

REQUEST TO ESTABLISH DOCKET

Date 03-05-91

- 1. Division Name/Staff Name Division of Consumer Affairs/Brown
- 2. OPR Division of Legal Services
- 3. OCR Division of Consumer Affairs
- 4. Suggested Docket Title Initiation of Show Cause Proceedings against Telesphere Network Inc. for violation of FPSC Rules 25-4.111(1) and 25-4.043 Regarding Responses to Consumer Complaints

5. Suggested Docket Mailing List (attach separate sheet if necessary)

A. Parties (Provide names of regulated companies; provide names and addresses of nonregulated companies)

Telesphere Network Inc. _____

B. Interested Persons/Companies (Provide names and complete mailing addresses)

C. This is a generic proceeding and the Interested Persons mailing list should be expanded to include the industries checked below:

- | | |
|---|--|
| <input type="checkbox"/> Investor-Owned Electrics | <input type="checkbox"/> Water Utilities |
| <input type="checkbox"/> Electric Cooperatives | <input type="checkbox"/> Local Exchange Telephone Cos. |
| <input type="checkbox"/> Municipal Electrics | <input type="checkbox"/> Interexchange Telephone Cos. |
| <input type="checkbox"/> Gas Utilities | <input type="checkbox"/> Coin-Operated Telephone Cos. |
| <input type="checkbox"/> Sewer Utilities | <input type="checkbox"/> Shared Tenant Telephone Cos. |

6. Check One:

- Documentation attached.
- Documentation will be provided with recommendation.

February 20, 1991

Ms. Cyndi Thackaberry, Manager
Legal and Regulatory Affairs
Telesphere Network
2 Mid-America Plaza, Suite 500
Oakbrook Terrace, IL 60181

Dear Ms. Thackaberry:

Attached are copies of four customer complaints filed with your office in August, September, November and December, 1990. Numerous follow up contacts have been made by Commission staff in an effort to get Telesphere's response to these complaints. Follow ups include telephone calls, letters, and certified letters to you.

Florida Public Service Commission rules require that companies respond to PSC staff inquiries within 15 days.

If we do not receive Telesphere's written response to each complaint by March 1, 1991, I will recommend that the commission initiate formal proceedings for Telesphere Network to show cause why it should not be fined for violation of PSC Rule 25-411(1).

Sincerely,

George B. Hanna, Director
Division of Consumer Affairs

GBH:kt

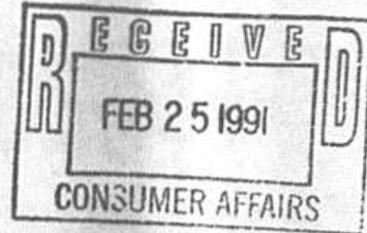
Enclosed Files: K & F Sandwich Shop
Grab N Shop
G. Maxon
Robert Smith

TELESPHERE

COMMUNICATIONS INC

February 21, 1991

Secretary
FLORIDA Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399



Dear Sir/Madam:

This letter serves as notice that Telesphere's corporate contact for all end user complaints routed through regulatory agencies has changed. All complaints concerning the services (either 0+, 1+ or 900) of Telesphere, Telesphere Limited, Inc. or Telesphere Network, Inc. should be forwarded to:

Gina LaCroix
Regulatory Affairs Specialist
6100 Executive Blvd., 4th Floor
Rockville, MD 20852

Due to recent corporate restructuring, the processing of some of these complaints has been delayed. We apologize for this delay and will attempt to reconcile all existing complaints in a timely manner.

This change is effective immediately. If you require further information, please feel free to contact Ms. LaCroix at (301) 230-4643.

Sincerely,

A handwritten signature in cursive script that reads "G. Vinall".

George Vinall
Asst. Vice President
Regulatory Affairs

/glc

FLORIDA PUBLIC SERVICE COMMISSION

101 EAST GAINES STREET
TALLAHASSEE, FLORIDA 32399-0867

DIVISION OF CONSUMER AFFAIRS

(904) 489-7228

TOLL FREE (800) 342-3552

TO

Gina LaCroix, Regulatory Affairs Specialist
Telesphere Network Inc.
6100 Executive Blvd., 4th Floor
Rockville, MD 20852

Date Feb. 25, 1991

Ref. No. Overnight Mail

Attn: _____

Subject Late Complaint Responses:

K & F Sandwich Shop
Grab N Shop
G. Maxon
Robert Smith

Priority

URGENT

Reply by

For Your Information

MESSAGE

Per Mr. George Vinall's correspondence received February 25, please review the attached letter mailed to Cyndi Thackaberry and the complaint files for which responses have not been received. Answers are requested by March 1 to avoid recommendation of show cause proceedings.

REPLY

JAN	FEB	MAR	APR	MAY	JUN	JULY	AUG	SEP	OCT	NOV	DEC																			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31

SENDER: DETACH THIS YELLOW COPY FOR YOUR FILE. MAIL WHITE AND PINK COPIES WITH CARBON INTACT.

FEDERAL EXPRESS

USE THIS AIRBILL FOR DOMESTIC SHIPMENTS WITHIN THE CONTINENTAL U.S.A., ALASKA AND HAWAII.
USE THE INTERNATIONAL AIR WAYBILL FOR SHIPMENTS TO PUERTO RICO AND ALL NON U.S. LOCATIONS.
QUESTIONS? CALL 800-238-5355 TOLL FREE.

**AIRBILL
PACKAGE
TRACKING NUMBER**

6549685564

6549685564

SENDER'S COPY

SENDER'S COPY

Sender's Federal Express Account Number		Date																									
		2-25																									
From (Your Name) Please Print		Your Phone Number (Very Important)	To (Recipient's Name) Please Print																								
George B. Hanna		904 488-7238	Gina LaCroix																								
Company		Department/Floor No.	Company																								
Florida Public Service Commission			Department/Floor No.																								
Street Address		Telesphere Network 4th Floor																									
101 East Gaines Street		Exact Street Address (No Corner Deliver to P.O. Boxes or P.O. Zip * Code)																									
City	State	ZIP Required	City																								
Tallahassee	FL	32309-0867	Rockville																								
YOUR INTERNAL BILLING REFERENCE INFORMATION (First 24 characters will appear on invoice)		IF HOLD FOR PICK-UP, Print FEDEX Address Here																									
		Street Address																									
PAYMENT 1 <input type="checkbox"/> Bill Sender 2 <input checked="" type="checkbox"/> Bill Recipient's FedEx Acct. No. 3 <input type="checkbox"/> Bill 3rd Party FedEx Acct. No. 4 <input type="checkbox"/> Bill Credit Card		City																									
5 <input type="checkbox"/> Cash		State																									
Collect		ZIP Required																									
Expiration Date																											
SERVICES (Check only one box)		DELIVERY AND SPECIAL HANDLING																									
Priority Overnight Service (Delivery by next business morning!) 11 <input type="checkbox"/> YOUR PACKAGING 16 <input type="checkbox"/> FEDEX LETTER * 12 <input type="checkbox"/> FEDEX PAK * 13 <input type="checkbox"/> FEDEX BOX 14 <input type="checkbox"/> FEDEX TUBE Economy Service (Formerly Standard Air) (Delivery by second business day!) 30 <input type="checkbox"/> ECONOMY SERVICE <small>† Delivery commitment may be later in some areas.</small>	Standard Overnight Service (Delivery by next business afternoon!) 51 <input type="checkbox"/> FEDEX LETTER * 52 <input type="checkbox"/> FEDEX PAK * 53 <input type="checkbox"/> FEDEX BOX 54 <input type="checkbox"/> FEDEX TUBE Heavyweight Service (for Extra Large or any package over 150 lbs.) 70 <input type="checkbox"/> HEAVYWEIGHT ** 80 <input type="checkbox"/> DEFERRED HEAVYWEIGHT ** <small>** Declared Value Limit \$100 *** Call for delivery schedule.</small>	1 <input type="checkbox"/> HOLD FOR PICK-UP (No in box vs) 2 <input type="checkbox"/> DELIVER WEDNESDAY 3 <input checked="" type="checkbox"/> DELIVER SATURDAY (Extra charge (Not available in all areas)) 4 <input type="checkbox"/> DANGEROUS GOODS (Extra charge (CDS not available for Dangerous Goods Shipments)) 5 <input type="checkbox"/> CONSTANT SURVEILLANCE SVC. (CSD) (Extra charge (Please Signature Not Applicable)) 6 <input type="checkbox"/> SERVICE 7 <input type="checkbox"/> OTHER SPECIAL SERVICE 8 <input type="checkbox"/> 9 <input type="checkbox"/> SATURDAY PICK-UP (Extra charge) 10 <input type="checkbox"/> 11 <input type="checkbox"/> DESCRIPTION 12 <input type="checkbox"/> HOLIDAY DELIVERY (if allowed) (Extra charge)	<table border="1"> <thead> <tr> <th>MOVERS</th> <th>WEIGHT & PACKING</th> <th>YOUR DECLARED VALUE (See 10)</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Total</td> <td>Total</td> <td>Total</td> <td></td> </tr> </tbody> </table> DIM SHIPMENT (Heavyweight Services Only) <input type="checkbox"/> <input type="checkbox"/> Received N <input type="checkbox"/> Request Size <input type="checkbox"/> 3-D Box <input type="checkbox"/> 4-D Box <input checked="" type="checkbox"/> On-Car Ship <input type="checkbox"/> Station <input type="checkbox"/> Station FedEx Emp. No. 35706 Date/TIME 7-25	MOVERS	WEIGHT & PACKING	YOUR DECLARED VALUE (See 10)	DATE																	Total	Total	Total	
MOVERS	WEIGHT & PACKING	YOUR DECLARED VALUE (See 10)	DATE																								
Total	Total	Total																									
SERVICE CONDITIONS, DECLARED VALUE AND LIMIT OF LIABILITY		Federal Express Use																									
Use of this airbill constitutes your agreement to the service conditions in our current Service Guide, available upon request. See back of sender's copy of this airbill for information. We will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misrouting, or misinformation, unless you declare a higher value, pay an additional charge, and document your actual loss for a timely claim. Maximum amount limitations found in the current Federal Express Service Guide apply. Your right to recover from Federal Express for any loss, including intrinsic value of the package, loss of sales, income, interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the declared value specified in the bill. Recovery cannot exceed actual documented loss. In the event of untimely delivery, Federal Express will at your request and with some limitations, refund all transportation charges paid. See Service Guide for further information. Sender authorizes Federal Express to deliver this shipment without obtaining a delivery signature and shall indemnify and hold harmless Federal Express from any claims resulting therefrom. Release Signature _____		Base Charges Declared Value Charge Other 1 Other 2 Total Charges REVISION DATE 11/98 PART 8115000 (SCEP) 1/80 FORMAT 804  © 1997 F.E.C. PRINTED IN U.S.A.																									

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge)
2. Restricted Delivery (Extra charge)

3. Article Addressed to:
Ms. Cyndi Thackaberry, Manager
Legal & Regulatory Affairs
Telesphere Network
2 Mid-America Plaza, Suite 500
Oakbrook Terrace, IL 60181

4. Article Number
P483994673

- Type of Service:
- | | |
|---|---|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
X

6. Signature - Agent
X Dan Snyder

7. Date of Delivery
5-25-91

8. Addressee's Address (ONLY if requested and fee paid)

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to:
Ms. Cyndi Thackaberry, Manager
Legal & Regulatory Affairs
Telesphere Network
2 Mid-America Plaza, Suite 500
Oakbrook Terrace, IL 60181

4. Article Number
P483994673

Type of Service:
 Registered Insured
 Certified COD
 Express Mail Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature -- Addressee
X

8. Addressee's Address (ONLY if requested and fee paid)

6. Signature -- Agent
X *Don Snyder*

7. Date of Delivery
3-25-91

Name K & F SANDWICH SHOP

Address PATRICIA BERRY

P.O. BOX 217

City/Zip CAPE CANAVERAL 32920 County BRE

Account Number _____

Has consumer contacted company? Yes No _____ Who _____

1. Nature of Request 2. Report of Action

Ms. Berry called and said that there are 9 payphones located at her sandwich shop at 9049 Jetty Road. She said that 4 of the phone's long distance carriers had been switched from AT&T to Telesphere Network without her knowledge or authorization. She has been billed \$26.60 for the unauthorized carrier change on her Southern Bell bill. She has been in touch with Southern Bell to have the phones switched back to AT&T. She believes the 4 phones are: 407-799-9801, 9802, 9803, and 783-9946.

Credit of \$26.60 is requested to be applied to the customer's Southern Bell account. Please explain why the change was made to the four phones. Written report due 9/4.

Calls placed to company requesting report on 9/20, 10/4, 10/23 with no response. Certified letter sent on 10/24. 10/31 report received. Not sufficient. Faxed co. letter on 11/2 requesting response by 11/12.

Company TELESPHERE NETWORK

Attn. CYNDI THACKABERRY

Consumer's Telephone (407)-783-8183

Can Be Reached (407)-783-6836

Request No. 23872P

By NEP Time 2:20 PM Date 08/16/90

To CO. Time fax Date 08/17/90

Complaint Type 1s-13

Justification _____

Closed By _____ Date / /

Reply received _____

CONSUMER REQUEST

**FLORIDA
PUBLIC
SERVICE
COMMISSION**



**101 EAST GAINES STREET
TALLAHASSEE, FLORIDA 32399**

**PLEASE RETURN THIS FORM WITH
REPORT OF ACTION TO:**

Nancy Pruitt

By _____ 09/04/90

11/12 no response from company. 11/30 spoke with Ms. Thackaberry and requested response and credit as requested in letter of 11/2.

1/18/91 certified letter sent. Reponse requested by 2/1/91.

January 18, 1991

Ms. Cyndi Thackaberry
Telesphere Network, Inc.
Two Mid-America Place, Suite 500
Oakbrook Terrace, IL 60181

Dear Ms. Thackaberry:

RE: K&F Sandwich Shop # 23872P

On August 17, 1990 you were faxed the above referenced complaint. The due date of your response was September 4. No response was received by that date. Calls were placed to you on September 20, October 4 and October 23 with no response. A certified letter was sent on October 24 and a report was received on October 31.

In your response you stated that the pay telephones' long distance service was switched to Telesphere Network, Inc. due to a contract for service between the Pier Side Bar and Nationwide Telecom. On November 2 you were faxed a letter stating that "there is no such business as the Pier Side Bar". Again, we requested credit to the customer's Southern Bell account in the amount of \$26.60. A response was requested by November 12. No response was received. On November 30 I called you to discuss the complaint and requested the credit and a reply.

As of this date no response has been received. This is totally unacceptable and a violation of Commission rules.

Ms. Cyndi Thackaberry
Page two
January 18, 1991

If a response is not received by February 1, I will recommend that the Commission take formal action against your company for repeated violations of Commission rules regarding responses to the PSC. Please give this matter your immediate attention.

Sincerely,

Nancy Pruitt
Consumer Affairs Analyst
Division of Consumer Affairs

NP:sah
cc: certified

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check boxes for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge)
2. Restricted Delivery (Extra charge)

3. Article Addressed to:
Ms. Cyndi Thackaberry
Telesphere Network, Inc.
Two Mid-America Plaza, Suite 500
Oakbrook Terrace, IL 60181

4. Article Number
P 483 994 668

Type of Service:
 Registered Insured
 Certified COD
 Express Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery



State of Florida



Commissioners:
MICHAEL McK. WILSON, CHAIRMAN
THOMAS M. BEARD
BETTY EASLEY
GERALD L. (JERRY) GUNTER
JOHN T. HERNDON

DIVISION OF CONSUMER AFFAIRS
GEORGE B. HANNA, DIRECTOR
TOLL FREE 1-800-342-3552
(904) 488-7238

Public Service Commission

November 2, 1990

Ms. Cyndi Thackaberry
Telesphere Network, Inc. (AOS)
Two Mid-America Plaza, Suite 500
Oakbrook Terrace, IL 60181

Dear Ms. Thackaberry:

RE: K&F Sandwich Shop # 23872P

I have received your response to the consumer complaint referenced above. In your reply you stated that the request to switch the long distance carrier service was received from Nationwide Telecom on behalf of the Pier Side Bar.

Please be advised that there is no such business as the Pier Side Bar. The payphones in question are billed to Mrs. Berry at the sandwich shop.

You also stated in your response of October 31, that "Telesphere is providing the long distance service to the payphones at the Pier Side Bar location." On November 1, I contacted Mrs. Berry and was informed that Southern Bell had switched her telephones back to AT&T, her carrier of choice.

As per the request of August 16, please credit customer's Southern Bell account \$26.60 for the carrier change charges for the unauthorized switching.

Please respond by November 12.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy Pruitt".

Nancy Pruitt
Consumer Affairs Analyst
Division of Consumer Affairs

NP:sah

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt line will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. (Extra charge) 2. Restricted Delivery (Extra charge)

3. Article Addressed to:

Ms. Cyndi Thackaberry
Telesphere Network, Inc.
Two Mid-America Plaza, Suite 500
Oakbrook Terrace, IL 60181

4. Article Number

P 483 994 890

Type of Service:

- Registered Insured
 Certified COD
 Express Mail Return Receipt
for Merchandise

Always obtain signature of addressee
or agent and **SEE DELIVERED**.

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

8. Addressee's Address (ONLY if
requested and fee paid)

PS Form 3811, Apr. 1989

U.S.G.P.O. 1985-238-815

DOMESTIC RETURN RECEIPT

State of Florida



Commissioners:
MICHAEL McK. WILSON, CHAIRMAN
THOMAS M. BEARD
BETTY EASLEY
GERALD L. (JERRY) GUNTER
JOHN T. HERNDON

DIVISION OF CONSUMER AFFAIRS
GEORGE E. HANNA, DIRECTOR
TOLL FREE 1-800-342-3552
(904) 488-7238

Public Service Commission

October 24, 1990

Ms. Cyndi Thackaberry
Telesphere Network, Inc.
Two Mid-America Plaza, Suite 500
Oakbrook Terrace, IL 60181

Dear Ms. Thackaberry:

Enclosed is a consumer complaint of K&F Sandwich Shop which was faxed to your office on August 17, 1990. The due date of the written response was September 4. Calls were placed to your office on September 20, October 4, and October 23, which were not returned.

Commission rule 25-411 requires that the company respond in writing within fifteen (15) days.

If your report is not received by November 7 this matter will be referred to the Commission for appropriate action.

Sincerely,

Nancy Pruitt
Consumer Affairs Analyst
Division of Consumer Affairs

NP:sah
Enclosure

TELESPHERE

COMMUNICATIONS INC

October 31, 1990

Ms. Nancy Pruitt
Florida Public Service Commission
101 E. Gaines Street
Tallahassee, FL 32399

Re: K & F Sandwich Shop;
407-783-8183 #23872P

Dear Ms. Pruitt:

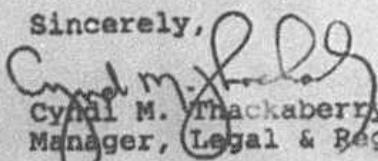
I have received a copy of Ms. Patricia Berry's complaint to the Florida Public Service Commission, dated August 16, 1990 regarding payphones located on her company's property.

According to the complaint, 4 payphones at the K & F Sandwich Shop were switched from AT&T to Telesphere without Ms. Berry's authorization. From Telesphere's records, 7 of the telephones located at the Pier Side Bar, 9040 N. Jetty Drive, Cape Canaveral, FL 32920 were signed over to Telesphere by Nationwide Telecom, on May 10, 1990. The installation of service was completed on June 12, 1990. The name of the sales agent for this transaction was J. Sengelaub.

Telesphere is providing the long distance service to the payphones at the Pier Side Bar location, however, the contract for service was between Pier Side Bar and Nationwide Telecom, whose address is 3 Bridgewater Drive; Marlton, NJ 08053.

If you require further information on this account, please let us know.

Sincerely,


Cyndi M. Thackaberry
Manager, Legal & Regulatory Affairs

cc: Jack Pace

GRAB-N-SHOP
Name _____
ROBERT YAGODA CALLED
Address _____
2468 BELLAIR ROAD
City/Zip _____ 34624 _____ PIN
Account Number _____
Has consumer contacted company? Yes _____ No _____ Who _____

TELESPHERE NETWORK
Company _____
CYNDI THACKABERRY
Attn. _____
Consumer's Telephone (813)-531-9728
Can Be Reached (813)-530-0877

Request No. 27551P
By MCD Time 8:33 AM Date 09/24/
To CO Time mail Date 09/25/
Complaint Type 1s-16

1. Nature of Request 2. Report of Action

Customer's long distance service was switched from AT&T to Telesphere without authorization on his payphone outside the store. He never authorized such a change and wants an explanation from the company as to why this occurred. He wants all inappropriate charges (such as switching fees) removed.

Please contact customer and respond by date below.

Justification _____
Closed By _____ Date / /
Reply received _____

CONSUMER REQUEST

**FLORIDA
PUBLIC
SERVICE
COMMISSION**



101 EAST GAINES STREET
TALLAHASSEE, FLORIDA 32399

PLEASE RETURN THIS FORM WITH
REPORT OF ACTION TO:

Mike Dymek

By _____ 10/10/1990

TELESPHERE

COMMUNICATIONS INC



December 5, 1990

MD

~~Ms. Kathryn Dyal Brown~~
~~FLORIDA PUBLIC SERVICE COMMISSION~~
~~101 East Gaines Street~~
~~Tallahassee, Florida 32399~~

Re: Request No. 27551P
Grab-n-Shop, Robert Yagoda
Telephone No: 813-530-0877

Dear Ms. Brown:

Telesphere has received a copy of the above referenced complaint. However, due to the acquisition of National Telephone Services, Inc. this past quarter, the legal department has regrettably been unable to respond to this complaint in timely fashion.

We anticipate filing our response to this complaint within the next two weeks. If there is cause for this particular response to be expedited, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cyndi M. Thackaberry".

Cyndi M. Thackaberry
Manager, Legal & Regulatory Affairs

cc: Jack Pace

Name MAXON, GENE

Address P.O. BOX 5102

City/Zip CLEARWATER 34618 County PIN

Account Number _____

Has consumer contacted company? Yes _____ No Who _____

1. Nature of Request 2. Report of Action

Mr. Maxon has 6 payphones located at Klosterman Plaza & Neighborhood Shopping Center - of the #'s are 813-937-9078 & 937-9689 (he will call & provide the other #'s later). He had ATT on all 6 phones but the phones were recently changed to Telesphere w/o his knowledge or authorization. When he called to complain he was given name of person in charge of this as William Ore, 317-575-9556 - he doesn't know if he caused the change or what. He wants to know how this change happened. Please explain & provide a copy of the signed authorization form Telesphere use to have the LEC change these phones.

Interim report rec'd 12-10-90, nothing further. Re-sent 2-6-91.

Company TELESPHERE NETWORK

Attn. CYNDI THACKABERRY

Consumer's Telephone _____

Can Be Reached (813)-726-0775

Request No. 32316P

By KDB Time 3:47 PM Date 11/06/90

To CO Time fax Date 11/07/90

Complaint Type 1s-13

Justification _____

Closed By _____ Date / /

Reply received _____

CONSUMER REQUEST

**FLORIDA
PUBLIC
SERVICE
COMMISSION**



**101 EAST GAINES STREET
TALLAHASSEE, FLORIDA 32399**

**PLEASE RETURN THIS FORM WITH
REPORT OF ACTION TO:**

Kathryn Dyal Brown

By _____ 11/26/90

February 6, 1991

Ms. Cyndi Thackaberry
TELESPHERE NETWORK, INC.
Two Mid-America Plaza, Suite 500
Oakbrook Terrace, IL 60181

Dear Ms. Thackaberry:

RE: Gene Maxon, 32316P

No response has been received on the above referenced complaint. Florida Public Service Commission rules require that regulated utilities respond in writing to commission staff inquiries within fifteen (15) days. Failure to do so may result in further action by the commission.

Therefore, I would appreciate receiving your written response no later than February 21, 1991. If you have any questions please give me a call at 904/488-7238. Thank you for your prompt attention to this matter.

Sincerely,

Kathryn Dyal Brown
Consumer Affairs Analyst
Division of Consumer Affairs

KDB:sah
Enclosure

TELESPHERE

COMMUNICATIONS INC



December 5, 1990

Ms. Kathryn Dyal Brown
FLORIDA PUBLIC SERVICE COMMISSION
101 East Gaines Street
Tallahassee, Florida 32399

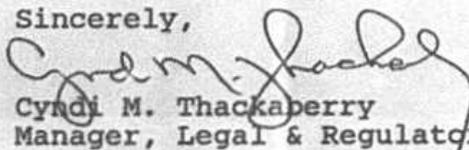
Re: Request No. 32316P
Gene Maxon
Telephone No: 813-726-0775

Dear Ms. Brown:

Telesphere has received a copy of the above referenced complaint. However, due to the acquisition of National Telephone Services, Inc. this past quarter, the legal department has regrettably been unable to respond to this complaint in timely fashion.

We anticipate filing our response to this complaint within the next two weeks. If there is cause for this particular response to be expedited, please let me know.

Sincerely,


Cyndi M. Thackaberry
Manager, Legal & Regulatory Affairs

cc: Jack Pace

Name SMITH, ROBERT L.
Address 1824 WALES DRIVE
TALLAHASSEE 32303 County LEON
Account Number 100009153

Company TELESPHERE NETWORK
Attn. CYNDI THACKABERRY
Consumer's Telephone (904)-386-7818
Can Be Reached (904)-644-6403

Request No. 36256P
By SMM Time 9:04 AM Date 12/18/
To CO Time fax Date 12/19/
Complaint Type 1b-06

Has consumer contacted company? Yes No Who _____

1. Nature of Request 2. Report of Action

Received a bill showing 900 numbers made in amount of \$113.70. One of the calls were overlapping. Called company & was told that these calls were long distance conference calls. These calls were not made & he does not want to pay.

Called company for report 1-15-91.

Called company for report 1-31-91.

I called & reached answering machine, saying Legal Dept., leave name & will get back. I left message for Cyndi Thackaberry to call me concerning report for Robert L. Smith. 2-20-91 1:40 p.m.

Betty Zitko, secretary, Telesphere, called & said Ms. Thackaberry is out of the office until 2-28-91 & she will call then. I asked if anyone else could help & she said no. 2-20-91

Justification _____
Closed By _____ Date _____ / /
Reply received _____

CONSUMER REQUEST

FLORIDA PUBLIC SERVICE COMMISSION



101 EAST GAINES STREET
TALLAHASSEE, FLORIDA 32399

PLEASE RETURN THIS FORM WITH
REPORT OF ACTION TO:

Stella Maloy

By _____ 01/03/91

FLORIDA PUBLIC SERVICE COMMISSION

Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

MEMORANDUM

March 19, 1991

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF LEGAL SERVICES [ADAMS] *MKA* *H*
DIVISION OF CONSUMER AFFAIRS [BROWN] *DB*

RE : DOCKET NO. 910292-TI, INITIATION OF SHOW CAUSE
PROCEEDINGS AGAINST TELESPHERE NETWORK INC. FOR
VIOLATION OF FPSC RULES 25-4.111(1) AND 25-4.043
REGARDING RESPONSES TO CONSUMER COMPLAINTS

AGENDA: APRIL 2, 1991

PANEL : FULL COMMISSION

CRITICAL DATES: NONE

CASE BACKGROUND

In 1990 consumers filed nineteen (19) complaints with the Division of Consumer Affairs against Telesphere Network Inc. As each complaint was filed, staff faxed or mailed the written complaint to Telesphere and requested a written response within fifteen (15) days in accordance with Rules 25-111(1) and 25-4.043, Florida Administrative Code (F.A.C.) and the Division of Consumer Affairs procedures.

In four of the 19 cases, the company did not respond at all to repeated staff requests for information. Three of these four cases were closed after obtaining information from the local exchange company or the customer. The other case remains unresolved, with no answer received from Telesphere Network despite numerous letters, calls and certified letters requesting information.

Of the remaining fifteen (15) cases, eleven (11) responses received by staff arrived late (past the due date specified on the complaint form for reply.) These responses were received only after many attempts by staff to obtain replies to aid in the resolution of the complaints. Total attempts by staff to obtain responses to complaints from Telesphere included 13 phone calls, ten faxed messages, four letters via regular mail, and five certified letters. In spite of staff's efforts, Telesphere

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provided either late or no response on 79% of the complaints.

This problem has continued into 1991 as four complaints have been filed and no responses have been received, despite follow-up requests by staff.

A list of all complaints and response times is attached.
(Attachment 1).

Staff has exhausted its efforts to achieve Telesphere's compliance with Rules 25-4.111(1) and 25-4.043, F.A.C., which apply to Interexchange Telephone Companies (IXCs) by incorporation in Rules 25-24.490 and 25-24.480 respectively. Staff now brings the following recommendation before the Commission for its consideration.

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DISCUSSION OF ISSUES

ISSUE 1: Should Telesphere Network Inc. show cause why it should not be fined for violation of rules that require response to customer complaints and commission staff inquiries?

RECOMMENDATION: Yes, Telesphere Network Inc. should show cause why it should not be fined \$3,800 for not responding to requests for information from staff in a timely manner as required by commission rules.

STAFF ANALYSIS: Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries states that:

The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.

Telesphere has repeatedly violated the above rule.

Despite numerous requests by staff for the information needed in order to resolve and respond to customer complaints, Telesphere provided responses in a timely manner only four times in 1990. On the other fifteen (15) occasions, either no responses were received or responses were received past the 15 days specified in FPSC rules and in most cases only after many written and verbal requests. In four cases, no responses were ever provided by Telesphere.

Rule 25-4.111, F.A.C., Customer Complaints and Service Requests states:

(1) Each telephone utility shall make a full and prompt investigation of all complaints and service requests made by its customers, either directly to it or through the Commission and respond to the initiating party within fifteen (15) days. The term "complaint" as used in this rule shall be construed to mean any oral or written report from a subscriber or user of telephone service relating to facilities, errors in billing or the quality of service rendered.

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It should be noted that most customers file complaints with the Division of Consumer Affairs only after first attempting to resolve the complaints by contacting the utility themselves. In fact, part of the division's procedures include screening complaints from customers and referring the customers directly to the utility if they have not already contacted it. Therefore it does not appear that Telesphere's failure to respond to commission staff is due to the company's having already resolved the customer's concerns as staff determined that the customers who filed complaints were justified in contacting the commission for assistance in over half of the cases closed.

In addition, nine of the complaints filed against Telesphere concerned charges of slamming. In one such case it took Telesphere seven months to provide a response to the commission. A complaint alleging an improper carrier change was filed on August 17, 1990 and the response received March 4, 1991 acknowledged that Telesphere "has experienced several cases of unauthorized switchover of phones - both institutional and pay telephones - by our independent sales agents." Telesphere also wrote that it will "actively seek out offending sales agents and is demanding the termination of any representative who engages in deceptive sales practices." It is puzzling that although Telesphere professes concern for this situation and even admits that it is aware of "several cases", it took the company 7 months to reply to the commission.

Telesphere Network Inc. has repeatedly violated FPSC rules by not responding in a timely manner to the reasonable requests made by staff for information to aid in the investigation of customer complaints. In addition, the lack of response by Telesphere caused extra expense to the commission and the taxpayers of Florida as it was necessary for staff to spend an inordinate amount of time calling the company, writing letters and sending certified mail requests in an effort to get the requested information.

Furthermore, staff spent time following up with customers who recontacted the commission to find out why their previous complaints remained unresolved. A disproportionate amount of time has been spent by staff in trying to get the required written responses from Telesphere as compared to the time spent processing complaints filed against other utilities. Based on past experience staff has reason to believe that this will continue unless fines are imposed for these repeated rules violations. We believe that without the commission's strong

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statement that noncompliance with its rules will not be tolerated, staff will continue to have difficulty getting the information necessary to aid consumers in a timely manner.

Telesphere has not offered staff any valid reason for its continued lack of attention to requests for information. Not receiving the requested information from a utility hampers staff's ability to respond to customers seeking assistance from the commission and undermines the commission's effectiveness in handling customer complaints.

Therefore, staff believes the Commission should have Telesphere Network Inc. show cause why it should not be fined \$3,800 or \$200 for each case where a response was filed past the due-date and in each case where no response was filed at all.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No, this docket should remain open pending resolution of the show cause proceeding.

STAFF ANALYSIS: This docket should remain open pending the company's response and resolution of the show cause proceeding. However, if the company fails to file a response, its certificate should be cancelled and this docket closed.

ATTACHMENT 1

Telesphere Network Complaints

1990

<u>Complaint</u>	<u>Date to Co.</u>	<u>Report Due</u>	<u>Report Rcvd</u>	<u>Follow-ups</u>
Wach, V.	1/5/90	1/22/90	timely	--
Charest, C.	2/23/90	3/12/90	4/26/90	--
Johnson, F.	2/26/90	3/13/90	6/11/90	three
Lawson, D.	3/6/90	3/21/90	timely	--
Jones, J.	5/9/90	5/24/90	7/18/90	two
Zoryk, P.	5/14/90	5/29/90	6/11/90	two
Felts, L.	5/24/90	6/8/90	none	--
Royal Beach	6/6/90	6/21/90	7/16/90	one
Inman, T.	6/19/90	7/5/90	9/17/90	one
Whited, J.	6/22/90	8/1/90 ext	timely	one
Hutcherson	7/13/90	7/30/90	none	--
Brown, M.	7/17/90	8/1/90	none	two
Christian	7/26/90	8/10/90	10/30/90	two
Cairnie, K.	8/17/90	9/14/90	10/29/90	one
K & F	8/17/90	9/4/90	3/5/91	seven
Hauth, L.	8/27/90	9/11/90	timely	--
Grab-n-Shop	9/25/90	10/10/90	3/5/91	one
Maxon, G.	11/7/90	11/26/90	3/4/91	one
Smith, R.	12/19/90	1/3/91	none	four
				*
<u>1991</u>				
Meloy, P.	2/1/91	2/15/91	none	one
Ora at Mel.	2/5/91	2/20/91	none	one
Mastry, E.	2/26/91	3/13/91	none	
Horman, D.	3/1/91	3/18/91	none	

*In addition, two letters were sent, one in October and one in February, 1991, listing all open cases and requesting responses.

ROUTING - REQUEST

Please

READ

To Records + Reporting

HANDLE

Docket 910292

APPROVE

and

FORWARD

RETURN

KEEP OR DISCARD

REVIEW WITH ME

Date

4/24

From

CAF