



ADMINISTRATIVE RULES OF MONTANA



38.5.3907 COMPLAINTS OF UNAUTHORIZED CHARGES FOR PRODUCTS OR SERVICES BEING PLACED ON A CUSTOMER'S TELEPHONE BILL

- (1) Upon receipt of a complaint alleging an unauthorized charge for a product or service being placed on a customer's telephone bill, either orally or in writing, from the customer, the customer's local exchange company, or from the commission or its staff on behalf of a customer or applicant, the telecommunications carrier or other entity that initiated placement of the charge for the product or service on the customer's telephone bill shall make a suitable and documented investigation and advise the party requesting the investigation of the results. The results of the investigation need not be in writing, unless otherwise directed by the commission or requested by a customer. When advising the customer or party requesting the investigation of the results, the carrier or other entity that initiated the placement of the charge for the product or service on the customer's telephone bill shall provide documentation in accordance with ARM 38.5.3901 and 38.5.3904 that confirms the customer's valid authorization for placement of the charge for the product or service on the telephone bill. The burden is on the carrier or other entity that initiated the placement of the charge for the product or service on the customer's telephone bill to produce documentation that valid authorization was obtained from the customer. If a carrier or other entity fails to provide the documentation, all charges for the products or services that the customer did not authorize or that were not provided to the customer will be deemed invalid. A telecommunications carrier or other entity, upon receipt of a complaint alleging unauthorized placement of charges for products or service on a customer's telephone bill, shall issue an initial response within five working days.
- (2) The carrier or other entity shall maintain and preserve records of complaints for a minimum period of two years after receipt of the complaint. Records of complaints must include the complaint, documentation of the investigation of the complaint, and documentation of the response or responses to the complaint. Records of complaints must include the customer's name, address, and telephone number, the date of the complaint, a summary of the complaint, the date the complaint was resolved, and the resolution reached. Records of complaints must be provided to the commission within 20 days of request by the commission.

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

Implementing statute(s): 69-3-1301 and 69-3-1303, MCA

History: NEW, 1999 MAR p. 2086, Eff. 9/24/99.