

4901:1-6-16

Unfair or deceptive acts and practices.

[Comment: For dates of references to a section of either the United States Code or a regulation in the code of federal regulations see rule 4901:1-6-02 of the Administrative Code.]

(A) 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:

(1) 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.

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

(B) 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.

(C) 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.

(D) Nothing in this rule precludes the commission from finding additional acts or practices, in addition to those identified in paragraph (A) of this rule, 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 will provide notice of an adjudications pursuant to section 4927.07(B) of the Revised Code to all telephone companies. 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 (A) 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.

(E) 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.

(F) Every customer's bill shall include the following statements that customers with bill questions or complaints should contact the telephone company first, as well as the following texts:

"If your complaint is not resolved after you have called (name of the utility), or for general utility information, residential and business customers may contact the Public Utilities Commission of Ohio (PUCO) for assistance at 1-800-686-7826 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at www.puco.ohio.gov. Hearing or speech impaired customers may contact the PUCO via 7-1-1 (Ohio Relay Service)."

In addition to PUCO information, for residential bills only:

"The Ohio Consumers' Counsel (OCC) represents residential utility customers in matters before the PUCO. The OCC can be contacted at 1-877-742-5622 (toll free) from 8:00 a.m. to 5:00 p.m. weekdays, or at www.pickocc.org."

Effective:

Five Year Review (FYR) Dates:

Certification

Date

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| Statutory Authority: | 4901.13, 4927.03 |
| Rule Amplifies: | 4927.06 |