**20:10:34:03.  Letter of agency form and content.** A letter of agency obtained from a subscriber for a change of the subscriber's telecommunications company shall be a written document. The sole purpose of the letter of agency is to authorize the change of a telecommunications company. It must be signed and dated by the subscriber of the telephone line requesting the change. It may not be combined with inducements of any kind on the same document. At a minimum, the letter of agency must be printed with a type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms:

 (1)  The subscriber's billing name and address and each telephone number to be covered by the change order;

 (2)  The decision to change the telecommunications company from the current telecommunications company to the prospective telecommunications company;

 (3)  That the subscriber designates the prospective telecommunications company to act as the subscriber's agent for the telecommunications company change;

 (4)  That the subscriber understands that only one interexchange telecommunications company may be designated as the subscriber's interLATA primary interexchange telecommunications company, only one company may be designated as the subscriber's intraLATA primary interexchange company, and only one company may be designated as the subscriber's local exchange company;

 (5)  The telecommunications company designated as the subscriber's interexchange or local exchange company must be the company directly setting the rates for the subscriber;

 (6)  That the subscriber understands that any change in a subscriber's interexchange or local exchange service company may involve charges to the subscriber. The approximate amount of each charge shall be specified in the letter of agency;

 (7)  Letters of agency may not suggest or require that a subscriber take some action in order to retain the subscriber's current telecommunications company;

 (8)  If any portion of a letter of agency is translated into another language then each portion of the letter of agency must be translated into that language. Each letter of agency must be translated into the same language as any promotional materials, oral descriptions, or instructions provided with the letter of agency; and

 (9)  A toll-free number of the prospective telecommunications company.

 **Source:** 25 SDR 89, effective December 27, 1998; 25 SDR 167, effective July 1, 1999.

 **General Authority:** SDCL 49-31-89.

 **Law Implemented:** SDCL 49-31-89.