

3107 BILLING

- 3107.1 A cable operator's subscriber bill shall present information clearly, comprehensibly, concisely, and accurately.
- 3107.2 Each bill shall contain an itemized account of all charges and fees. Bills shall also include:
- (a) The date on which payment is due from a subscriber;
 - (b) The billing period over which each chargeable service is billed, including any prorated period due to the installation or disconnection of service;
 - (c) The date when an applicable late fee would be assessed;
 - (d) The amount of current billing and appropriate credits of past due balances, if any exist;
 - (e) The name and address of the cable operator;
 - (f) The telephone number of the cable operator's customer service office(s); and
 - (g) The telephone number and website address of OCT for unresolved customer service disputes.
- 3107.3 If a cable operator itemizes franchise fees or other governmental fees attributable to the total bill, a cable operator shall ensure that the itemization is in accordance with applicable law.
- 3107.4 A cable operator shall render bills monthly, except where service is for less than one (1) month.
- 3107.5 A cable operator shall make good faith efforts to adopt automatic payment systems to permit subscribers to pay bills electronically via the Internet (both through the cable operator's website and via electronic payment procedures of other financial institutions).
- 3107.6 A cable operator shall issue a credit or refund to a subscriber within forty-five (45) days after determining the subscriber's entitlement to a credit or refund. Otherwise, a cable operator shall grant the subscriber an additional credit equal to twenty percent (20%) of the amount owed. A cable operator shall issue additional payments of twenty percent (20%) of the amount owed for each additional thirty (30) day period that the credit or refund remains outstanding.
- 3107.7 A cable operator may impose a reasonable reconnection charge. A cable operator shall complete reconnections after a termination attributed to non-payment of bills within seven (7) business days after a cable operator has received full payment. In these instances only, a cable operator may require that a payment by check has cleared the subscriber's bank before the payment is deemed received by a cable operator.
- 3107.8 A cable operator may recover a fee for all checks returned due to insufficient funds. A charge for a returned check imposed by a cable operator shall not exceed the cable operator's actual cost of processing returned checks.
- 3107.9 A cable operator shall not charge a subscriber for service or equipment that the subscriber has not affirmatively requested. However, a cable operator may lawfully increase rates due to adding programming to an existing tier.
- 3107.10 A cable operator shall forward to OCT, on a monthly basis, a sample bill for the appropriate billing period.

- 3107.11 A bill shall not be due less than fifteen (15) days from the date the cable operator mails the bill to the subscriber.
- 3107.12 A cable operator shall not assess a late fee until at least twenty-five (25) days after the cable operator mails the bill to the subscriber, and the amount of any late fee imposed shall reasonably relate to a cable operator's reasonable and actual cost of collecting late subscriber payments, not otherwise recovered through other fees or rates.
- 3107.13 A subscriber who, in good faith, disputes all or part of a bill pursuant to the procedures set forth in subsections 3107.17-3107.20 shall have the option of withholding the disputed amount without imposition of a late fee, notification of collection agencies, or the termination of service until five (5) days after the dispute is resolved or such other applicable date as provided by applicable law, whichever is later, provided that the following occurs:
- (a) The subscriber pays all undisputed charges;
 - (b) The subscriber provides timely notification of the dispute to the cable operator by the date due date of the applicable bill; and
 - (c) The subscriber cooperates in determining the appropriateness of the charge(s) in dispute.
- 3107.14 A cable operator may terminate a subscriber's service if the subscriber fails to pay his or her bill within thirty-six (36) days after the cable operator mails the applicable bill to the subscriber if the cable operator has provided appropriate notice to the subscriber, pursuant to subsection 3107.15. If a cable operator fails to comply with this provision, a cable operator shall grant a subscriber a credit equal to, at least, one-thirtieth (1/30) times the total bill for the preceding billing period for each day service remains terminated.
- 3107.15 A cable operator shall not terminate service to a subscriber for nonpayment unless a cable operator provides notice of the impending termination at least ten (10) days prior to the proposed termination. The notice of impending termination may be part of a billing statement.
- 3107.16 Every notice of termination of service shall include all of the following:
- (a) The name and address of the subscriber whose account is delinquent;
 - (b) The current account balance and the amount in arrears;
 - (c) The total amount required to be paid to avoid discontinuance of service, with reconnection charges if applicable;
 - (d) The date by which the payment shall be made; and
 - (e) The location of the customer service center(s) where the payment may be made and the telephone number to contact the cable operator.
- 3107.17 The billing dispute resolution procedure shall commence when a subscriber contacts a cable operator, whether in person, by telephone, by electronic means, or in writing, to address an alleged billing error. If a subscriber contacts OCT, OCT shall promptly notify the applicable cable operator that the dispute resolution procedure has commenced and shall refer the case to the cable operator for resolution. Once notified, a cable operator shall promptly contact the subscriber regarding the dispute.

- 3107.18 A cable operator shall promptly undertake whatever review is necessary to resolve the dispute, and shall provide a proposed determination no later than five (5) business days after receipt of notice.
- 3107.19 A cable operator may not impose a late charge with respect to a disputed amount if the matter is found in favor of the subscriber.
- 3107.20 If the subscriber states dissatisfaction with the cable operator's proposed determination, the cable operator shall notify the subscriber of the subscriber's right to file a complaint with OCT and shall provide OCT's contact information. Notwithstanding the foregoing, the subscriber is still obligated to pay the amount owed consistent with the cable operator's proposed determination pursuant to subsection 3107.18. If the subscriber fails to make payment in a timely manner, a cable operator may consider the account delinquent, but only as permitted by subsection 3107.14.
- 3107.21 A cable operator may refer a delinquent account to a collection agency after reasonable unsuccessful attempts to collect the account. The cable operator shall promptly notify the collection agency to discontinue further collection actions immediately after the subscriber pays the outstanding amount, in no case later than the next business day.
- 3107.22 A cable operator, a collection agency, or any other entity working on its behalf may not report a delinquent account to a credit bureau or a credit reporting agency unless such account involves unreturned equipment valued at one hundred fifty dollars (\$150) or more and not secured by a deposit. If a cable operator violates this provision, the cable operator shall notify the credit reporting agency that the referral was wrongly made and that the erroneous referral should not adversely affect the subscriber's credit standing, shall send a copy of the notice to the affected subscriber and OCT, and shall provide a payment of at least five hundred dollars (\$500.00) to the affected subscriber.

SOURCE: Final Rulemaking published at 49 DCR 6797 (July 19, 2002).