

4901:1-6-16

Unfair or deceptive acts and practices.

(A) Telephone companies shall not commit any unfair or deceptive act or practice in connection with the offering or provision of any telecommunications service in this state.

(B) A failure to comply with any of the following requirements in connection with the offering or provision of any telecommunications service shall constitute an unfair or deceptive act or practice by a telephone company:

(1) Any communication by a telephone company, including but not limited, to solicitations, offers, contract terms and conditions, or customer agreements, as well as any other communications whether written or oral, shall be truthful, clear, conspicuous, and accurate in:

(a) Disclosing applicable information, including but not limited to: material terms and conditions, material limitations, contract length, prices, fees, features, rates, termination fees or penalties, discretionary charges, government mandated charges, and estimated taxes for services offered.

(b) Identifying, in written or printed advertising or promotional literature, any material exclusions, reservations, limitations, modifications, or conditions, which must be located in close proximity to the operative words in the solicitation, offer, or marketing materials.

(2) Telephone companies shall disclose the company's name and contact information on any written service solicitation, marketing material, offer, contracts, or agreement, as well as on any written response to a service-related inquiry or complaint the company receives from a customer or others.

(3) Local exchange carriers (LECs) shall inform customers calling the company to report a service outage or service problem of their rights and responsibilities concerning the repair and maintenance of customer-owned equipment, inside wire, and the use of a network interface device (NID) to test for service problems. During such call, the LEC must notify the customer of any charges that the company imposes for a diagnostic visit.

(4) In the event a NID is not in place, the LEC shall inform a customer calling to report a service outage or service problem that the LEC is required to visit the customer premise at no charge to diagnose whether service difficulties exist with network wire or inside wire.

(5) As applicable, and in any reasonable manner, a LEC shall provide customers a description of the NID. That description shall include: all customer options for repairing inside wire; the function and probable location of a NID; and an explanation as to how to use a NID to test for service problems. The explanation shall also detail the customer's rights and responsibilities

concerning NID installation if a NID is not present on the premise and the customer's responsibility to utilize a NID to diagnose service problems or risk a service fee.

- (C) Nothing in this rule precludes the commission from finding additional acts or practices, in addition to those identified in paragraph (B) above, to constitute an unfair or deceptive act or practice in connection with the offering or provision of telecommunications service in this state either through rulemaking under section 4927.03 of the Revised Code or through an adjudication under section 4927.21 of the Revised Code. The commission shall provide notice to all telephone companies of such adjudications. No telephone company is liable for damages or forfeitures for engaging in any act, practice, or omission for which it does not have prior notice either under paragraph (B) of this rule, or through another rulemaking under section 4927.03 of the Revised Code, or an adjudication under section 4927.21 of the Revised Code, that engaging in such act or practice is an unfair or deceptive act. This does not preclude the commission, however, from ordering an appropriate customer credit or remedy for a complainant in the context of an adjudication of an individual complaint, if the commission determines that the company has committed an unfair or deceptive act or practice against that complainant. In the absence of prior notice that an act or practice is unfair or deceptive under paragraph (B) of this rule, or through rulemaking under section 4927.03 of the Revised Code, or an adjudication under section 4927.21 of the Revised Code, the commission shall allow the company adequate time to implement any procedures or practices the commission determines appropriate to remedy the violation.
- (D) Telephone companies shall upon request of any applicant or customer, either inform the applicant or customer of, or make available at no charge, a copy of its credit and deposit policies.
- (E) Telephone companies in possession of customer proprietary network information shall protect customer information in accordance with 47 U.S.C. 222 and in accordance with the rules and procedures prescribed by the federal communications commission at 47 C.F.R. 64.2001 to 64.2011.
- (F) Telephone companies that furnish credit information acquired from their own experiences with customers to consumer reporting agencies must comply with the federal Fair Credit Reporting Act.
- (G) Telephone companies that provide alternative operator services (AOS) shall provide the same consumer information and protections to intrastate callers or billed parties as required for interstate AOS in accordance with 47 C.F.R. 64.703. A failure of a telephone company to do so shall constitute an unfair or deceptive act or practice.

Replaces: 4901:1-5-03, 4901:1-5-04, 4901:1-5-05

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 111.15
Statutory Authority: 4901.13, 4927.03
Rule Amplifies: 4927.06
Prior Effective Dates: 4/8/03, 9/18/07