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RECORDING CUSTOMER CALLS

On September 11, 2008, Public Utility Commissioner Wayne Gardner offered a unanimously-adopted Motion (in the Petition of the D&E companies for a waiver) directing the Commission's Law Bureau to prepare a Tentative Order granting a blanket waiver allowing all local exchange carrier customer service representatives to record customer calls.

Specifically, the Gardner Motion says: "Rather than continue to address the concerns of LECs in a piecemeal fashion, I would support the grant of the waiver petition of the D&E LECs consistent with the conditions set forth in the staff report so as not to delay the relief sought. However, I would also support issuance of an Order providing for a general waiver of 52 Pa. Code as long as the petition and/or request is consistent with the terms and conditions established in our Orders granting waivers to Verizon, Full Service and the D&E Companies."

Unfortunately, the Tentative Order (published in the Pennsylvania Bulletin on December 6, 2008) suffered from several flaws which the PTA highlighted in its comments of January 5, 2009.

The PTA offered that the Tentative Order still appeared to require individual company petitions for waivers, in conflict with the "blanket waiver" concept supported by the Gardner Motion. Rather, we suggested that a blanket waiver would best be achieved through use of a Secretarial Letter; the vehicle utilized by the Commission in the waiver of regulations allowing telcos to offer bundled service packages. Finally, the PTA suggested that a one-year time limitation on the waiver is unnecessary and unreasonable and that filing petitions for subsequent annual extensions is overly burdensome.

Through a series of meetings between PTA staff and counsel, Commission staff has agreed with our initial assessment of the Tentative Order and is in the process of preparing the matter for an upcoming Public Meeting agenda.