

K. After receipt of notification of Staff's final determination concerning the customer's authorization of a disputed charge or change in provider, if either the customer or the provider wishes to contest Staff's final determination it shall file a written appeal of Staff's determination with the Commission within 14 days. Thereafter, the Commission will review the evidence submitted in the course of Staff's investigation and issue an Order upholding or reversing Staff's final determination. Where appropriate, the Commission in its discretion may choose to assign a Hearing Examiner to conduct a hearing and take further evidence and testimony as the Commission deems necessary to reach a final determination concerning the customer's authorization of the disputed charge or change in provider.

L. If no party files an appeal of Staff's final determination on the disputed charge or change in provider within the 14 day period provided for in these rules, Staff's determination shall become final and have the same force and effect as a final Commission Order for purposes of judicial review.

M. After receipt of notification by a customer of a disputed charge or change in provider listed on a customer's bill, and after attempting to informally resolve any such dispute with the customer, if the customer fails to file a complaint with the Commission within 30 days of disputing such a charge or change in provider, a provider may submit a written request to the Commission for a determination of the customer's authorization of the disputed charge or change in provider in the same manner provided for in these rules for customer initiated complaints. In addition to the information required to be filed with a customer initiated complaint, at the time it files any such request for determination, the provider shall also provide the Commission Staff with verification of the customer's authorization of the disputed charge or change in provider in accordance with these rules.

N. Upon receipt of a provider's request for determination of a customer's authorization of a disputed charge or change in provider which contains all of the information required under these rules, the Commission Staff shall notify the customer and proceed to make a determination concerning the customer's authorization of the disputed charge or change in provider in accordance with the rules for investigation of customer initiated complaints.

You may contact Sacred Wind Communications, your local telephone company, at 1-877-722-3393.

You may contact the Public Regulation Commission Consumer Relations Division at 1-800-663-9782.



IMPORTANT CONSUMER INFORMATION

- ◆ A low income telephone assistance program (LITAP) is available to qualifying residential customers. You may obtain an application at our business office in Gallup or you may call our business office at **1-877-722-3393** and request us to mail you an application.
- ◆ You may also call our business office to obtain information regarding services and rates, an explanation of the charges on your bill, the availability of services, payment arrangements, disconnection procedures, rates for repair work on the telephone wiring in your house or information regarding "900" number calling charges and the availability of "900" number blocking at no charge.
- ◆ Basic local service will not be disconnected for failure to pay charges for long distance calls or discretionary services, such as Caller ID, Call Waiting or Voice Mail.
- ◆ If your service is permanently disconnected, it will cost \$30.00 plus a \$75.00 deposit to reconnect your residence service and \$53.95 plus a \$150.00 deposit to reconnect business service.
- ◆ A third party notification program is available to residential customers who notify Sacred Wind in writing of their desire to participate in the program and designate a specific person, organization, or governmental agency that is ready, willing, and able to assist the residential customer with the payment of Sacred Wind telephone bills.
- ◆ **If you feel that an unauthorized change in service or rates has been made to your account, please contact our business office immediately so that we may investigate your situation. The inside of this brochure contains additional information to assist you in resolving a complaint regarding unauthorized charges or an unauthorized change of provider.**

INFORMATION REGARDING UNAUTHORIZED CHARGES OR CHANGE OF PROVIDER

(New Mexico Administrative Code, Sec. 17.11.8.12)

A. A customer may contact his or her local exchange company, authorized provider, or the unauthorized provider to report an unauthorized charge or change of provider. Any provider contacted by a customer concerning a disputed charge or change in provider shall notify the local exchange company about the disputed charge or change in provider or service within 24 hours.

B. Upon receipt of notification by a customer, another provider, or the local exchange company of a disputed charge or change in provider on a customer's bill, a provider and any billing agent shall immediately cease all efforts to collect payment for the disputed charge or change.

C. Customer complaints concerning disputed charges or changes in provider must be submitted to the Consumer Relations Division of the Commission Staff in writing. To expedite resolution of the complaint, the customer shall provide the Commission Staff with the following information: **(1)** a copy of the bill with the disputed charge or change in provider; **(2)** a brief discussion of any unauthorized charge or change in provider, including the dollar amount under dispute; **(3)** a brief discussion outlining the attempts made to resolve the disputed charge or change in provider; **(4)** the names and telephone numbers of the provider or providers contacted by the customer, and the approximate date of any such contact.

D. Upon receipt of a customer complaint concerning a disputed charge or change in provider, the Commission Staff shall mail a copy of the customer's complaint to the provider responsible for originating the disputed charge or change in provider, along with a request for verification of the customer's authorization of such charge or change in provider. To aid the Commission Staff in expediting resolution of complaints, each provider shall provide the Commission with the name, address, and telephone number of the appropriate individual or department designated to assist in resolving customer complaints concerning slamming and cramming.

E. Within 14 days of the date on which Staff mails the notification of a customer complaint to any provider, the provider originating the disputed charge or change in provider shall submit verification to Staff of the customer's authorization of any such charge or change in provider in the form required under these rules.

F. Upon receipt of verification of a customer's authorization of any disputed charge or change in provider, the Commission Staff shall review such verification and make a determination concerning whether the authorization meets the requirements of these rules.

G. Once the Commission Staff makes a determination concerning whether a disputed charge or change in provider was authorized by the customer in accordance with these rules, Staff shall promptly mail its determination to the customer and the provider originating the disputed charge or change in provider of its determination. If the customer wishes to contest Staff's initial determination concerning the customer's authorization of the disputed charge or change in provider, the customer shall have 30 days from the date Staff's initial determination is mailed in which to submit any additional evidence or information it believes should be considered by Staff and the Commission in making its final determination concerning the customer's authorization of the disputed charge or change in provider. The Staff shall promptly mail any such additional information or evidence submitted by the customer to the provider.

H. If the customer contests Staff's initial determination concerning the customer's authorization of any disputed charge or change in provider by submitting information or evidence contesting the genuineness or authenticity of the customer's authorization submitted to Staff by the provider, within 15 days of the date Staff mails any such information to the provider, the provider may submit any additional evidence which may be necessary to establish the authenticity or genuineness of the customer's authorization of the disputed charge.

I. After the time period for submission of additional evidence or information concerning the customer's authorization of a disputed charge or change in provider has expired, or upon receiving written notification that the customer or the provider does not wish to submit such additional evidence, Staff shall make a final determination concerning the customer's authorization of the disputed charge or change in provider in accordance with these rules.

J. In making its final determination concerning the customer's authorization of a disputed charge or change in provider, Staff shall presume that a disputed charge or change in provider was not authorized whenever: **(1)** any provider fails to provide verification of customer authorization to the Commission Staff in the form and manner required under these rules; or **(2)** the Commission Staff determines that there is a lack of sufficient evidence confirming that the customer authorized any charge or change in provider in accordance with these rules.

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