

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

Christiane Rossetti,)	
)	
	Complainant,)
)	
v.)	<u>Case No. IC-2007-0274</u>
)	
CenturyTel of Missouri, LLC,)	
)	
	Respondent.)

STAFF REPORT

COMES NOW the Staff of the Missouri Public Service Commission and for its report states:

1. On January 23, 2007, Christiane Rossetti filed a complaint with the Missouri Public Service Commission against CenturyTel of Missouri, LLC. Ms. Rossetti states that CenturyTel refused to establish telephone service for her because she would not provide two requested forms of identification.

2. On February 23, 2007, CenturyTel filed its Answer, Motion to Dismiss and Affirmative Defenses. CenturyTel states that it is CenturyTel's policy to require two forms of identification when establishing service for new customers.

3. In the attached Memorandum, labeled as Appendix A, the Staff reports on its investigation. Because CenturyTel's tariff does not include a requirement for a prospective customer to submit two forms of identification, the Staff recommends that the Commission order CenturyTel to immediately honor Mr. Rossetti's request for telephone service, subject to any deposit that may be required, or alternatively, to set this matter for hearing.

Respectfully submitted,

/s/ William K. Haas

William K. Haas
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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 14th day of March 2007.

/s/ William K. Haas

William K. Haas

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. IC-2007-0274
Christiane Rossetti, Complainant vs.
CenturyTel of Missouri, LLC, Respondent

From: William Voight
Supervisor, Rates and Tariffs
Telecommunications Department

Subject: Staff Report submitted Pursuant to Commission Order

Date: March 13, 2007

Syllabus: This memorandum is being filed in compliance with the Commission's Orders which on February 26th granted an extension of time for Staff to investigate this matter, and to file a report no later than March 14th. This memorandum sets forth the Staff's opinion and conclusions that CenturyTel's Missouri Public Service Commission tariff does not authorize the company to request social security numbers or driver's licenses prior to establishing local exchange telephone service. Pending any necessary deposits, the Staff recommends the Commission order CenturyTel to immediately install Complainant's telephone service. Lastly, the Staff recommends the Commission find CenturyTel in violation of 4 CSR 240-33.010(3), and order CenturyTel to desist service application business practices not contemplated or permitted by tariff.

Background: On January 23, 2007 Christiane Rossetti (Complainant) filed a formal complaint against CenturyTel of Missouri, LLC (CenturyTel, or Respondent). Fundamentally, Ms. Rossetti avers that CenturyTel has refused to provide local telephone service to her in the Thayer telephone exchange. Ms. Rossetti states that CenturyTel's actions are because Ms. Rossetti refuses to first provide her social security number, date of birth or, alternatively, a copy of her driver's license and pass port. According to Ms. Rossetti's complaint: "They wanted two forms of government issued identification" [and] "there is no other type of identification they would accept." Ms. Rossetti expresses an unwillingness to provide copies of her driver's license and/or social security number to CenturyTel. Ms. Rossetti expresses concern that release of the requested information may jeopardize her personal safety, and expose her to the possibility of identity theft.

On February 23rd CenturyTel responded to the complaint by filing its "*Answer, Motion to Dismiss and Affirmative Defenses*" (Response). In its Response, CenturyTel acknowledges that "it is CenturyTel's policy to require two forms of identification when

establishing service for new customers...” CenturyTel further opines that it does so in conformance with its tariffs. CenturyTel states that its policy of requesting two forms of identification from new customers helps the Company establish credit, and protects customers and the Company against fraud. CenturyTel denies that the Complainant is entitled to the relief requested and states that its actions are in conformance with its tariffs. CenturyTel states that it offered Ms. Rossetti “several options” including a utility statement, letter of credit from a bank, social security number, or driver’s license. According to CenturyTel, Ms. Rossetti would only provide a bank check in the form of a deposit as a means of establishing credit.

In her March 6th “*Answer to C-Tel’s (February 23rd) Answer*,” Ms. Rossetti counters CenturyTel’s claim that it offered her the option of a Letter of Credit from her bank as a means of establishing her identity. Ms. Rossetti claims she offered such information to CenturyTel (along with a check for a deposit) and that CenturyTel “refused service with those two items...” Lastly, as a further means of establishing her identity, Ms. Rossetti states that she offered CenturyTel added assurances of a Guarantor to verify her address, but that CenturyTel also refused this additional offer. Ms. Rossetti vehemently denies CenturyTel’s claims in paragraph four of its February 23rd Response whereby CenturyTel states that it offered Ms. Rossetti “several options” as a means of establishing identification.

Discussion: The Staff has researched Missouri statutes and Commission rules, and cannot find any statute or rule directly addressing whether CenturyTel (or any telephone company) may request a “photo ID” or social security number prior to establishing utility service. The only Commission rule which appears to address this situation is 4 CSR 240-33.010 (3) which states:

A telecommunications company may adopt rules governing its relations with customers and *prospective customers* which are not inconsistent with this chapter. The rules *shall be* part of a telecommunications company’s tariffs (emphasis added).

CenturyTel’s existing tariff does not identify any requirements for customers to submit two forms of identification. The portion of CenturyTel’s tariff pertaining to the service application process, as shown in the tariff sheets attached to this memorandum, and as stated in footnote 2 of CenturyTel’s February 23rd Response, establishment of telephone service is governed by Section 2, Original Sheet 10, Subsection D.1 of CenturyTel’s PSC Mo. No. 1 Tariff which simply states:

Applications for initial or additional services made verbally or in writing become a contract upon the establishment of the service or facility. *During the application process, the Company will check commercial credit services in order to establish a credit risk assessment for each customer* (emphasis added).

CenturyTel's tariff needs to identify any service application requirements that prospective customers are required to provide to CenturyTel. In the Staff's opinion, the expectation for a company's tariff to identify such requirements is consistent with 4 CSR 240-33.010(3).

Conclusion: Staff concludes that CenturyTel's tariff does not permit it to request "two forms of identification" when establishing service for new customers. Irrespective of the allegations and counter allegations relative to what information may have been requested or provided, the Staff concludes that CenturyTel's tariff only permits it to "check commercial credit services." The Staff disagrees with CenturyTel that its "policies" of establishing service may be undertaken unilaterally without being established and set forth in Commission-approved tariffs. Staff is understandably aware that accurate credit checks may not be conducted without some means of establishing identity; however, CenturyTel should be required to set forth specific criterion in its tariffs. CenturyTel should not be allowed to leave the subject completely unaddressed in its tariff, as is the current situation. This conclusion should not be interpreted that Staff supports or opposes CenturyTel's identity validation policies; rather, Staff's position in this matter is simply that CenturyTel is in violation of Commission rule 4 CSR 240-33.010(3) – a requirement that CenturyTel's policies (whatever they may be) should be set forth in its tariff(s).

Recommendation: The Staff recommends the Commission:

- Find CenturyTel in violation of 4 CSR 240-33.010(3) for failing to include customer service application requirements governing its relations with prospective customers as part of its tariff.
- Order CenturyTel to immediately honor Ms. Rossetti's request for telephone service, subject to any deposit that may be required as set forth in Commission rule 4 CSR 240-33.050.
- Order CenturyTel to immediately desist service application business practices not contemplated or permitted by tariff.

Alternatively, the Staff recommends the Commission set this matter to hearing. The Staff is unaware of any other matter that affects, or that may be affected by, this matter.

GENERAL AND LOCAL EXCHANGE TARIFF

RULES AND REGULATIONS

C. Rights of the Company in Furnishing Use of Service and Facilities (Cont'd)

8. Connection of Automatic Dialing-Announcing Devices

- a. The Company will not knowingly permit connection to or operation over the telephone network of an automated dialing-announcing device used for solicitation purposes where calls initiated by the device cannot be terminated at will by the called party and dial tone restored to the called party promptly upon termination of the call by the called party.
- b. Any prerecorded message issued by an automated dialing-announcing device shall be preceded by an announcement which states the name and address of the calling party, the purpose of the message, and that the message is coming from automated equipment.

D. Establishment and Furnishing of Service

1. Application for Service

- a. Applications for initial or additional services made verbally or in writing become a contract upon the establishment of the service or facility. During the application process, the Company will check commercial credit services in order to establish a credit risk assessment for each customer.
- b. Any change in rates or regulations prescribed by public authority having jurisdiction modifies all terms and regulations of contracts to the extent of such changes.
- c. The Company reserves the right to refuse service to any applicant who is found to be indebted to the Company for service previously furnished until satisfactory arrangements have been made for the payment of all such indebtedness. The Company may also refuse to furnish service to any applicant desiring to establish service for former customers of the Company who are indebted for previous service, regardless of the listing requested for such service, until satisfactory arrangements have been made for the payment of such indebtedness. (Refer also to Section 2, Sheet 18, K.1.a.)
- d. The Company may also decline to provide service to a minor whose principal place of abode is the home of the minor's parent, guardian, or other person legally charged with the minor's care and custody.

Issued: July 18, 2002

Effective: September 1, 2002

Jeffrey Glover
Vice President External Relations
Monroe, Louisiana

Filed
Missouri Public
Service Commission

GENERAL AND LOCAL EXCHANGE TARIFF

RULES AND REGULATIONS

D. Establishment and Furnishing of Service (Cont'd)

2. Telephone Numbers

- a. The customer has no property right in the telephone number nor any right to continuance of service through any particular central office, and the Company may change the telephone number or the central office designation, or both, of a customer whenever it deems it advisable in the conduct of its business to do so.

3. Alterations

- a. The Company will be reimbursed for the costs associated with customer requests for relocation or rearrangement of facilities located on his premises.

4. Responsibility for Payment of Service

(Refer to Section 2, Sheet 23, N.)

5. Maintenance and Repairs

- a. With the exception of customer premises equipment and inside wiring, all ordinary expense of maintenance and repair, unless otherwise specified in the Company's Tariff, is borne by the Company. In case of loss of, damage to, or destruction of, any of the Company's facilities, not due to ordinary wear and tear, the customer is held responsible for the cost of replacing the facilities destroyed or for the cost of restoring the facilities to its original condition, except where such damage is not occasioned by the negligence of the customer. Customers may not rearrange, disconnect, or remove or permit others to rearrange, disconnect or remove any facilities installed by the Company, except upon the written consent of the Company.

6. Unusual Installation Costs

- a. Where special conditions or special requirements of the customer involve unusual construction or installation costs, the customer may be required to pay a reasonable proportion of such costs.

Issued: July 18, 2002

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Jeffrey Glover
Vice President External Relations
Monroe, Louisiana

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Missouri Public
Service Commission

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

CHRISTIANE ROSSETTI,
COMPLAINANT VS CENTURYTEL
OF MISSOURI, LLC, RESPONDENT

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Case No. IC-2007-0274

AFFIDAVIT OF WILLIAM VOIGHT

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

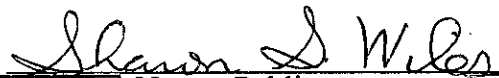
William Voight, of lawful age, on oath states: that he participated in the preparation of the foregoing Staff Report and Recommendation in memorandum form, to be presented in the above case; that the information in the Staff Report and Investigation was given by him; that he has knowledge of the matters set forth in such Staff Report and Investigation; and that such matters are true to the best of his knowledge and belief.



William Voight



Subscribed and sworn to before me this 13th day of March, 2007.



Notary Public

SHARON S. WILES
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: October 23, 2010
Commission Number: 06429091

My commission expires _____