**Section 770.40 Restrictions on Billing and Charges**

a) Restrictions on billing

1) Consumers shall be billed within one year after the date the service was provided.

2) The operator service provider (or its billing agent) shall be identified on the consumer's bill. Where technically feasible, the operator service provider shall be listed in lieu of, or in addition to, the billing agent.

3) Incorrect billing

A) Refunds for Completed Calls. In the event that a consumer is billed incorrectly for a completed call by the operator service provider due to an error either in charging more than the published rate, in measuring the quantity or volume of the service provided, or in charging for the incorrect class of service, the operator service provider shall refund the overcharge upon discovery or upon request.

B) Refunds for uncompleted calls. No operator service provider shall knowingly charge for uncompleted calls. All operator service providers shall make refunds for any paid uncompleted calls upon request.

C) Rate of interest. If the consumer has paid the bill in subsection (a)(3)(A) or (a)(3)(B) above, and the billing is later found to be incorrect, then the refund will be made with interest from the date of overpayment by the consumer. The rate of interest shall be the rate as established by the Commission to be paid on deposits in 83 Ill. Adm. Code 735.120(h)(1). The refund shall be accomplished by a credit on a subsequent bill for telephone service, or by check if so requested by the consumer.

b) Restriction on charges. A provider of operator services shall:

1) not bill for unanswered telephone calls in areas where equal access is available;

2) not knowingly bill for unanswered telephone calls where equal access is not available;

3) not bill for a call in a manner that does not reflect the location of the origination of the call, except as provided in subsection (b)(4) of this Section;

4) not engage in call splashing, as defined in Section 770.10, unless the consumer requests to be transferred to another provider of operator services, the consumer is informed prior to incurring any charges that the rates for the call may not reflect the rates from the actual originating location of the call, and the consumer then consents to be transferred.

c) Each provider of intrastate operator services shall comply with the following requirements:

1) The maximum rates and charges to be charged by an operator service provider for usage charges shall not exceed the following rates:

|  |  |  |
| --- | --- | --- |
| Rate Mileage | Initial 1 Minute | Each Additional Minute |
| 1-10 | $.2125 | $.1875 |
| 11-22 | $.2250 | $.2125 |
| 23-55 | $.2375 | $.2250 |
| 56-124 | $.2625 | $.2500 |
| 125-292 | $.2875 | $.2750 |
| 293+ | $.3000 | $.2875 |

2) The maximum rates and charges for operator surcharges shall not exceed the following rates:

A) Operator Station (consumer dialed 0+) collect, billed to third number, coin call, or billed to a calling card: $2.50;

B) Operator Station (operator dialed 0-) collect, billed to third number, coin call, or billed to a calling card: $3.75;

C) Person-to-Person (consumer dialed 0+ and operator dialed 0-) billed to a calling card: $4.50;

D) Person-to-person (consumer dialed 0+) collect, billed to third number, or coin call: $4.50; and

E) Person-to-person (operator dialed 0-) collect, billed to third number, or coin call: $5.75.

d) All charges shall be included in the amounts authorized by subsection (c) above.

e) The amounts authorized in subsection (c) shall be escalated annually by the percentage change in the GDP Implicit Price Deflator with the first adjustment to be effective January 1, 1995. In December of each year the Commission shall announce the rate of inflation and the new maximum price levels for the next year.

(Source: Added at 18 Ill. Reg. 13053, effective September 1, 1994)