

**Resolution Regarding Information Service
Calls Made Using An 800 Number**

WHEREAS, On August 13, 1993 the Federal Communications Commission ("FCC" or "Commission") issued policies and rules for implementing the Telephone Disclosure and Dispute Resolution Act (47 U.S.C. §228); and

WHEREAS, §64.154 of those rules, among other things, prohibits the use of telephone numbers beginning with an 800 access code from being used in a manner which charge the calling party for the information conveyed during the call unless the calling party has a presubscription or comparable billing agreement; and

WHEREAS, Numerous State commissions have received complaints which indicate that customers make 1-800 calls and give a previously supplied Personal Identification Number (PIN) without understanding that charges will be made for the call; and

WHEREAS, Some automatic number identification (ANI) information has been used by information service providers to summarily establish presubscription agreements to bill calls made using an 800 code to the line number provided by the ANI without either the fully informed consent or authorization of the subscriber to that line; and

WHEREAS, Some of the billings resulting from the alleged presubscription agreements have resulted in substantial charges being made to the originating line, which in some cases includes customer owned pay telephones, without the authorization of the subscriber to that line; and

WHEREAS, The presubscription procedure which uses ANI information as a basis for billing appears to be used in a manner which circumvents disclosure and blocking requirements provided in the FCC's 1-900 rules (47 C.F.R. §64.1501-1515); and

WHEREAS, A letter released by the FCC on June 22, 1994 in response to correspondence regarding the 800 number presubscription problem indicates that the FCC is aware of this "serious and growing problem"; and

WHEREAS, In that letter the FCC concludes that presubscription allowing the billing for 1-800 initiated calls can be established only when the calling party agrees to pay for the call and is not established when a party other than the caller is billed for the service as may be the case when ANI is used for billing purposes; and

WHEREAS, Nevertheless subscribers to lines are being billed for these calls and those subscribers may not know that the billings for those calls are not valid or binding and, therefore, those customers may be paying charges for calls which they do not owe; and

WHEREAS, These problems can be remedied in the long run by a change in the Commission's rules which would prohibit information service providers from using any ANI provided information (or other calling line number information) as the basis for billing for any non-900 number or any other advertised or widely understood as being toll free information service calls or as the basis for establishing any presubscription agreement unless the subscriber to the originating line has specifically authorized, in writing, the use of that number for billing purposes; and

WHEREAS, The immediate relief that is necessary to protect consumers can be provided by having the FCC issue an emergency order, which allows local exchange carriers to only bill for information service calls after the information service provider has certified that those calls were not originated by dialing an 800 number or an other telephone number advertised or widely understood as being toll free, until the final rule is promulgated; now, therefore, be it

RESOLVED, That the Executive Committee of the National Association of Regulatory Utility Commissioners (NARUC), convened at its 1994 Summer Meetings in San Diego, California, supports an emergency petition and a rule change or modification which would resolve the problems identified in the resolution; and be it further

RESOLVED, That the NARUC General Counsel shall take whatever action is necessary, in the appropriate forum, to carry out the objective of this resolution.

Sponsored by the Committee on Communications
Adopted July 27, 1994
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