



ADMINISTRATIVE RULES OF MONTANA



38.5.3817 SOLICITATION AND IMPOSITION OF PREFERRED CARRIER FREEZES

- (1) All carrier-provided solicitation and other materials regarding preferred carrier freezes must include:
 - (a) an explanation, in clear and neutral language, of what a preferred carrier freeze is and what services may be subject to a freeze;
 - (b) a description of the specific procedures necessary to lift a preferred carrier freeze, including an explanation that:
 - (i) these steps are in addition to the commission's verification rules in ARM 38.5.3801 and 38.5.3802 for changing a subscriber's preferred carrier selections; and
 - (ii) the subscriber will be unable to make a change in carrier selection unless he or she lifts the freeze; and
 - (c) an explanation of any charges associated with the preferred carrier freeze.
- (2) No local exchange carrier shall implement a preferred carrier freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with one of the following procedures:
 - (a) the local exchange carrier has obtained the subscriber's written and signed authorization in a form that meets the requirements of (3) ; or
 - (b) the local exchange carrier has obtained the subscriber's electronic authorization, placed from the telephone number(s) on which the preferred carrier freeze is to be imposed, to impose a preferred carrier freeze. The electronic authorization should confirm appropriate verification data (e.g., the subscriber's date of birth or social security number) and the information required by (3) (b) (i) through (iv) . Telecommunications carriers electing to confirm preferred carrier freeze orders electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the preferred carrier freeze request, including automatically recording the originating automatic numbering identification; or
 - (c) an appropriately qualified independent third party has obtained the subscriber's oral authorization to submit the preferred carrier freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth or social security number) and the information required by (3) (b) (i) through (iv) . The independent third party must:
 - (i) not be owned, managed, or directly controlled by the carrier or the carrier's marketing agent;

- (ii) not have any financial incentive to confirm preferred carrier freeze requests for the carrier or the carrier's marketing agent; and
 - (iii) operate in a location physically separate from the carrier or the carrier's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a preferred carrier freeze.
- (3) A local exchange carrier may accept a subscriber's written and signed authorization to impose a freeze on his or her preferred carrier selection. Written authorization that does not conform with this rule is invalid and may not be used to impose a preferred carrier freeze.
 - (a) The written authorization shall comply with ARM 38.5.3802(2) , (3) and (7) concerning the form and content for letters of agency.
 - (b) At a minimum, the written authorization must be printed with a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:
 - (i) the subscriber's billing name and address and the telephone number(s) to be covered by the preferred carrier freeze;
 - (ii) the decision to place a preferred carrier freeze on the telephone number(s) and particular service(s) . To the extent that a jurisdiction allows the imposition of preferred carrier freezes on additional preferred carrier selections (e.g., for local exchange, intraLATA/intrastate toll, interLATA/interstate toll service, and international toll) , the authorization must contain separate statements regarding the particular selections to be frozen;
 - (iii) that the subscriber understands that she or he will be unable to make a change in carrier selection unless she or he lifts the preferred carrier freeze; and
 - (iv) that the subscriber understands that any preferred carrier freeze may involve a charge to the subscriber.

Authorizing statute(s): 69-3-822 and 69-3-1304, MCA

Implementing statute(s): 69-3-102, 69-3-201 and 69-3-1303, MCA

History: EMERG, NEW, 1999 MAR p. 1767, Eff. 7/2/99.