's verification plan, that information may later be misused to generate e-mail requests to lift PIC freezes or slam a customer (id.). Bell Atlantic argues that the only reliable way to determine if a customer generated an e-mail

message is for the Company to contact the customer, which then undermines the efficiency of TSI's streamlined e-mail method approach (id.).

Bell Atlantic argues that because e-mail would travel through external Internet networks, TSI's unsecured e-mail proposal would expose customers to tampering activities such as interception, copying, and alteration by someone other than the customer (id. at 12-13). Bell Atlantic contends that although there are various data encryption protocols available which would provide a very high level of customer security by scrambling e-mail data, customers would have to use a standardized protocol that is compatible with the Company's systems (id. at 13). In addition, Bell Atlantic states that different types of e-mail programs may also be required (id. at 14). Bell Atlantic claims that these complexities would be eliminated under a secure website approach, thereby enabling customers to access the Bell Atlantic website directly or via a link from their carrier's website (id. at 14-15). Bell Atlantic, however, argues that it would be unreasonable for the Department, at this time, to force the Company to design and implement an electronic method that may not comply with the technical specifications or other rules promulgated at the federal level (id. at 14).

#### B. TSI

TSI argues that Bell Atlantic's refusal to accept e-mailed requests to lift PIC freezes is unjust, unreasonable, improper, and inadequate, and requests that the Department issue an order requiring Bell Atlantic to accept e-mailed requests (Brief of TSI at 1). TSI states that no current federal or state rule prohibits Bell Atlantic from accepting e-mail requests to lift PIC freezes (id. at 10, quoting Bell Atlantic's Gonzalez-Perez, 11/17/98 Tr. at 133), and that the FCC has actually encouraged the development of additional means to lift PIC freezes (id.).

TSI argues that e-mail offers a more convenient alternative than the inadequate and unreasonably restrictive methods currently offered by Bell Atlantic to its customers (id. at 12). TSI argues that because it advertises extensively over America On Line ("AOL") and Compuserve, many customers switching to TSI's service are responding to on-line advertisements, and those customers frequently use e-mail to communicate (id.). TSI states that once it receives a new order from a customer and discovers that the customer has a PIC freeze, TSI sends an e-mail to the customer suggesting that they call Bell Atlantic directly to request a freeze removal so the customer can change her/his PIC. (id.). TSI claims that customers are often unable to contact Bell Atlantic during business hours when representatives are available (id. at 12-13). In addition, TSI states that such telephonic contact gives Bell Atlantic an opportunity to sell its own products and will, when intraLATA presubscription is implemented, allow Bell Atlantic to question or dissuade a customer's selection, a practice TSI claims is illegal (id. at 13). TSI states that customers can also contact Bell Atlantic by letter, but these requests are not processed until Bell Atlantic confirms the requests by telephone, which TSI also claims is in violation of FCC regulations (id.). TSI states that it attempts to overcome these handicaps by having its representative set up three-way conference calls among the customer, Bell Atlantic, and TSI (id.). However, TSI claims that often there is no answer, an answering



machine is reached, or the customer is unable to participate in the conference call at that time (id.). TSI states that the current options for lifting of PIC freezes offered are not cost effective and do not sufficiently realize customers' choices of their long distance carrier (id.). TSI contends that approximately ten percent of TSI's prospective Massachusetts customers do not have their PIC change orders carried out as a result of Bell Atlantic's current policies (id. at 14).

TSI argues that e-mail would "liberate" many of these customers whose choices are currently being frustrated (id. at 14). TSI notes that e-mail can be sent and read anytime, and is communicated almost instantaneously (id.). TSI states that e-mail eliminates the need for all parties involved to be available at the same time, reduces transactional costs involved in a customer's carrier change, and also reduces the possibility for Bell Atlantic to abuse its position as "gatekeeper" in regard to customer contact (id.). TSI also states that the FCC has encouraged the development of additional means for lifting of PIC freezes as long as the subscriber's identity and intent can be accurately confirmed (id.).

TSI states that the use of e-mail to lift PIC freezes is as secure as contact by telephone (id. at 15). TSI anticipates that valid e-mail requests, as with those made via telephone, will contain customer-specific verifying information such as the subscriber's social security number, date of birth, mother's maiden name, or other such data necessary to prevent unauthorized lifting of PIC freezes (id.). TSI also states that it believes that e-mail could be formatted to facilitate faster processing by Bell Atlantic (id.). To further enhance security, TSI proposes that, as between AOL and Bell Atlantic, e-mail requests travel via a dedicated line that would significantly reduce the risk of interception (id. at 16). TSI states that, with these procedures in place, e-mail would be even more secure than information sent via telephone or letter (id.).

TSI argues that, even without formatting, e-mail would be no slower than the method by which Bell Atlantic currently receives requests to lift PIC freezes (id. at 16-17). TSI further argues that e-mail, which includes the use of pre-formatted fields, would eliminate handling by a Bell Atlantic representative and would be as fast to process as requests submitted to Bell Atlantic's proposed PIC freeze web page (id. at 17). TSI prefers the e-mail method over a web page because a Bell Atlantic-controlled web page would allow Bell Atlantic to promote its own interests (id.).

TSI states that even if processing an increased volume of e-mail increased Bell Atlantic's costs to some degree, the increased costs are not a valid reason for Bell Atlantic to refuse to provide this service (id. at 18). TSI argues that any increased costs simply reflects the increased rate at which consumers' choices are realized, and that this is a development wholly consistent with the policy goals and mandatory requirements of the Act (id. at 19).

### C. Attorney General

The Attorney General states that the FCC adopted rules, on a going forward basis, for all carriers to provide for the nondiscriminatory solicitation, implementation, and lifting of

PIC freezes (Brief of the Attorney General at 3, paraphrasing Second Report and Order at ¶¶ 117-118).

The Attorney General notes that the FCC did not preempt further state efforts to ease the burden on consumers to effectuate a PIC change (id. at 4). The Attorney General claims that the FCC, in addition to requiring LECs to accept the lifting of PIC freezes via written, oral, or three-way conference call, also encouraged parties to develop new secure means of lifting PIC freezes in addition to the above methods (id.).

The Attorney General recommends that the Department allow consumers to e-mail Bell Atlantic directly to implement and lift PIC freezes on their accounts, and states that while Bell Atlantic's present methods are compatible with current FCC requirements, an e-mail option would provide consumers with an efficient and modern means for implementing and lifting PIC freezes (id. at 6). The Attorney General further argues that Bell Atlantic's current PIC freeze procedures are outdated, and that given the pervasive use of e-mail, it makes sense to give consumers the e-mail option to implement and lift PIC freezes (id.). Furthermore, the Attorney General argues that the e-mail option is consistent with the FCC's recommendation that carriers develop new, secure means of confirming a customer's identity and intent to lift PIC freezes (id. at 7).

The Attorney General states that it is aware that e-mail transmissions, which must contain enough authentication information to verify customer identity, must also be secure from being disclosed or tampered with by third parties (id.). In addition, the Attorney General states that if e-mail is allowed to implement and lift PIC freezes, only customers, not carriers, should be authorized to use this method (id.). The Attorney General recommends that the Department require a "standardized secure protocol" that is compatible with existing e-mail systems for the confidential transfer of e-mail requests to implement or lift a PIC freeze (id. at 8). Finally, the Attorney General states that the authenticating information, contained in the consumer's e-mail, should include the same or similar information that Bell Atlantic requires for the lifting and implementing of PIC freezes via telephone, or written letter (e.g., among other things a customer's full name, birth date, account number) (id.).

## V. ANALYSIS AND FINDINGS

It is undisputed that the FCC in its Second Report and Order did not establish an exclusive list of practices for lifting PIC freezes, and left it to the states to establish other means that are at least as secure, effective and simple. See Second Report and Order, at ¶ 130. Thus, the Department has the authority under federal law, as well as state law, to require Bell Atlantic to allow the lifting of PIC freezes by other means not enumerated by the FCC, if the Department determines that (1) Bell Atlantic's current practice is "unjust, unreasonable, improper, or inadequate", (2) an alternative method is reasonable and is consistent with the FCC's rules, (3) and implementing of such alternative method would not be unreasonable in terms of its cost to Bell Atlantic to implement and its impact on Bell Atlantic's ability to provide other services to its customers. See Second Report and

Order, at ¶ 130; G.L. c. 159, § 16; Mission Hill, D.P.U. 96-30, at 2-3 (1997), citing New England Telephone and Telegraph Company, D.P.U. 89-300, at 289-290 (1990)).

With respect to the first point, the Department finds that Bell Atlantic's current practice of restricting the lifting of PIC freezes to written or oral authorization is unreasonable. The evidence indicates that existing procedures make it difficult for Bell Atlantic customers to lift PIC freezes and change their long distance carrier (Brief of TSI at 9). Not only can these existing procedures inconvenience consumers seeking to change carriers, but there also is evidence that competition is being harmed because some consumers are being stymied in their attempts to change carriers (id. at 10).

In contrast, the use of e-mail proposed by TSI is much more convenient. E-mail saves the time and inconvenience of having to write or mail a letter, of having to contact a Bell Atlantic customer service representative to provide oral authorization, or of having to set up a three-way call between the customer, the Bell Atlantic service representative and the long-distance carrier representative. As noted by the Attorney General, e-mail has become an established means of communications in our society, including conducting commercial transactions.

However, unsecured e-mail presents its own problems. Unsecured e-mails would expose customers to tampering activities such as interception, copying, and alteration by someone other than the customer. Moreover, certain customers may be unwilling to include in an unsecured e-mail the type of confidential personal information, such as social security numbers and account information, that is needed by Bell Atlantic to lift PIC freezes. Therefore, we find TSI's unsecured e-mail approach to be unreasonable.

The Attorney General argues that various data encryption protocols exist which would provide a very high level of customer security by scrambling e-mail data, thus providing for the use of secured e-mails. However, as Bell Atlantic points out, for the secured e-mail approach to work, all customers must use a standardized encryption protocol that is compatible with Bell Atlantic's systems. There is simply no way to ensure that all customers would have the same Bell-Atlantic compatible encryption software. For these reasons, we also find the secured e-mail approach to be unreasonable.

However, a third alternative -- a secure website -- offers the convenience of e-mail, without the logistical problems associated with standardized protocols. With this approach, customers would quickly and securely request PIC freeze lifts by accessing a secure Bell Atlantic Internet website via their web browser software (as opposed to e-mail) (See BA-MA Exh. 1 at 14). Communication via a secure web server is much more convenient than the methods currently allowed by Bell Atlantic. In addition, Bell Atlantic can choose from any number of commonly used secure server products, which will allow the encryption and decryption of customer messages for on-line transmission. The security protocol chosen should be web compatible, such as Secure Sockets Layer ("SSL"), Secure HTTP ("SHTTP"), Private Communications Technology ("PCT") or IP Security ("IPSec"). The Department notes that most web browsers and servers are currently expected to support these popular security protocols. This secure website

approach would eliminate the need for customers to use a standardized e-mail protocol, compatible with Bell Atlantic's systems, and is more appropriate and cost effective than using dedicated lines from carriers to Bell Atlantic.

To minimize the risk of slamming, only Bell Atlantic customers, and not carriers, will be allowed to lift a PIC freeze via the secured website approach. In addition, the data supplied via secure web server transmission should contain the same or similar authentication information for verifying customer identify as is required by the other methods of lifting PIC freezes (e.g., the customer's name, birth date, social security number, mother's maiden name, account number, etc.). Therefore, we find that the use of a secure web page by Bell Atlantic for lifting PIC freezes is reasonable and consistent with the FCC's requirement that new methods be simple, understandable and secure. See Second Report and Order, at ¶¶ 127, 130, 132.<sup>(7)</sup>

Regarding the cost issue, many secure web server products are in frequent use today by both large and small businesses engaged in electronic commerce ("e-commerce"), and many are very reasonably priced. In addition, the Department is aware that using a secure web server to simply collect personal data is a considerably less complex process than using such technology to process financial transactions. The cost to Bell Atlantic of developing and implementing a secure web page should be minimal. However, if Bell Atlantic can demonstrate otherwise, the Department may consider modifying its findings, including allowing for cost sharing among carriers.

Therefore, we direct Bell Atlantic to design and develop a secure web page for customers to make PIC freeze changes (i.e., either establishing or removing a PIC freeze) within 60 days of this Order.<sup>(8)</sup> Once developed, Bell Atlantic shall notify in writing all interexchange carriers of the availability of the web page and how to link to it. In addition, Bell Atlantic is required to notify all customers through a bill insert of the availability of the secure web page within 60 days of the date of implementation of the web page. To ensure that Bell Atlantic does not use the web page for any unreasonable marketing advantage, Bell Atlantic shall develop the graphics and text for the web page through a collaborative process with the parties in this case.<sup>(9)</sup> Bell Atlantic shall also make all necessary changes to its tariffs to reflect the above findings and to file any necessary compliance tariffs within 30 days of this Order. Changes should be made to the tariffs to reflect a customer's ability to implement or remove PIC freezes for both intrastate, interLATA and intraLATA services. In addition, we note that Bell Atlantic intends to file a tariff with the Department later this year to implement a local services freeze (i.e., the equivalent of a PIC freeze for a customer's local exchange service). Without implying whether such a tariff would be reasonable, the Department orders Bell Atlantic to include in that tariff explicit authorization for customers to implement or lift local service freezes via secured web server in the same manner that we have ordered here for PIC freezes.

## VI. ORDER

After due notice, hearing and consideration, it is hereby

ORDERED: That the Petition filed by Tel-Save, Inc., is GRANTED as modified herein; and it is

FURTHER ORDERED: That New England Telephone and Telegraph Company d/b/a Bell Atlantic-Massachusetts shall design and develop a special secure web page and bill inserts for customers to make PIC freeze changes, within 60 days of this Order; and it is

FURTHER ORDERED: That New England Telephone and Telegraph Company d/b/a Bell Atlantic shall make all necessary changes to its tariffs to reflect the above findings and to file any necessary compliance tariffs within 30 days of this Order; and it is

FURTHER ORDERED: That Bell Atlantic shall comply with all other directives contained herein.

By Order of the Department,

James Connelly, Commissioner

W. Robert Keating, Commissioner

Paul B. Vasington, Commissioner

Eugene J. Sullivan, Jr., Commissioner

Appeal as to matters of law from any final decision, order or ruling of the Commission may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the Order of the Commission be modified or set aside in whole or in part.

Such petition for appeal shall be filed with the Secretary of the Commission within twenty days after the date of service of the decision, order or ruling of the Commission, or within such further time as the Commission may allow upon request filed prior to the expiration of twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the Clerk of said Court. (Sec. 5, Chapter 25, G.L. Ter. Ed., as most recently amended by Chapter 485 of the Acts of 1971).

1. Slamming occurs "when a company changes a subscriber's carrier selection without that subscriber's knowledge or explicit authorization." Second Report and Order at ¶ 1.

2. Petitions for Intervention were granted during the public hearing to MCI Telecommunications Corporation, now MCI WorldCom ("MCI"), AT&T Communications of New England, Inc. ("AT&T"), Telecommunications Resellers Association ("TRA"), MediaOne Telecommunications of Massachusetts, Inc. ("MediaOne"), and Sprint Communications Company, L.P. ("Sprint"). The Attorney General for the Commonwealth of Massachusetts ("Attorney General") filed a notice of intervention on August 3, 1998.

3. The Anti-Slamming Law is codified as "An act protecting consumers from the unauthorized switching of their local and long distance telecommunications service providers," Ch. 327 of the Acts of 1998, codified as G.L. c. 93, §§ 108-113.

4. The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996).

5. SEC. 258. [47 U.S.C. 258] ILLEGAL CHANGES IN SUBSCRIBER CARRIER SELECTIONS.

(a) Prohibition.--No telecommunications carrier shall submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with such verification procedures as the Commission shall prescribe. Nothing in this section shall preclude any State commission from enforcing such procedures with respect to intrastate services.

6. In 1997, the FCC promulgated regulations regarding verification orders for long distance service and the form and content of letters of agency in 47 C.F.R. 1100 and 47 C.F.R. 1150.

7. We recognize, however, that the FCC is investigating similar issues in a pending case and may make determinations that could affect our findings in this docket.

8. It is possible that this web page will be useful for other types of customer transactions in the future.

9. If agreement can not be reached, the Department's Telecommunications Division may mediate disputes.