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BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of
Proposed Rule 25-24.845,
F.A.C., Customer Relations;
Rules Incorporated, and
Proposed Amendments to Rules
25-4.003, F.A.C., Definitions,
25-4.110, F.A.C., Customer
Billing; 25-4.118, F.A.C.,
Interexchange Carrier
Selection; and 25-24.490,
F.A.C. Customer Relations;
Rules Incorporated.

DOCKET NO. 970882-TI



PROCEEDINGS: RULE DEVELOPMENT WORKSHOP
 ST. PETERSBURG

BEFORE: CHAIRMAN JULIA L. JOHNSON
 COMMISSIONER J. TERRY DEASON
 COMMISSIONER SUSAN F. CLARK
 COMMISSIONER JOE GARCIA

DATE: Wednesday, November 19, 1997

TIME: Commenced at 10:00 a.m.
 Concluded at 12:10 p.m.

PLACE: Heritage Holiday Inn
 Banquet Room
 234 3rd Avenue
 St. Petersburg, Florida 33701

REPORTED BY: H. RUTHE POTAMI, CSR, RPR
 Official Commission Reporter

DOCUMENT NUMBER-DATE
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1 **IN ATTENDANCE:**

2 **DIANA CALDWELL, FPSC Division of Appeals.**

3 **CHARLIE BECK, Office of Public Counsel.**

4 **MICHAEL GROSS, Office of the Attorney General.**

5 **RICK MOSES, Division of Communications.**

6 **KELLY BIEGALSKI, Division of Communications.**

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I N D E X

MISCELLANEOUS

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P R O C E E D I N G S

(Hearing convened at 10:00 a.m.)

CHAIRMAN JOHNSON: Ladies and gentlemen, we're going to go ahead and start the hearing this morning. I'd like to first welcome all of you, and we'll have our counsel read the notice.

MS. CALDWELL: Pursuant to the notice under Section 120.54, Florida Statutes, the Florida Public Service Commission will hold a rule development workshop at this time and place to consider amendments to rules relating to customer preference for his local, local toll, and toll provider.

CHAIRMAN JOHNSON: Thank you. We'll take appearances from the parties, and when you state your name, could you stand? I see that the customers can't tell who's talking.

MS. CALDWELL: Diana Caldwell, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida.

MR. BECK: My name is Charlie Beck. I'm with the office of the Public Counsel, which is separate from the Commission, and our office represents citizens of the state before the Commission. My address is the Claude Pepper Building, 111 West Madison Street, Tallahassee, Florida.

1 **MR. GROSS:** My name is Michael Gross. I'm
2 with the office of the Attorney General in
3 Tallahassee, and our mailing address is PL-01, The
4 Capitol in Tallahassee. Thank you.

5 **CHAIRMAN JOHNSON:** Thank you. My name is
6 Julia Johnson. I'm the Chairman of the Florida Public
7 Service Commission. Seated to my far left is --
8 standing to my far left is Commissioner Joe Garcia.
9 Next to Joe is Commissioner Susan Clark, and to my
10 right is Commissioner Terry Deason.

11 We will be not only participating throughout
12 this process -- and if you look at the notice, you'll
13 see that we've held hearings all across the state of
14 Florida -- we'll have another hearing tonight in
15 Tampa, and tomorrow we'll hold hearings in
16 Jacksonville.

17 The purpose of these hearings is basically
18 to hear from you, to get your input, your suggestions,
19 your comments and, if necessary, your complaints
20 regarding the companies or the Commission or any other
21 issue that you'd like to testify about today.

22 I wanted to note, though, that for your
23 information, this hearing or this testimony in this
24 workshop is being transmitted over the Internet. It's
25 a new process that we've established for those that

1 have access and speakers on their computers so that
2 they can not only participate in the city where they
3 live, but they can also listen in to the testimony of
4 others around the state as we testify.

5 If you have the blue sheet, there's our web
6 page and the dial-in number, if anyone would like to
7 participate in the process or listen to others via the
8 Internet, or if you'd even like to file your complaint
9 over the computer, we have that ability, too.

10 And for those of you who are not interested
11 in using that process, our 1-800 number is, too,
12 provided here so that you can call us directly and we
13 can handle your complaints or your issues by phone.

14 If you didn't have an opportunity to review
15 or see the materials that were seated out front where
16 you were greeted by Ms. Thelma Crump, there's quite a
17 bit of material and information that we have provided
18 to help you. Certainly this is a big, big problem.

19 In 1992 we had about 30 slamming complaints.
20 Last year we had over 3,000 that have been lodged at
21 the Commission. Certainly we are trying to revise our
22 rules to provide greater protection to the customers.

23 Currently under the law we can impose
24 monetary sanctions and we can also revoke the
25 certificate of the companies that are doing these

1 activities.

2 We've listed for you in this brochure those
3 that have been fined and/or certificates revoked in
4 the last several years, and just last week we also
5 started another round of opening -- or Staff opened an
6 investigation docket to look into other cases of
7 possible slamming.

8 A couple of suggestions, if you didn't have
9 an opportunity to get the materials, that I just
10 wanted to share with you today. Several customers
11 have testified and have stated that, you know, they
12 just don't like those telemarketer calls. They don't
13 like getting home, getting ready for dinner, the
14 telephone ringing, and someone trying to sell them or
15 get them to change their long distance service.

16 What we've provided for you out front is an
17 application for the Department of Agriculture's no
18 sales solicitation program. For a fee of \$10.00, and,
19 I believe, an ongoing fee of \$5.00, you can sign up
20 for that service, and with that service you'll no
21 longer receive those calls from the telemarketers.

22 Also there is a service that's offered by
23 most, if not all, of the local exchange companies, and
24 that is a PIC freeze. That is a way that you can
25 get -- assure yourself that your service will not be

1 changed unless the local company actually gets your
2 permission, written permission. You can sign up for
3 that service through your local exchange company, or
4 if you have more questions, you can call the Public
5 Service Commission at our 1-800 number.

6 And one final helpful hint: If you are
7 unsure who your provider is and you don't want to wait
8 to get your phone bill to find out that you've been
9 slammed, there's a 1-700 number that you can dial, and
10 in most instances that will tell you who your long
11 distance provider is. That number is 1-700-555-4141,
12 or 1-700-555-1111. That 1-700 number is a toll free
13 number.

14 Again, though, we're here to hear from you,
15 your concerns, your complaints, and your suggestions
16 on how we might better improve our rule and how we
17 might better improve this process.

18 At this time I'm going to have a member of
19 our Staff go ahead and go through their Staff proposed
20 rule. Now, that rule will be presented before the
21 Commission, and the telephone companies and interested
22 parties will have an opportunity to discuss the
23 proposed rule, ask for additional revisions, and the
24 Commission will at a final technical hearing hear that
25 testimony and finally vote out a final rule.

1 But this is a Staff proposal. I will have
2 Ms. Kelly Biegalski read the summary of the rule at
3 this time.

4 **MS. BIEGALSKI:** Thank you. My name is Kelly
5 Biegalski with Commission Staff, and the summary of
6 rules I'm about to go over can be found in the blue
7 handout. The proposed amendments will apply to all
8 companies providing local telephone service, local
9 toll service, or intraLATA, and your long distance
10 service.

11 The proposed amendments will require
12 additional information to be printed on your telephone
13 bill. This information includes the name of the
14 company, the type of service that company is going to
15 provide, and a toll free number for each provider.
16 You will see up to three providers on your telephone
17 bill; one for local service, one for local toll
18 service, or intraLATA, and one for your long distance
19 service.

20 As the proposed amendments limit the way in
21 which a preferred company may be changed, a change may
22 only be made if one of the following instances occur:
23 A company obtains a signed letter of agency that
24 contains sufficient information to verify that the
25 customer is authorizing the change; or if a company

1 receives a consumer initiated call, obtains the
2 customer's consent, records the consent and the number
3 to be changed; or if the company has an independent,
4 unaffiliated firm verify the consumer's request; or
5 when the company receives a consumer's change request,
6 the company may elect to send an information packet
7 which explains the changes, verifies the information,
8 and requires a signed statement acknowledging the
9 change.

10 The proposed amendments will prohibit a
11 company from combining a letter of authorization with
12 any inducement on the same document. For example, the
13 checks you receive in the mail to switch your long
14 distance carrier or the sweepstakes forms you see at
15 fairs or in restaurants would no longer be allowed
16 with the proposed rules. In addition, when a company
17 is soliciting in writing or by telephone, the
18 inducement may not be misleading or deceptive.

19 Finally, if you are slammed, the proposed
20 amendments must credit the consumer all charges for
21 the change and all charges billed on behalf of the
22 unauthorized carrier for the first 90 days. Upon the
23 consumer notifying the unauthorized carrier, the
24 consumer must be switched back to their preferred
25 carrier. And that concludes a summary of the rules.

1 **CHAIRMAN JOHNSON:** Thank you, Ms. Biegalski.
2 There are several other members of Staff that are here
3 to assist you if you have any questions. Mr. Dick
4 Durbin, the gentleman there at the computer -- we
5 actually have access to our office, so if you've
6 already filed a complaint, we can check on the status
7 of that or assist you in filing a complaint, if that's
8 something that you'd like to do today.

9 Mr. Rick Moses is seated there with
10 Ms. Biegalski. He will be participating, and he can
11 entertain any technical questions that you might have.
12 Ms. Carmen Pena is seated by Mr. Dick Durbin. She
13 will also be available to entertain any questions that
14 you might have. Ms. Thelma Crump is standing to your
15 right. She greeted you and signed you in with the
16 process. If you have any questions or need any of the
17 educational materials, she's available to assist you
18 with those.

19 Sandy Simmons has been working on the
20 microphone system and making sure we were equipped to
21 take the Internet transmission. Ruthe Potami is our
22 court reporter. At the appropriate time, I'll have
23 those that wish to testify stand, and I'll swear you
24 in and she'll record all of your comments, because
25 your comments will be used and can be used by the

1 Commissioners as we deliberate. It is evidence that
2 we can use to base our decision upon. So she'll be
3 recording that, and we'll also have to swear you in.

4 And Diane Caldwell introduced herself.
5 She's the lead attorney on this particular case, and
6 she can entertain any legal questions that you might
7 have. And with that, are there any other preliminary
8 matters?

9 Seeing none, if you'd like to testify, if
10 you could please stand and raise your right hand.

11 (Witnesses collectively sworn.)

12 **CHAIRMAN JOHNSON:** And, too, please feel
13 comfortable. Public Counsel will call your name, and
14 as you approach the microphone, if you could state
15 your name and the address for the record. We have a
16 lot of press people here. We have both photographers
17 and the TV stations here, so try not to let that
18 disrupt you too much, and if it is, just let us know
19 and we'll work through that process, too.

20 Public Counsel, if you could call the first
21 witness.

22 **MR. BECK:** Thank you, Commissioner Johnson.
23 The first witness is John Ellis.

24
25

JOHN ELLIS

1
2 appeared as a witness and, swearing to tell the truth,
3 testified as follows:

DIRECT STATEMENT

4
5 **WITNESS ELLIS:** My name is John Ellis. My
6 address is 1560 Gulf Boulevard, Clearwater, Florida,
7 33767.

8 I would like to thank the Commission and
9 Staff today for this opportunity to testify. I have
10 read the proposed rules, and I have three comments
11 based on some experiences I recently had with Sprint.

12 This year I moved from Atlanta, Georgia, to
13 Clearwater, Florida, and I had my phone service
14 changed, and it was a very unfortunate situation.

15 All companies have problems. We all realize
16 that, but it's how the companies handle the problem;
17 and, quite frankly, if Sprint hadn't have been so
18 arrogant, I would not be here today.

19 Again, having read the proposed rules, I
20 would like to make three comments on the rules. One
21 is concerning a casual rate. The problem that I had
22 with Sprint was when my service was changed. I was
23 initially on a 15-cent a minute rate, and I was
24 changed, unknowingly, to \$1.50 per minute rate, which
25 is known as a casual rate. I find it unconscionable

1 that any company in this state can change a rate to
2 that fare without notifying the customer.

3 COMMISSIONER GARCIA: Let me get this right.
4 They changed your rate from 15 cents to \$1.50 a
5 minute?

6 WITNESS ELLIS: Correct.

7 COMMISSIONER GARCIA: And that's called
8 what? Their casual rate?

9 WITNESS ELLIS: They called it their casual
10 rate. In other words, when your -- and I'm not sure
11 why I was slammed or what occurred because of the
12 move, and I had a temporary residence here. But the
13 bottom line is I had been a Sprint customer since 1989
14 on this rate and was trying to continue to be a Sprint
15 customer, but ended up with a rate of \$1.50.

16 When I called them about the rate -- when I
17 got the bill, and it was an excessive bill, and when I
18 looked at the rate, it was quite clear why. When I
19 called Sprint, they were very arrogant about it.

20 And I would like to say and take this
21 opportunity -- you have a Ms. Ellen Plendl on the
22 Commission Staff that helped me straighten out this
23 problem. She was excellent. She really was. Without
24 her help, I would have probably taken other legal
25 actions against Sprint.

1 The second issue that I would like to bring
2 up is concerning the proposed rules on Page 13, Item
3 No. 6, where the company has 12 months to back bill a
4 client if the company makes a mistake. And I'm not
5 opposing that, but if you look at Page 26, Item No. 8
6 in the proposed rules, the client, or the customer,
7 has 90 days to look and find a mistake on his bill and
8 to be -- to go back and be correct for that.

9 What concerns me is there's a lot of elderly
10 in this state. I have a 74-year-old mother that's had
11 a severe stroke, and I know that she just doesn't pay
12 that close attention to her bill. Again, it's
13 unconscionable. I've worked in the utility industry.
14 I know how these people think. The bottom line is
15 what's in it for the shareholder. So unless we have
16 some good, strong rules that can stop a lot of this
17 abuse, it will continue.

18 What I'm proposing is that the 12 months
19 also apply to Page 26, Item No. 8, that if the company
20 is going to have 12 months to back bill, if there's a
21 mistake and the client has been penalized, he should
22 have that same 12 months to be able to go back and
23 recover. Nothing more than being fair on both ends.

24 The last item that I'd like to mention is
25 you can have rules all day long and they can be very

1 strict rules, but unless you have some kind of firm
2 penalty that these companies must pay, then they don't
3 really care. They'll have hearings all over the
4 state. They'll have delay tactics. They'll use any
5 means that they can to delay this Commission in making
6 a decision that can affect them.

7 I look at the Attorney General's Office, the
8 gentleman, and I would strongly suggest that the state
9 give this Commission the authority to impose severe
10 penalties and, at a point, even criminal penalties
11 against these companies and then this will stop. Do
12 you have that?

13 MR. GROSS: The Commission now has the
14 authority to impose fines of up to 25 -- a maximum of
15 \$25,000 per violation per day.

16 UNIDENTIFIED SPEAKER: Per slamming.

17 MR. GROSS: Per slamming.

18 WITNESS ELLIS: Well, that's excellent, and
19 I hope the Commission does that on every time it's
20 slammed that there's a --

21 COMMISSIONER GARCIA: We are, of course, and
22 one of the reasons that the Attorney General's Office
23 is here is that we are exploring, and one of the
24 great -- one of the suggestions that has been made by
25 a lot of the persons that come is that we be able to

1 impose criminal sanctions. And that's one of the
2 reasons that we have the Attorney General's Office
3 hopefully looking at that, and I know that Chairman
4 Johnson has been speaking to the Attorney General's
5 Office, because having a criminal sanction does give
6 us a further reach on some of these things.

7 **WITNESS ELLIS:** If you give them that, this
8 will stop. It's just that simple.

9 **MR. GROSS:** I appreciate your comments. I
10 thought the comment regarding the relative time
11 periods was an excellent comment.

12 And I'd also like to point out that in
13 addition to the authority that the Commission has to
14 take punitive measures, the Attorney General does have
15 remedies available to it, and we are looking at some
16 of these companies right now with a view towards
17 taking some action. But we are working together with
18 Public Counsel and the Public Service Commission in a
19 joint effort to take action to mitigate this problem.

20 **WITNESS ELLIS:** Well, if the general
21 assembly will give the Commission the authority it
22 needs, this problem will stop.

23 Again, I thank you very much for this
24 opportunity.

25 **CHAIRMAN JOHNSON:** Thank you, Mr. Ellis.

1 **COMMISSIONER DEASON:** Mr. Ellis. I have one
2 question. The situation that occurred, you were
3 previously a Sprint customer in Atlanta; is that
4 correct?

5 **WITNESS ELLIS:** Correct.

6 **COMMISSIONER DEASON:** And the rate was
7 changed when you transferred your residence to
8 Clearwater?

9 **WITNESS ELLIS:** Yes. I had a temporary
10 residence here, and when I moved into -- because a
11 unit that I bought on the beach was not finished.
12 When it was completed and I moved to Sand Key, the
13 rate was actually changed to \$1.50 on my first bill.

14 When I called Sprint they were very arrogant
15 about it, and basically said, you know, you got
16 changed to a casual rate, which I had never heard of,
17 and that was \$1.50 per minute.

18 **COMMISSIONER DEASON:** All right. Thank you,
19 sir.

20 **COMMISSIONER CLARK:** Just for your
21 information, I suspect the casual rate means that for
22 some reason they didn't have you signed up as their
23 customer, and when you just dial it up, as you are not
24 considered their customer, but just somebody who uses
25 it casually every now and then. But I don't think

1 that should have happened, based on what you said.

2 **WITNESS ELLIS:** No, they had me as a
3 customer; it wasn't just as a casual customer
4 occasionally. I was --

5 **COMMISSIONER CLARK:** Did you sign up when
6 you came down here, or did you assume you would
7 continue as a customer when you moved?

8 **WITNESS ELLIS:** I believe -- and I stand
9 subject to correction -- that I did sign up. My wife
10 did it, so I can't speak with firsthand knowledge
11 about it.

12 **COMMISSIONER CLARK:** I'm sure they did,
13 because they ask you when you get new service.

14 **WITNESS ELLIS:** Yes. And we had had Sprint
15 on both phones for years, so I assume we did sign up
16 with Sprint, or that's what she got. That was my
17 understanding.

18 **COMMISSIONER CLARK:** Did they know you were
19 a customer since 1989 and they treated you like that?

20 **WITNESS ELLIS:** That's correct. That's
21 what's most amazing about it. They didn't really
22 care. When I told them I was going to call the PSC,
23 they cared less.

24 **COMMISSIONER CLARK:** That's interesting.

25 **COMMISSIONER GARCIA:** You said once the

1 Staff got involved, it made a big difference?

2 **WITNESS ELLIS:** Yes. A Ms. Ellen Plendl,
3 who I've never met but we've talked frequently, was
4 just excellent. I can't brag on her enough. You guys
5 should give her a raise, because she deserves it.

6 **COMMISSIONER GARCIA:** Or let me not --
7 because we don't get a chance to do this enough. But
8 our Staff, our Consumer Affairs Staff, I think, is
9 probably the best Staff in the nation, and we have one
10 of the best rates in terms of getting customers back
11 their money and getting the bills straightened out;
12 and I'm glad it worked out well for you.

13 **WITNESS ELLIS:** Had she not intervened, I
14 was going to file a lawsuit against Sprint just out of
15 principle, but she's handled it very well, and I thank
16 you.

17 One more comment on the casual rate. I
18 would ask that something be incorporated into the
19 proposed rules that does not allow a telecommunication
20 company to put you on the highest rate that they have
21 available when there's nothing said.

22 You know, maybe it was my mistake. I can't
23 sit here and tell that you it isn't today. But all
24 I'm telling you is that it's unconscionable that they
25 put -- especially with the elderly in this state --

1 they automatically put you on their highest rate. Do
2 you think they would put you on their best rate? No.
3 Thank you.

4 **CHAIRMAN JOHNSON:** Thank you, Mr. Ellis.
5 Mr. Durbin?

6 **MR. DURBIN:** If I could please mention that
7 in checking on Mr. Ellis' file, we have forwarded that
8 file to Alan Taylor in the Division of Communications,
9 because we shared the same concerns as Mr. Ellis about
10 the way he was handled. So Communications Division
11 has that file, and they're looking into it, also.

12 **CHAIRMAN JOHNSON:** So the enforcement
13 side -- you've passed that to the enforcement side for
14 them to look into whether or not further sanctions can
15 be imposed?

16 **MR. DURBIN:** Yes, ma'am.

17 **CHAIRMAN JOHNSON:** Thank you. Mr. Ellis,
18 did you hear that?

19 **WITNESS ELLIS:** No. I'm sorry.

20 **CHAIRMAN JOHNSON:** Mr. Durbin just informed
21 us that he looked up your file on our system, and we
22 were glad we were able to assist you with the refunds,
23 but we also forwarded that to our technical division
24 to look into that matter to determine whether or not
25 there were other violations against the company

1 specifically. Thank you, Mr. Ellis.

2 MR. BECK: Shirley Gaspard.

3

- - - - -

4

SHIRLEY GASPARD

5 appeared as a witness and, swearing to tell the truth,

6 testified as follows:

7

DIRECT STATEMENT

8

9 **WITNESS GASPARD:** Before I start with my
10 problems, I would like to say that if Mr. Ellis had a
11 casual rate of \$1.50 an hour, I'd hate to see what the
12 formal rate would have been.

13

14 **CHAIRMAN JOHNSON:** Ma'am, could you state
15 your name and address for the record, please?

16

17 **WITNESS GASPARD:** Yes. My name is Shirley
18 Gaspard. My address is 2570 46th Terrace North,
19 St. Petersburg, Florida. I am a real estate broker
20 and the president of Shirley M. Incorporated.

21

22 I had a slamming problem last year, which I
23 did forward to the PSC and -- very well taken care of.

24

25 In early October, last month, I received a
26 call from a Carol Williams of AT&T asking if I knew
27 that my long distance service had been changed on
28 August the 22nd. I said I did not know that, and by
29 whom had it been changed.

30

31 She said that she didn't know any more than

1 that it was a reseller of Sprint. I told her I really
2 didn't think so, as I had signed a form for GTE which
3 ensured that my long distance service could not be
4 changed without my signature, after the slamming
5 incident in 1996.

6 She told me that I would be receiving a bill
7 from the new company soon and informed me that I did
8 not have to pay it, and asked if I had placed a
9 whatever freeze on my line with AT&T. I replied that
10 she was with AT&T and she should know that.

11 Her answer was that she was in customer
12 service and did not have that information. I then
13 said that I was in the middle of a business
14 transaction and I would like to call her back to get
15 more information. She gave me a number of
16 1-800-222-0400. I called it.

17 It was answered as AT&T Customer Service in
18 New Orleans, and the lady answering was Kathy Judge.
19 I inquired if she was, in fact, AT&T, and she said
20 yes. When I asked for Carol Williams, I was told that
21 they had no one by that name in that department.

22 I then called both AT&T and GTE who said
23 that my long distance service had not been changed.
24 On October the 10th at 11:10 in the morning, I
25 received a call from Chris Bulwin (phonetic) who said

1 he was with AT&T Corporate Services and that I was
2 eligible for a 35% discount on my telephone bill.

3 When I asked him what I had to spend in
4 order to receive that discount, he said, "Oh, nothing;
5 it's automatic." I told him that I was in a business
6 conference and would like to call him back to get more
7 information. He said it would be better if he called
8 me, but I told him that I had no idea how long the
9 conference would last. He gave me a number,
10 1-800-819-9334.

11 I called the number, was told that the name
12 of the company is AT&T Corporate Services, and that
13 they are a reseller.

14 Ten minutes later at 11:20 I was called by
15 Diane who said she was an AT&T account consultant. I
16 told her I was in conference and would call her back,
17 but she said I wouldn't be able to reach her; she had
18 no telephone extension of her own and her desk was in
19 the back with the computer.

20 The only solutions I can think of are as
21 follows, if you'll bear with me: Number one; all
22 telephone solicitors should have to provide the caller
23 with their telephone number up front, the true name of
24 their company, and the real name of the solicitor as
25 well as the fact that the company is a reseller.

1 Any company which states that they are AT&T
2 and are not should be fined in an amount commensurate
3 with the amount of lies they tell you.

4 Number three; a person contacted by a
5 solicitation reseller company should be able to verify
6 the number of the calling person or company. And I do
7 want to interject that I understand that the people
8 who are calling us are not the telephone company. It
9 is strictly probably telephone solicitors. But we
10 should be given the number of the calling person or
11 company and, therefore, be able to get the name of the
12 company so a complaint can be filed.

13 I do not feel that I should be forced to
14 purchase a caller ID and pay a monthly service fee. I
15 also will not be forced to pay \$20.00, since I have
16 two phone lines, and \$10.00 per year to be placed on
17 the Department of Agriculture's "don't call" list. I
18 don't think that's right that I should have to be
19 forced to pay that.

20 The star 69 feature on the telephone is no
21 good. It can't get back to the solicitors, and I have
22 been given to understand that it's possible that some
23 solicitation companies use satellites.

24 Number four; there should be some kind of
25 oversight for people who are slammed; i.e., the real

1 telephone companies might call the customer to ask if
2 they know they are changing to a reseller and if they
3 have, in fact, made the decision with any facts from
4 the company.

5 Number five; the reseller should be forced
6 to mail the customer a letter outlining the reseller
7 company name, actual rates, times for those rates, and
8 a form that the customer would have to sign stating
9 that they understand the company is not AT&T -- I'm
10 saying AT&T, because being an AT&T customer, I have no
11 idea what they do with MCI or the other companies --
12 and that they do, in fact, wish to change their long
13 distance service. A copy of the signed form should be
14 sent to the customer's local telephone company and the
15 current LD carrier before the service is switched.

16 I feel that newspapers and TV should carry
17 periodically information about slamming in order to
18 make consumers aware that this scam is continuing.

19 In my opinion, the current antics of these
20 resellers constitutes deceptive practice and fraud,
21 and there should be some type of criminal charges that
22 could be brought against them. The deregulation law
23 should not give any reseller company the right to lie
24 and use deception.

25 Thank you very much, and I'm so pleased that

1 you're having a hearing.

2 **CHAIRMAN JOHNSON:** Thank you, ma'am. Any
3 questions?

4 **COMMISSIONER GARCIA:** Ma'am, over here. I
5 like that suggestion. I wanted to point it out to
6 Staff that that is a very good idea. We've talked
7 about it, and I think we're looking to incorporate it
8 that on the LEC bill when you're changed, just to give
9 you notice, that somehow on your bill there be some
10 format change, so that when you get a new IXC, you're
11 aware.

12 But that's not a bad idea that we require
13 that when a new phone company takes over, that they
14 should be required to send that new customer the
15 tariff that they're under; in other words, the
16 information on exactly what it is that they've
17 contracted on and perhaps even as a verification form.

18 In other words, that way -- I know one of
19 the things that we're considering is that all changes
20 have to be written. But it might not be a bad safety
21 that we, in that -- that the company initially be
22 forced to get their signature that way; in other
23 words, as a confirmation if we do keep oral as part of
24 switching; in other words, we still allow people to do
25 orally.

1 And, secondly, it just -- I think -- it's
2 funny because it's so miserable, but it is horrible
3 that they call you all the time.

4 And I was reminded when you said that, that
5 they had an episode on Jerry Seinfeld where he gets a
6 call, and he's having dinner or something, or lunch,
7 and he gets a call and he says to the marketer on the
8 phone, he says, "Why don't we do this? Why don't you
9 give me your home number and I'll call you at home
10 tonight?" And the guy said, "Oh, I'm not allowed to
11 do that, and that's not right." And he goes, "You're
12 right," and he hung up with the guy.

13 So I really sympathize with it, but I'm
14 glad -- what I didn't understand from your story was
15 that you're -- you were -- apparently your freeze did
16 work and they were simply lying about your freeze,
17 correct?

18 **WITNESS GASPARD:** (Nodding head.) She had
19 all the right terms and words --

20 **COMMISSIONER GARCIA:** Right.

21 **WITNESS GASPARD:** -- and for a telephone
22 solicitor, it was amazing to me, because most of them
23 are just there for the job and the hourly pay. She
24 had all the right words, terms, and moves, and to have
25 been able to come up just like that with the telephone

1 number for customer service was interesting to me.

2 **COMMISSIONER GARCIA:** Mr. Durbin, could we
3 have our Staff check on those numbers and let them
4 know that there was a complaint filed about how those
5 representatives worked, and the customer also gave
6 us -- I'm sorry?

7 **COMMISSIONER CLARK:** I want to just be clear
8 that she represented herself as AT&T Corporate
9 Services initially?

10 **WITNESS GASPARD:** No. No. This lady, Carol
11 Williams, just simply said she was AT&T.

12 **COMMISSIONER CLARK:** Okay.

13 **WITNESS GASPARD:** And later on in the
14 conversation I replied that -- when she couldn't tell
15 me whether I had placed a freeze on the line, she
16 said, well, she was in customer service and she didn't
17 have that information. I said, "Well, you should have
18 known that." She said, "No --

19 **COMMISSIONER CLARK:** But she did give you a
20 call-back number.

21 **WITNESS GASPARD:** She gave me a call-back
22 number, which I believe -- I called it, and I was
23 informed that it was AT&T Customer Service in New
24 Orleans.

25 **COMMISSIONER CLARK:** She actually gave you

1 AT&T's number --

2 **WITNESS GASPARD:** Well, if this is an AT&T
3 number. Of course, I don't believe anybody that says
4 they're AT&T anymore, and unless a bill comes in, I'm
5 not going to pay it.

6 **COMMISSIONER CLARK:** I do think we ought to
7 find out who everybody was.

8 **COMMISSIONER GARCIA:** And, thankfully, she
9 was more thorough than most of us are by getting not
10 only the number, but the names of people associated.

11 **WITNESS GASPARD:** I'm very aware now. Thank
12 you.

13 **MR. BECK:** Leola Grantling.

14

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15

LEOLA GRANTLING

16 appeared as a witness and, swearing to tell the truth,
17 testified as follows:

18

DIRECT STATEMENT

19 **WITNESS GRANTLING:** Good morning everyone,
20 Public Service Commissioner, our State Attorney
21 General, Office of Public Counsel and our listening
22 audience. I would like to briefly introduce myself,
23 just briefly.

24 My name is Leola Grantling, a widow, native
25 of Alabama. I was born three scores, one decade,

1 three years, eleven months, three weeks, five days ago
2 in the red, clay hills of Alabama.

3 I think this slamming is a horrible
4 situation. To me it is saying you are not qualified
5 to know what you want or make your own decision. I'll
6 make it for you. I'll decide which company will carry
7 your long distance service and have the bill sent to
8 you and you pay it, or yes, your service will be cut
9 off.

10 A certain long distance company told me
11 someone signed a form stating they had the authority
12 to change my service, my long distance service. I
13 asked them who. They said, "I can't tell you." I
14 asked, "Well, send me a copy of the form." They said,
15 "I can't do it." "You can't send me a copy?" "No."
16 I said, "Well, who is paying the bill?" "You're
17 paying it." "Well, then I demand a copy of the form."

18 Said, "Well, I can't send you that." They
19 told me to write to some call commission of Atlanta,
20 Georgia and they will send it. I said, "That's your
21 job. You put it on my bill. You put \$18 on my bill,
22 and I want the form." They refused to send me a form,
23 International Telemedia Association; these who they
24 are. Or are, rather.

25 So, Mrs. Commissioner, State General

1 Attorney, all you officers, that's your job now. I
2 want to see that form that they signed, somebody
3 signed, and said they have the authority to change my
4 long distance service.

5 I have one that did send me a form, a copy
6 of the form, and that was U.S. Billing, whoever they
7 are. They sent a copy that somebody had signed
8 changing my service. I have it with me.

9 There's so much I'd like to go through with
10 it, but I'd like to get with some one of you before
11 you leave and sit down and talk with you and see can I
12 understand some of this stuff that's going on.

13 You call them and ask them -- you have
14 something on your bill, you call and ask about it.
15 They say, "Well, I can't tell you." "Well, who can
16 tell me?" "I don't have that information." "Who got
17 the information?" "I don't know."

18 Tell me -- I got so much here I want to talk
19 with some of you before you go and see can I find out
20 something. They put things on your bills, and you
21 call them and ask them about it, they don't know
22 anything. "I don't have that information," they says,
23 and they can't tell you who has it. Why is it on my
24 bill? Praise God. If I can get some answers, I'd
25 like to get some answers before we go.

1 **CHAIRMAN JOHNSON:** Yes, ma'am. We'll have
2 one of our Staff -- Dick Durbin is here to assist you,
3 the gentleman standing there in the white shirt.
4 Because you're absolutely right; it should be their
5 obligation to send you the information.

6 **WITNESS GRANTLING:** All right. Because I
7 have too much to try to tell you -- you know, go
8 through this now. I brought some of this -- well, I
9 bring -- I have proof.

10 **CHAIRMAN JOHNSON:** Yes, ma'am.

11 **COMMISSIONER CLARK:** Can I ask a question?
12 Do you also know that when you have those kind of
13 problems -- I'm right here.

14 **WITNESS GRANTLING:** I'm a little bit --

15 **COMMISSIONER CLARK:** I'm right here.

16 **WITNESS GRANTLING:** Okay.

17 **COMMISSIONER CLARK:** Do you know we have an
18 800 number you can call?

19 **WITNESS GRANTLING:** Do they give you their
20 number?

21 **COMMISSIONER CLARK:** It's on the back of --
22 we have it on a sheet. But, Dick, if you would make
23 sure she has that 800 number so if in the future --
24 hopefully, you don't have any problems -- but you need
25 our number, so you can call us.

1 **WITNESS GRANTLING:** Okay.

2 **CHAIRMAN JOHNSON:** Ma'am, right here. One
3 of the things that we're doing is trying to do more
4 consumer outreach -- the Commission is trying to do
5 more consumer outreach and find ways that the consumer
6 will know that the Public Service Commission is
7 available to help.

8 In one of our earlier hearings another lady
9 testified very similar to your testimony, and one of
10 the things that we're considering is how could we go
11 about getting our 1-800 number on the bill so that
12 when customers aren't satisfied with the answers that
13 they receive from the companies, that they can then
14 turn to the Public Service Commission. Because like
15 you said, it is our job to help assist you in any way
16 and manner in which we can.

17 So we are trying to set up systems to let
18 people know that we do exist, because a lot of
19 customers don't even know that there is a Florida
20 Public Service Commission, and oftentimes when they
21 call the companies, the companies don't tell them that
22 there's a Public Service Commission. But we are here
23 to help, and Mr. Durbin will try to assist you today
24 and see if we can get your issues resolved.

25 **WITNESS GRANTLING:** That's true. I know,

1 because I didn't know who to call, you know. I have
2 talked with the companies, different -- AT&T, the MCI
3 and all these, you know; and I did finally get a copy
4 of one of the forms that was -- oh, about two years
5 ago now, you know, and even -- I have it with me.
6 That's why I said I need to sit down with someone,
7 because I have my proof.

8 **CHAIRMAN JOHNSON:** Yes, ma'am. Thank you.

9 **WITNESS GRANTLING:** Thank you.

10 **CHAIRMAN JOHNSON:** Thank you very much for
11 your testimony. Mr. Durbin.

12 **MR. BECK:** Attilio Pirani.

13

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14 **ATTILIO PIRANI**

15 appeared as a witness and, swearing to tell the truth,
16 testified as follows:

17 **DIRECT STATEMENT**

18 **WITNESS PIRANI:** My name is Attilio Pirani.

19 **CHAIRMAN JOHNSON:** Sir, I'm sorry. Over
20 here. Sir, if you could, if you could spell your name
21 for us.

22 **WITNESS PIRANI:** Oh. My first name,

23 A-T-T-I-L-I-O.

24 **CHAIRMAN JOHNSON:** And your last name.

25 **WITNESS PIRANI:** Pirani, P-I-R-A-N-I. I'm

1 Italian.

2 **CHAIRMAN JOHNSON:** Thank you.

3 **WITNESS PIRANI:** I live at 435 16th Avenue
4 Southeast, Lot 626, Largo, Florida, 33771.

5 Now, this is all new to me. I worked -- I'm
6 a retiree from a steel mill in Chicago Heights,
7 Illinois, and I'm retired. By January I'll be retired
8 20 years, and I'm 82 years old.

9 Now, in April -- excuse me. My telephone,
10 local telephone bill, is usually \$16.60 -- \$17.69. In
11 April the telephone bill was \$30.11. So I was looking
12 through the bill to find out why I got an increase.
13 On Page 4 of four, there was one -- about one inch of
14 printing on the top of the page, and then a real fine
15 print says "You have requested WilTel as your long
16 distance preserver -- provider." Well, who the heck
17 is WilTel?

18 So I read -- I wrote a letter to Action of
19 the St. Petersburg Times, and asked her how can they
20 do this. So she sent me an article with a
21 Tallahassee -- I'm kind of nervous. I'm sorry.

22 **CHAIRMAN JOHNSON:** No, that's fine.

23 **WITNESS PIRANI:** All right. It says, "Who
24 is your long distance carrier? If your answer is 'I
25 don't know' or 'It doesn't matter,' you might be

1 switched to another company if a Texas business has
2 its way," and then it goes on through some more news
3 on that.

4 So I kept -- every time I got a bill it was
5 increased. Now, the second -- the first bill was from
6 WilTel. The second bill came from OAN, and that was
7 increased, and then next month OAN increased again.
8 That was added on to the General Telephone GTE bill.

9 So I kept paying just the \$17.69, because I
10 didn't even know who NOL -- NAO is, okay. And that
11 went on all the way to August. And I have been
12 keeping -- every time I get -- the bills are
13 increased. It went up to \$140. So I used to send
14 those to the Action from St. Peter's Times (sic), and
15 on the 19th of August, in the newspaper was my letter,
16 and I'm going to read it to you.

17 "Phone slamming. My phone saga is
18 continuing. In April you helped me with the problem
19 when a new company I had never heard of, WilTel,
20 charged you \$30.11 for a long distance call. GTE
21 promised to return me to AT&T. I was with AT&T for
22 many years, and the company I used for many years. I
23 paid only the usual amount of the local calls, and GTE
24 made it a correction. They switched me back to AT&T."

25 "In May I received a bill from AT&T with

1 \$69.18 for local calls and the long distance calls. I
2 paid the \$17.69, but it was for OAN, and I never heard
3 of OAN Service. All right. I never heard of them. I
4 go and call GTE and ordered them to freeze the long
5 distance call to my company that claims I selected
6 them."

7 "I also called OAN and complained. They
8 said that they would delete the entire bill. On a
9 June bill I received the GTE and OAN's previous
10 charges were carried over, plus there were new charges
11 from them. Now how can they do this?"

12 "My July bill was more of the same. GTE was
13 referred to as -- to a -- oh. I called GTE and was
14 referred to an 800 number. The lady I spoke to
15 checked further and said that I was being charged for
16 a voice pager. I did not know what that was. After
17 she explained what it was, I says, 'Oh, wait. I
18 received a black metal item last spring.' The little
19 package had no name on it or no return address, and
20 there was no letter inside telling me what the heck it
21 was all about, and we thought that maybe we would get
22 a letter in a week or so to tell what it was, and it
23 never came."

24 "At the time I had never seen a pager. This
25 one just sat on the end table. Now I hear I am

1 charged for the pager. The lady said I had to pay the
2 bill. I hope this is over with soon."

3 I signed it "Attilio Pirani."

4 And the response was, "Oh, dear, how
5 frustrating. We can offer some good news, however.
6 We will -- as well as some steps you can take to
7 prevent this from happening again."

8 Well, what it is, they said GTE and -- was
9 going to try to fix it and that I would not have to
10 pay. All right. That's what it is. All right.

11 Now, instead of going through the whole
12 thing -- I received four identical letters from GTE
13 telling me that the bill was going to be cancelled
14 off, but also OAN Services may independently pursue
15 collection -- collecting the alternative.

16 Then on October 20th I received a bill --
17 I'm sorry -- a letter from Dick Durbin, and he said
18 that he filed an inquiry with WilTel who advised him
19 that they took an order to switch services from a
20 reseller named Minimum Rate Pricing, Incorporated, and
21 he said that whenever he gets some more information,
22 he would let me know.

23 Now, on the 30th of September I wrote this
24 down: "Today I received a call from Ms. Falzone
25 (phonetic). She played a tape showing my wife who was

1 finally consenting to take a pager. My wife seemed --
2 she played this tape. My wife seemed unsure, by her
3 voice, and the tape was from February."

4 "My wife asked the lady if her husband did
5 not want to -- want the item, could she cancel it, and
6 Ms. Falzone said it could be cancelled and she would
7 send us a form to fill out. And Ms. Falzone wanted to
8 know from me why I did not freeze the long distance
9 calls. I did freeze it. I froze it in May, but it
10 did not help."

11 "She also said that the -- I had paid the
12 bill, and I disagreed. I didn't pay the bill. I only
13 paid the local calls. And she says, 'Well, I'm going
14 to send you a check for \$104.' And I again mentioned
15 that I did not pay the bill, and she also said again,
16 'I'll send a check for \$104.' Well, this is not my
17 money and I don't want it."

18 "The tape was not played in its entirety.
19 What was left out was the word 'Hello,' and all of the
20 rest of the sales talk that convinced my 78-year-old
21 wife to consent to the item."

22 "Ms. Falzone knew that I was born on
23 July 4th, 1915, and that I was 82 years old and also
24 my wife was born on January 14th of 1919. Did she
25 know those dates?"

1 All right. I've got here a notation, "Turn
2 over. My wife has a say-so."

3 Now, a check for \$104.75 and a letter from
4 Minimum Rate Pricing Incorporated, those are the
5 people that sold my name to WilTel -- Telsal
6 (phonetic), and this letter was to me thanking me for
7 being -- for my -- how courteous I extended to
8 Ms. Falzone in doing the repeat telephone
9 conversation, the recent.

10 The check was -- and the check was from
11 Parcel Consulting Incorporated (phonetic) from
12 Bloomington, New Jersey. So many people. All right.

13 Oh, boy. I'm sorry. I received a check
14 last week for \$104.00 from Parcel Consulting
15 Incorporated, and they want me to use that money to
16 pay the bill. Well, that is not my bill, and when I
17 got a bill, I'll pay it with my money. If they want
18 to pay the bill, they do it themselves. So to get
19 this check -- two people, Minimum Rate Pricing and
20 Parcel Consulting, Incorporated.

21 **COMMISSIONER GARCIA:** Let me understand
22 this. You've got two checks --

23 **WITNESS PIRANI:** One.

24 **COMMISSIONER GARCIA:** You've got one check
25 from them to cover for the expenses that were put on

1 your bill which you never paid for.

2 **WITNESS PIRANI:** Yes. And I never heard of
3 these people and I never heard of the other people,
4 Minimum Rate Pricing.

5 **COMMISSIONER GARCIA:** Most people just run
6 to the bank and cash it.

7 **WITNESS PIRANI:** Well, I know. One is -- I
8 don't know -- the Minimum Rate place is, but --

9 **COMMISSIONER GARCIA:** Are you still showing
10 an unpaid balance on your GTE bill?

11 **WITNESS PIRANI:** Yes.

12 **COMMISSIONER GARCIA:** And what is the amount
13 of that unpaid balance?

14 **WITNESS PIRANI:** \$140, I think it is.

15 **COMMISSIONER GARCIA:** \$140, and these guys
16 sent you a check for \$104?

17 **WITNESS PIRANI:** \$104, and that -- well, of
18 course, I got to add onto that \$17 and --

19 **COMMISSIONER GARCIA:** Right, right. They're
20 not going to pay for your local bill, but --

21 **WITNESS PIRANI:** No, but still there would
22 be a little bit left over.

23 **COMMISSIONER GARCIA:** Right. Okay. Well,
24 maybe I can make -- are you through? I'm sorry,
25 because I interrupted you.

1 **WITNESS PIRANI:** Sir?

2 **COMMISSIONER GARCIA:** I'm sorry. Are you
3 through, because I interrupted -- I wanted to ask you
4 another question, just so I understand. So you got
5 from them a check. You haven't cashed it, but you're
6 still --

7 **WITNESS PIRANI:** Right here. No, it's not
8 mine. I'm not going to cash it. I don't know what to
9 do with it, if I should put a void on it and send it
10 back.

11 **COMMISSIONER GARCIA:** Who is it made out to?
12 Is it to you?

13 **WITNESS PIRANI:** To me, yeah.

14 **COMMISSIONER GARCIA:** Oh, okay. I think
15 there are several things, I guess, you can do. One of
16 them is simply when you get your next phone bill, you
17 put it in your phone bill so that they'll take off
18 that money there. But I understand your point
19 completely. In other words, you're saying "I'll pay
20 my bill, but I'm not going to become a flow-through
21 for them."

22 **WITNESS PIRANI:** At first when I first --
23 when they told me -- when she told me she'd send me a
24 check for \$104, I says, "Well, they're trying to make
25 me feel satisfied or something like that, or maybe

1 even trying to bribe me." I don't know, because, you
2 know, I don't trust anybody anymore.

3 So -- oh, yes, I trust a lot of people. I
4 trust you, and I think you're doing a great job and --

5 COMMISSIONER GARCIA: Let me introduce you
6 to someone that I think you can trust. Ms. Carmen
7 Pena is over there. Show her.

8 WITNESS PIRANI: Yes, I know. I've spoken
9 to her a few times; a senorita.

10 COMMISSIONER GARCIA: There we go. That was
11 good pronunciation. Show her what you've got, and she
12 can make a suggestion, or maybe the whole point may be
13 to simply -- Ms. Pena can speak with the company and
14 have them pay GTE, or whoever it is, that money so you
15 don't have to be a flow-through for them. And many
16 times they do it that way, but a lot of times they do
17 it the way they did it with you, so that -- they want
18 to make you feel like they've done right by you, and
19 so they've paid the company through you.

20 But speak with Ms. Pena, and I think she can
21 finally solve your problem.

22 WITNESS PIRANI: One thing that puzzled me.
23 I had General Telephone GTE since I've come here to
24 Florida in 1980, and I never had a problem with them,
25 but now having -- they, having put somebody else's

1 bills on their bill, that puzzled me. And somebody I
2 spoke to -- GTE told me that they can't help it, they
3 have a contract with them, these people.

4 Well, I feel I had a contract with them
5 since October of 1980. I had a contract that I used
6 their telephone service. They send me a bill and I
7 pay the bill. That's a contract to me. They've done
8 that for 18 years, and why do they have to send me
9 somebody else's bill without my knowing it?

10 **CHAIRMAN JOHNSON:** Sir, you raise a good
11 point, and several witnesses that have testified have
12 stated that they would hope that the Commission would
13 consider at least telling the local companies that
14 they can only bill for someone else if they get the
15 customer's permission.

16 We've had several -- and I hadn't thought
17 about that before, but we've had several customers
18 testify exactly the way that you have just testified,
19 that you should have some say in what appears on your
20 bill.

21 **WITNESS PIRANI:** That's right.

22 **CHAIRMAN JOHNSON:** So we are considering
23 that, and that's an excellent point.

24 **WITNESS PIRANI:** Good deal. Thank you very
25 much. I'm just getting over the shivers.

1 **COMMISSIONER GARCIA:** If you want to come
2 back and speak for a little while longer, you always
3 can now that you feel more comfortable.

4 Mr. Scobie there from GTE is sitting there,
5 and you can speak to him about that concern and, in
6 fact, you can probably with Ms. Pena speak to him
7 about that check. He would probably be happy to take
8 it, too.

9 **CHAIRMAN JOHNSON:** I have a question for
10 Staff. Ms. Pena, is there a pending complaint that's
11 been opened for the gentleman?

12 **MS. PENA:** Yes.

13 **CHAIRMAN JOHNSON:** So we are looking into
14 this issue?

15 **MS. PENA:** We're going to take care of it.
16 A GTE represent -- right away.

17 **CHAIRMAN JOHNSON:** Thank you very much.

18 **MR. BECK:** Teresa Tyler.

19 - - - - -

20 **TERESA TYLER**

21 appeared as a witness and, swearing to tell the truth,
22 testified as follows:

23 **DIRECT STATEMENT**

24 **WITNESS TYLER:** Hello. I'm Teresa Tyler.
25 I'm at 5328 55th Avenue North here in St. Pete.

1 I come at this meeting a little bit
2 different than most of the people who have already
3 spoken. I work as an independent agent selling long
4 distance services, so I am affected two ways: I'm
5 affected by my clients who have been slammed, and also
6 financially when my clients get slammed.

7 The normal thing that happens is my phone
8 rings, and I have a very angry client on the other end
9 who has just received a surprise phone bill, and why
10 did I do it. And of course I didn't do it. Not only
11 did I not do it, they received the phone bill one
12 month after it happened. So they've been off of my
13 services for a month.

14 Sometimes it's two weeks before they read
15 their bill and get it paid. Then there's another
16 two-week delay between that time and the time it goes
17 back over to my company for service again, so I'm out
18 two months of my commissions.

19 No one is addressing that issue anywhere.
20 What is my redress? This has happened to me, and I'm
21 out my income. I just don't seem to count in this
22 circle anywhere.

23 **COMMISSIONER GARCIA:** Let me ask you, what
24 company do you sell services for?

25 **WITNESS TYLER:** I'm an independent. I work

1 with a billing center in Florida. I mean -- I'm
2 sorry. My billing center that I work with most often
3 is out in California. I've worked with other billing
4 centers, also. My LOA --

5 COMMISSIONER GARCIA: Are you like a --

6 WITNESS TYLER: -- states that I am their
7 agent and that I can place their service with various
8 carriers.

9 COMMISSIONER GARCIA: Okay.

10 WITNESS TYLER: So I work with various
11 carriers --

12 COMMISSIONER GARCIA: So you're like an
13 insurance agent more or less.

14 WITNESS TYLER: Kind of.

15 COMMISSIONER GARCIA: You sell them a
16 specific service --

17 WITNESS TYLER: I use that analogy when I
18 talk to people, in fact.

19 CHAIRMAN JOHNSON: Actually, Ms. Tyler, you
20 raised an interesting issue and, in fact, I know in
21 Orlando, several of -- I think was Orlando, or maybe
22 it was Fort Myers -- several of the customers
23 testified that it's fine for them to get their refund,
24 but actually they'd like for the lost revenues for the
25 company that should have had that service, that there

1 be some compensation for the lost revenues.

2 So we do have that testimony on the record,
3 and that's something that we're also going to
4 consider. One gentleman was an AT&T employee, or had
5 been, and he was retired, and it was the principle of
6 not just getting his money back, but AT&T had been
7 denied the compensation that they would have rightly
8 deserved. So that issue at least is on the table. It
9 hasn't been addressed in the initial proposal, but
10 this is an ongoing process, and we are considering
11 just that kind of testimony, so we appreciate you
12 bringing that issue forward.

13 **WITNESS TYLER:** Wonderful; because the
14 rebiller that I work with, of course in California,
15 he's out his and I'm out my commission that --

16 **COMMISSIONER GARCIA:** Let me ask you, is
17 there an association or something that you belong to
18 or, you know --

19 **WITNESS TYLER:** Not that I'm aware of.

20 **COMMISSIONER GARCIA:** Okay.

21 **WITNESS TYLER:** I'm not personally --

22 **COMMISSIONER GARCIA:** -- I think it brings
23 it --

24 **WITNESS TYLER:** Yeah, it brings --

25 **COMMISSIONER GARCIA:** Chairman Johnson

1 mentioned that, and we were both at that hearing, and
2 it did make sense. It obviously --

3 **WITNESS TYLER:** No one addresses my loss in
4 income.

5 **COMMISSIONER GARCIA:** Right.

6 **WITNESS TYLER:** I figure last year I lost
7 close to \$1,000 in income to slamming. So it's a very
8 personal motive for me being here. The other thing,
9 perhaps I --

10 **COMMISSIONER GARCIA:** Let me ask you
11 something. Staff, is there any way to address that
12 through the Commission process? In other words, if
13 I -- let me put the scenario so that everybody knows
14 where we are.

15 If I'm MCI and AT&T slams one of my
16 customers, can I use any process through the
17 Commission as MCI to ask for that money from -- or to
18 get redress with what should have been mine through
19 the Commission?

20 **MR. MOSES:** If we go through the rulemaking
21 process and make that a requirement of the rules to
22 where the lost revenues go back to the carrier or the
23 previous carrier, I don't see why you can't do it.
24 But if you do that, the problem is in her situation
25 I'm not sure it's going to help, because she's working

1 on a commission basis under these underlying carriers.
2 It would be up to that carrier then to give her --

3 COMMISSIONER GARCIA: Right; but she has an
4 existing legal relationship with them, so I --

5 MR. MOSES: But if they get switched back,
6 are they going to look at that as, okay, I've now got
7 the customer back? Is she still going to be the agent
8 that is listed with that account?

9 COMMISSIONER CLARK: Well, I think that's
10 another problem. But what she's suggesting is that
11 the revenues go to her -- the people she acts as agent
12 for, and I would assume that they would give you
13 your --

14 WITNESS TYLER: Yes. I have contracts with
15 them that guarantee me commission on my customers
16 and --

17 COMMISSIONER GARCIA: Yeah, because a lot of
18 times --

19 WITNESS TYLER: -- in fact, in my
20 circumstance, I am very independent. They are my
21 customers on my contract, and I set up with a
22 subcontract with the rebiller.

23 MR. MOSES: (Inaudible)

24 CHAIRMAN JOHNSON: Rick, you're going to
25 have to speak directly into the microphone.

1 **MR. MOSES:** Say a person does get slammed
2 away from your service and they contact the local
3 exchange company to get switched back. Is there any
4 mechanism that that underlying carrier would have in
5 order to make sure that they tied your name to that
6 account, that you would get your compensation? That's
7 where the problem may lie.

8 **COMMISSIONER GARCIA:** Rick, the problem is,
9 though -- and I understand her point -- it's right now
10 what we do under present rule is that if I get
11 slammed, the slammer basically rerates my call at
12 whatever I had before, and that -- and let's say --
13 let's use the example that we got earlier -- I was at
14 15 cents. They put me up to \$1.50 a minute. I get
15 rerated. My \$150 call is now \$15.00 but it's still
16 being -- that rerating I'm still paying to the slammer
17 in essence.

18 **MR. MOSES:** Under the current rules,
19 that's --

20 **COMMISSIONER GARCIA:** Exactly. And so she's
21 not -- still not participating in what would have been
22 whatever percentage she got from \$15.00, not the
23 hundred --

24 **WITNESS TYLER:** Exactly. Exactly. I think
25 what you're talking about, though, that needs to be

1 taken care of between me and the person that I am
2 getting my commission --

3 COMMISSIONER GARCIA: Right.

4 MR. MOSES: Sure. That would be through
5 the --

6 WITNESS TYLER: And that would have to be
7 through contract.

8 MR. MOSES: But as far as --

9 WITNESS TYLER: And I know a lot of the
10 people work on a less independent basis where the
11 customer is not theirs. It's, in fact, the rebilling
12 center, and they're a commissioned person hired by the
13 rebilling center. And then they have no rights,
14 really, at all.

15 I'm an independent. The customer is mine,
16 and I place them with various rebilling centers. So
17 it gives me a little bit more in the way of rights.

18 MR. MOSES: You've got to be careful in how
19 you do that, because you may end up needing to be
20 certificated by the Commission, depending on how that
21 relationship exists. So if you're claiming them as
22 your customer and your name appears on the bill, which
23 I assume it doesn't --

24 WITNESS TYLER: No, it doesn't.

25 MR. MOSES: Okay. Then it's not a problem.

1 **COMMISSIONER GARCIA:** Ms. Tyler, I might
2 want -- I might suggest that you may want to speak to
3 one of the larger carriers that you represent, which
4 maybe do business before the Commission and may be
5 involved in this rulemaking docket, and that they make
6 this an issue. But clearly they have a business
7 relationship. You're probably -- you probably provide
8 a good service to them at probably less cost than if
9 they did it themselves, and --

10 **WITNESS TYLER:** That's why I exist.

11 **COMMISSIONER GARCIA:** Exactly. And I'm sure
12 that one or several of the companies that you
13 represent, if they're certificated in this state, are
14 going to make comments in this rulemaking process.
15 And maybe that would be the best way to have someone
16 advocate that position, which I think is very valid,
17 especially if we at this Commission are trying to do
18 what the legislature has asked, is to keep competition
19 robust. And obviously you're providing a service both
20 for your customer and for the long distance company.

21 **WITNESS TYLER:** Uh-huh. Okay. A couple of
22 things as far as procedure. I am experiencing this --
23 I've forgotten the term they used. "Occasional
24 billing status"?

25 **COMMISSIONER CLARK:** Casual billing --

1 **WITNESS TYLER:** Casual billing. This is a
2 huge problem for my customers, because what happens is
3 if they do discover that they've been moved away from
4 my service, because they're not telephone people they
5 don't know customs, procedures, what means what, they
6 call the local phone company; the local phone company
7 says, "Yes, you have been moved and, yes, we can put
8 you back on WilTel."

9 So the local phone company, GTE, puts them
10 back on WilTel, and they think they've solved their
11 problem. The trouble is they're on WilTel through me
12 as a rebiller, and WilTel no longer sees that number
13 as being in my rebilling account; therefore, it goes
14 into this occasional billing, and the customer then --
15 apparently the legislature changed something in the
16 law, and I don't have the specifics as to what law it
17 was, but this spring is when it happened -- and the
18 legislature now allows a 35-cent surcharge per phone
19 call when someone is on this occasional billing.

20 So my customer who was on WilTel found out
21 they weren't. They called GTE up. GTE says, "Okay,
22 sure, we can put you back where you were." They put
23 them back where they were on WilTel, but they're not
24 set up in my accounts anymore. I didn't know they
25 ever got slammed. So it goes into this occasional

1 billing.

2 So now they have a 35-cent surcharge and
3 then, as people have mentioned, usually the highest
4 rate possible to bill, which makes the first minute
5 like \$1.05. \$1.50 is unusually high. I've seen about
6 \$1.05. It's usually 35 cents and about 28 cents for
7 the first minute, and then 28 cents a minute after
8 that. But that surcharge on every single call all
9 month long -- and if you're a business and do quite a
10 bit of business, you think you've corrected the
11 problem and, in fact, you've added a 35-cent charge
12 for every phone call, which then the customer comes
13 back to me and says, "Well, you had me on WilTel. How
14 come you didn't know?"

15 And then they want the refund from me. And
16 then they call the carrier up, and the carrier says,
17 "Well, the legislature said we can charge it, and we
18 do."

19 **COMMISSIONER CLARK:** Well, why aren't you
20 calling WilTel back and saying, "You need to rerate
21 this call because of what happened"?

22 **WITNESS TYLER:** That seems to be just plain
23 impossible to do.

24 **COMMISSIONER CLARK:** Because WilTel won't do
25 it?

1 **WITNESS TYLER:** The law said that it would
2 go on occasional, and if it's on occasional, then
3 that's what the bill is.

4 **COMMISSIONER GARCIA:** That's not our --

5 **COMMISSIONER CLARK:** Yeah, but, you know, I
6 think you need to talk to WilTel about that.

7 **WITNESS TYLER:** Well, all I know is my
8 customer is sitting right dead square in the middle.
9 He's got a 35-cent charge per call. We didn't have
10 the service.

11 **COMMISSIONER CLARK:** Well, but I think --

12 **WITNESS TYLER:** My company was not the
13 biller of the service. U.S. Billing is usually who
14 picks it up when it shows up on the GTE bill. They're
15 directed back to U.S. Billing, and U.S. Billing says,
16 you're an occasional customer and this is what the
17 bill is.

18 **COMMISSIONER CLARK:** Well, let me ask you
19 this: When your customer calls you about that, do you
20 get in touch with WilTel?

21 **WITNESS TYLER:** I don't. My company then
22 starts the process of moving them back into our
23 billing pool, though, of course.

24 **COMMISSIONER CLARK:** Well, when you talk to
25 your -- whoever you work for, do you suggest to them

1 that this needs to be rerated?

2 **WITNESS TYLER:** Yes, but we're not -- it's
3 not our account, see. It's WilTel then that has to do
4 it or U.S. Billing that has to do it because --

5 **COMMISSIONER GARCIA:** I think we're
6 making --

7 **WITNESS TYLER:** -- we didn't make the
8 charge.

9 **COMMISSIONER GARCIA:** You know what you have
10 to do is tell your customer to call the PSC. I mean,
11 that customer -- if the customer has an agreement --

12 **WITNESS TYLER:** I think this is what this
13 other man with Sprint had happen --

14 **COMMISSIONER GARCIA:** Yeah.

15 **WITNESS TYLER:** -- he got onto --

16 **COMMISSIONER GARCIA:** If the --

17 **WITNESS TYLER:** -- occasional billing.

18 **COMMISSIONER GARCIA:** Obviously we're not
19 going to get involved in your contractual
20 relationships with these other companies. We will get
21 involved with the customer, and if the customer had an
22 agreement from whoever it was at a certain rate and he
23 gets slammed, we're -- at least in the present state
24 of how we do this is we get that call rerated.

25 I don't know who is going to get it, and

1 you're not going to get your commission and, frankly,
2 the first one I want to take care of is the customer
3 anyway. So in that case your customer would be rated
4 at where he was before --

5 WITNESS TYLER: With me.

6 COMMISSIONER GARCIA: -- whatever that is.

7 WITNESS TYLER: What it should be --

8 COMMISSIONER GARCIA: But those distinctions
9 you have to make with WilTel. Commissioner Clark is
10 absolutely right, because --

11 WITNESS TYLER: Well, he gets no answer.
12 When the customer calls the U.S. Billing 800 number --

13 COMMISSIONER GARCIA: Trust me, when the
14 PSC -- when the PSC calls --

15 WITNESS TYLER: They get "We can do it" and
16 "Too bad." And that's usually -- very -- a rude
17 comment. I mean, I've had customers call me up
18 blowing their steam out their ears because they've
19 just been told, hey, you're an occasional biller and
20 this is the way it is, and the legislature said we can
21 do it and that's the way it's billed. Boom.

22 COMMISSIONER DEASON: Well, let me ask a
23 question, ma'am. When you say the legislature
24 authorized a 35-cent charge --

25 WITNESS TYLER: Per call.

1 **COMMISSIONER DEASON:** -- per call, that is
2 as a surcharge --

3 **WITNESS TYLER:** Yes.

4 **COMMISSIONER DEASON:** -- for casual
5 billing?

6 **WITNESS TYLER:** That's my understanding,
7 uh-huh; and then they can charge also the highest rate
8 also available on top of that.

9 **COMMISSIONER DEASON:** Mr. Moses, do you know
10 about the 35-cent surcharge?

11 **MR. MOSES:** I know there's surcharges in the
12 tariffs. I was not aware that it was authorized by
13 the legislature. But I know in casual billing there
14 are higher rates, but I knew nothing --

15 **WITNESS TYLER:** Well, it's --

16 **COMMISSIONER GARCIA:** It's authorized in
17 their filed --

18 **WITNESS TYLER:** -- the tariff then.

19 **COMMISSIONER GARCIA:** -- tariff. I'm
20 sure --

21 **WITNESS TYLER:** Yeah.

22 **COMMISSIONER GARCIA:** -- that that's --

23 **WITNESS TYLER:** Okay. And it's authorized
24 in the tariff, then. I'm saying that wrong.

25 **MR. MOSES:** I don't understand --

1 **CHAIRMAN JOHNSON:** It's very difficult to
2 hear you. I think the microphone --

3 **MR. MOSES:** It's cutting out or something.
4 The one thing I don't understand, if I understood you
5 correctly, you say the customer contacts the local
6 exchange company and gets switched back to where they
7 wanted to be, and then they're being billed as
8 casual --

9 **WITNESS TYLER:** Yes, because what happens
10 is --

11 **MR. MOSES:** Why is that --

12 **WITNESS TYLER:** -- the customers don't know.

13 **MR. MOSES:** But there's a problem here.
14 That would be the same thing if I was to call the
15 telephone company, establish initial dial tone, and
16 tell them I want a certain carrier. There's a
17 breakdown here in the process somewhere that should
18 not be happening, because they should not be billed as
19 a casual caller. So --

20 **WITNESS TYLER:** What's happening is they're
21 being set up on WilTel as far as the provider, but
22 they're not being set up as -- with anyone as far as
23 the biller of the service.

24 **MR. MOSES:** I understand, but they still by
25 WilTel should not be billed as a casual caller. They

1 should have --

2 WITNESS TYLER: That's what happens.

3 MR. MOSES: -- an account established with
4 them, and they should be under a tariffed rate that
5 was other than the casual. That's the problem I'm
6 having --

7 WITNESS TYLER: That's what happens.

8 COMMISSIONER DEASON: Ma'am, let me ask
9 another question. I'm having a little bit of problem.
10 It seems to me had that in the case of WilTel, or any
11 IXC, that in their customer data base they should know
12 if a given telephone number, residential number, if it
13 was part of their customer base before, that it was
14 changed, and then in, say, six weeks, two months later
15 they get that customer back again, it looks to me like
16 they could program their own to make that quick check
17 to see if it was a previous customer and then just
18 put them back under the same rate schedule they were
19 before.

20 WITNESS TYLER: I would love it.

21 COMMISSIONER DEASON: You see, no, that's
22 something you need to talk --

23 WITNESS TYLER: If you would do that, that
24 would --

25 COMMISSIONER DEASON: -- to WilTel --

1 **WITNESS TYLER:** -- be wonderful.

2 **COMMISSIONER CLARK:** I don't think we can do
3 that.

4 (Simultaneous conversation.)

5 **COMMISSIONER DEASON:** We can't require that.

6 **WITNESS TYLER:** Yeah. I don't think you
7 can, but you can say --

8 (Simultaneous conversation.)

9 **WITNESS TYLER:** -- but that's the problem,
10 because GTE says, "Yes, we can put you back --

11 **COMMISSIONER GARCIA:** Ms. Tyler, that's --
12 see --

13 **WITNESS TYLER:** -- on the provider and --

14 **COMMISSIONER GARCIA:** -- we'll take care of
15 the customer. I don't know --

16 **WITNESS TYLER:** Well, see, the customer
17 isn't being taken care of, because they don't know the
18 difference between the provider and the biller and
19 that there even is a difference. So the customer
20 hears from GTE, "Yes, we can put you back on the
21 provider," which they do.

22 **COMMISSIONER GARCIA:** No, no, but --

23 **WITNESS TYLER:** The trouble is --

24 **COMMISSIONER GARCIA:** -- you missed my
25 point --

1 **WITNESS TYLER:** -- the customer doesn't
2 realize --

3 **COMMISSIONER GARCIA:** I understand, but --

4 **WITNESS TYLER:** -- the biller --

5 **CHAIRMAN JOHNSON:** Hold on one second, and
6 the only reason I cut you off is because the court
7 reporter is having a very hard time taking the
8 testimony. One, you're getting faster and faster, but
9 we're also cutting you off, and we can't to do that,
10 because she can't take the testimony of both at once.

11 So if you could, just take your time and
12 provide your comments, and we won't interrupt you, and
13 then we'll have a dialogue that can be recorded.

14 **COMMISSIONER GARCIA:** I think that in your
15 particular case that you're absolutely right. Calling
16 GTE it's almost impossible for GTE to make that
17 distinction if WilTel does not make that distinction
18 with the customers.

19 That's obviously the risk that you and
20 WilTel take when you're working on different types of
21 accounts within your system, whether they be
22 independent or brokered or what else.

23 But what I do know is if your customer calls
24 the Commission and says, "This is the rate I was at,"
25 then I am certain that when our Staff calls WilTel

1 they will find that former rate.

2 And that was, I think, one of the points
3 that Commissioner Deason was trying to make; that if
4 Joe Garcia was put on WilTel's system under some form
5 that you put me on, and I am taken off by MCI, and I
6 call GTE, and they'll put me back on WilTel, they just
7 won't put me back on what you had put me on.

8 In that particular case, when I get my bill
9 I call Ms. Pena and I say, "Ms. Pena, I had 2 cents a
10 minute, they're charging me 73 cents a minute," and
11 I'm certain that Joe Garcia will appear in WilTel's
12 system, and that will be straightened out, and Mr. --
13 I mean, and GTE will bill me whatever WilTel says.
14 But what we can't do is force GTE to be able to
15 distinguish between different classes of customers
16 within the WilTel or any other long distance system.

17 **WITNESS TYLER:** I think something they
18 should be told to do, though, is to make the
19 distinction to the customer that there is a difference
20 between the provider and the biller and, "Yes, we can
21 put you back on the provider. Your next call should
22 be to the biller."

23 And that advice should be given to the
24 customer so the customer is aware that, "Hey, just
25 because I'm back on the provider doesn't mean I'm back

1 on Teresa Tyler's LDC bill," because the customer
2 doesn't buy this every day, and they don't understand
3 that there even is a difference between the carrier
4 and the biller. It's something I struggle with all
5 the time in my sales presentations.

6 Just to speak to a couple of other things:
7 One of the other -- I think the PIC code restriction
8 form is probably the savior of this whole thing.
9 However, the procedure of getting the form is
10 extremely cumbersome.

11 What is going on right now is that the
12 customer himself needs to make the call to GTE to
13 request the form. Then it's --

14 **COMMISSIONER GARCIA:** Hang on one second,
15 though. Hang on. I believe -- and Mr. Scobie will
16 probably correct me with a nod of his head -- I
17 believe you can call up and do a PIC freeze by phone.
18 No? GTE does not do that.

19 **WITNESS TYLER:** You call GTE, ask for the
20 form --

21 **COMMISSIONER GARCIA:** You're absolutely
22 right. He just said that they do not do it. You've
23 got to do it in writing.

24 **WITNESS TYLER:** Right. You can ask for the
25 form --

1 **COMMISSIONER GARCIA:** BellSouth does it by
2 phone, and I'm sure in this competitive marketplace
3 Mr. Scobie can find a way to do it in the near future,
4 but what we do do is that a phone call will do it in
5 some cases -- and if I'm not wrong -- Mr. Moses?

6 **MR. MOSES:** You're correct.

7 **COMMISSIONER GARCIA:** Okay. And not only
8 that, but I'm going to make a suggestion to you as a
9 business person, and this may help you, also. I don't
10 know -- and I'm not going to charge you a commission
11 for this -- but BellSouth, at least, has a system
12 whereby -- BellSouth and Sprint both -- where they
13 also allow you to have a pass code, so that not only
14 are you as a customer allowed to implement a PIC
15 freeze, but you're also allowed to implement a
16 personalized pass code.

17 So that if I were a BellSouth or a Sprint
18 customer, local service customer, and I -- someone
19 tried to change through a form, through a written
20 form, they would not be able to unless they had that
21 security password, or whatever. And that's something
22 that you may want to speak about -- speak to local
23 providers, because I do know --

24 **WITNESS TYLER:** They have that here --

25 **COMMISSIONER GARCIA:** -- that thus far even

1 some of the smaller ones in the state that we've run
2 into do have that.

3 **WITNESS TYLER:** GTE has that. Customer has
4 to request it, but they do have it. But to get back
5 to my thought, though, I didn't get a chance to finish
6 it.

7 **COMMISSIONER GARCIA:** Oh, absolutely.

8 **CHAIRMAN JOHNSON:** I was going to ask you to
9 do that.

10 **WITNESS TYLER:** What happens is the customer
11 is required to call in and ask for the form. Now, it
12 is my understanding from -- I mean, I work with GTE
13 every day, so I'm very familiar with the fact I'm more
14 familiar with their procedures than they are in a lot
15 of cases.

16 What happens is whomever is sending this
17 form out is supposed to put -- they have this fancy
18 name for it, but it's an issuance number that GTE puts
19 on the form to send it out to the customer.

20 First off, they never offer to fax it. Many
21 times my customers are told it absolutely has to come
22 in the mail, it cannot come by fax. It can come by
23 fax. It comes in the mail. It doesn't have this
24 issuance number on the top, or it comes on the fax
25 machine and it doesn't have this issuance number.

1 They fill the form out and they think they're done.

2 They either never get the form back and it
3 never gets acted on, or they get the form back with a
4 form letter saying "This form doesn't have this
5 issuance number; therefore, it's a questionable form.
6 We have done nothing. Fill out this new form sign it
7 and then we'll do it." And now you're two months down
8 the road, and they've already been slammed. I do not
9 understand the purpose of the issuance number --

10 **COMMISSIONER GARCIA:** Okay. Let's -- so we
11 don't have to go any further, I'd like to ask GTE to
12 provide to us, to our Staff, their policies for
13 implementing a PIC freeze with their customers so that
14 we can get a better understanding of it.

15 **WITNESS TYLER:** Okay. Then the other thing
16 is, then, that the customer fills this out, thinks
17 it's been acted on, and it hasn't been. It goes into
18 nowhere land. Check my note here a second. (Pause)

19 I work mainly with business customers rather
20 than residential customers. I do also work with
21 residential customers, but particularly I'd say more
22 like 70% of my business is with business customers.

23 When they want a change made, they want it
24 done three days ago yesterday and, of course, if they
25 have a restriction on file, that's the other part. I

1 highly recommend every one of my customers to put this
2 restriction on file. But then what happens is we
3 found better pricing with a different carrier.

4 We, LDC, my company, decided that it would
5 be a much better deal for my customers to move to it.
6 We let them know there's a better deal. They want to
7 change carriers now. It would still be rebilled
8 through me. They'll still get their billing through
9 me, but they need to have the provider changed, which
10 is what this PIC code restriction deals with. Now,
11 how do they get it changed?

12 Earlier this year it was a two-step process
13 where they had to send through a form that listed the
14 restriction and then send through another form that
15 restricted it again once it was done, once the carrier
16 change had been made.

17 Now I'm hearing that if you just send in a
18 new restriction form with a different carrier on it,
19 we'll act on that as if it were a work order. Well, I
20 keep hearing that, but it doesn't happen. And so
21 somebody who has a restriction just plain finds it
22 almost impossible.

23 I have a list of about 60 companies left
24 here in the Bay area that I've been working three
25 months to change the carrier on. Because we have

1 restrictions, we can't get it moving. In fact, I'm
2 the one who filed those restrictions, because the old
3 restriction code form said that me, as their agent,
4 that I could sign the form.

5 So many times I'm the one who signed the
6 form, but I can't lift the restriction because now the
7 rules have changed and I can't sign it anymore. So I
8 put it on there, but I can't get it off and I also
9 can't get them moved; and that is, you know, it's very
10 confining.

11 The other thing that I heard just kind of
12 swooshed by -- and I can't find it in the paperwork
13 that I have -- said something to the effect that if a
14 customer was slammed, they wouldn't have to pay for up
15 to 90 days worth of service?

16 MR. NOSES: That's correct.

17 WITNESS TYLER: Not pay at all?

18 MR. NOSES: Not pay at all.

19 COMMISSIONER GARCIA: That was at --

20 WITNESS TYLER: It seems to me that would
21 cause some customer fraud big-time. We have problems
22 with that as it is.

23 MR. NOSES: Well, that's why we limited it
24 to 90 days to limit the exposure of the companies, but
25 wanted to give the people at least 90 days in order to

1 make sure that if they missed it on their first bill
2 or didn't notice they were changed, like in the case
3 of this gentleman that testified before; he doesn't
4 have a high toll bill, so he wouldn't notice it.

5 **WITNESS TYLER:** He doesn't have to pay even
6 what his previous carrier would have charged?

7 **MR. MOSES:** No.

8 **WITNESS TYLER:** I don't see giving the
9 telephone carrier no income for services --

10 **COMMISSIONER GARCIA:** Well, I think --
11 (Simultaneous conversation.)

12 **COMMISSIONER GARCIA:** You're arguing both
13 sides of this argument, though. You want the original
14 carrier to get their money and you don't want the new
15 carrier to get the money.

16 **WITNESS TYLER:** Uh-huh.

17 **COMMISSIONER GARCIA:** I agree that it lends
18 itself to customer fraud, but I guess that could --
19 clearly, what we're trying to do is penalize the
20 slammer --

21 **WITNESS TYLER:** Uh-huh, uh-huh.

22 **COMMISSIONER GARCIA:** -- and what we're
23 trying to do in that case is that --

24 **WITNESS TYLER:** Give him no income.

25 **COMMISSIONER GARCIA:** Well, I'm sure that

1 they're going to -- they're going to tighten up their
2 procedures to make sure that if Rick Moses signs up
3 with Joe Garcia phone service, I'm going to make sure
4 I got Rick, and I got Rick as many ways --

5 COMMISSIONER CLARK: Legitimately.

6 COMMISSIONER GARCIA: -- as I possibly can,
7 legitimately.

8 WITNESS TYLER: Uh-huh.

9 COMMISSIONER GARCIA: So I want to get a
10 signature. I may want to get a recording, and I may
11 want to try to show up at his house and take a
12 pictures of him smiling just to make sure that when
13 the Commission comes back --

14 WITNESS TYLER: I know what you're saying.
15 It's gotten to be such a problem. It also adds a very
16 big expense on my part as a seller to try and do all
17 of these verification procedures.

18 MR. MOSES: Well, that's the protection
19 factor --

20 WITNESS TYLER: But that's better off than
21 not being paid for what I've written and for having
22 customers moved without me knowing it.

23 MR. MOSES: Let me comment on the customer
24 fraud. I personally don't believe customer fraud is
25 going to be a problem, because if the companies follow

1 the procedures in the rules for the verification,
2 they're protecting themselves. So they can prove that
3 that customer is frauding them. They have the
4 recording of the consent. They've got the
5 customer's -- I mean, they've followed the rules right
6 by the letter. There shouldn't be a problem.

7 **COMMISSIONER GARCIA:** A perfect example was
8 pointed out today when someone said, "Yeah, they have
9 my wife on a tape saying she wanted the service." As
10 uncomfortable as it is that she may have been
11 victimized by a slick salesman, well, that's another
12 level, and the Commission will look at those. But
13 clearly it's a lot tougher to say that you're slammed
14 when you're on a tape saying, "I want --

15 **WITNESS TYLER:** Okay. The biggest problem,
16 I guess, that I have doing -- being in the business
17 right now is slamming. It's -- the number of hours I
18 spend on a weekly basis on this that no one is
19 reimbursing me for is -- besides the loss in
20 commission, I have the time dealing with the customer
21 advising him of his rights, letting him know how to go
22 back to whoever slammed him to prove to that -- the
23 person who slammed him what his billing rate was with
24 us and then to argue the bill.

25 That's part of my customer service to my

1 customer. But those hours four years ago were, you
2 know, once a month maybe. Now I'm up to every single
3 week all the time. So it definitely needs to be dealt
4 with.

5 **MR. BECK:** Could you estimate the percentage
6 of your customers that have had slamming experience
7 sometime?

8 **WITNESS TYLER:** I could probably go back and
9 run something on my computer, but I would guess at
10 least 5%.

11 **MR. BECK:** And who are the companies that
12 you've experienced had the most problems?

13 **WITNESS TYLER:** MCI out of Texas. It's a --
14 there seems to be a boiler room there and because
15 every customer describes the same kind of sales call.
16 And then the other one is AT&T. Those are the two
17 biggest. Now, I've had Excel slam a little bit, and
18 this N-O-A, N-O-S maybe one or two times.

19 **MR. BECK:** Have any of your customers ever
20 had their signature forged?

21 **WITNESS TYLER:** Not that I'm aware of. They
22 have been told that they have papers saying there's a
23 signature, but when they demand to see the signature,
24 the papers have never been produced.

25 **MR. BECK:** Okay. Thank you.

1 **WITNESS TYLER:** Because I advise them of
2 that. I do a lot of semilegal counseling in the fact
3 that they -- they've been slammed and they're hurt.
4 And at least I try and get them what they would have
5 been billed with us as the billing total and then get
6 them moved back as quickly as possible; and of course
7 that takes a lot of time and effort on my side and
8 their side.

9 I've got a customer right now, she asked me
10 to bring her name and number up in the meeting and
11 have you call her, she's so furious. So if anybody
12 wants to talk with her, she'd love to give testimony.
13 She couldn't come in today.

14 **MR. BECK:** Thank you.

15 **COMMISSIONER GARCIA:** Give her our 1-800
16 number and she can call up.

17 **CHAIRMAN JOHNSON:** Any other questions for
18 Ms. Tyler?

19 **COMMISSIONER CLARK:** I don't have questions
20 for Ms. Tyler, but I would like GTE to come forward.
21 Are we having a rulemaking hearing in Tallahassee?

22 I'd like to know specifically why you
23 require a written freeze, PIC freeze, why you don't
24 fax it out, why you think it's better to do that, and
25 what are the relative costs of it. I mean, I'd like

1 to know why you think the procedures you're following
2 are the ones that need to be used.

3 **WITNESS TYLER:** May I add one thing, also.
4 If -- not only does the PIC code need to be a viable
5 instrument -- which I think it's the only protection a
6 customer really has is the restriction -- but then
7 some kind of easy way for the customer to make the
8 carrier change when they do wish to make a
9 restriction, is a huge problem.

10 I had a major carrier change within the last
11 two months -- most of my customers have changed
12 carriers. And like I said, I'm still fighting trying
13 to get the restriction changed so that they can make
14 the carrier change, because within GTE they have a
15 mix-up on what forms are required to make the change,
16 and we keep submitting forms and submitting forms and
17 nothing ever changes.

18 **COMMISSIONER DEASON:** Ms. Tyler, I
19 understand that, but I think we have to be really
20 careful in doing that, because if you make it too
21 easy, then there are always unscrupulous people out
22 there who would try to take advantage of doing it
23 easily and getting around it and putting in --

24 **WITNESS TYLER:** I think I have one easy
25 suggestion, at least for businesses. It would not

1 help for residential lines. But for businesses, I
2 think -- well, maybe it would help for residential
3 lines. For a business why not require that the form
4 be photocopied onto the business -- business paper,
5 something so that you've got your business logo;
6 photocopy this form onto your business logo. Then how
7 can you question it came from that business? It's got
8 the business logo on it.

9 For a residential line it just occurred to
10 me they could probably do the same -- have the same
11 effect if they photocopied it onto something with
12 their GTE header at the top so it has the GTE. And
13 where would they ever come up with that residential
14 GTE header if you weren't the customer yourself? It's
15 a thought. Thank you.

16 **CHAIRMAN JOHNSON:** Any other questions?
17 Thank you, Ms. Tyler. We're going to need to take a
18 short break. Our court reporter has been working for
19 quite some while, and we're having some technical
20 problems with our audio system. We're going to take a
21 ten-minute break.

22 (Brief recess.)

23

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24 **CHAIRMAN JOHNSON:** If everyone could settle
25 into their seats, we're going to go back on the

1 record. I think we have a couple more witnesses, and
2 I know everyone would like to take a lunch break, and
3 we do intend to adjourn after the last several
4 witnesses.

5 Public Counsel?

6 MR. BECK: Thank you, Chairman Johnson.

7 Maynard Smith.

8 - - - - -

9 MAYNARD SMITH

10 appeared as a witness and, swearing to tell the truth,
11 testified as follows:

12 DIRECT STATEMENT

13 WITNESS SMITH: My name is Maynard Smith. I
14 live at 10864 101st Avenue North in Largo, Florida,
15 33772. The phone number in question is 813-392-7815,
16 and it's filed as a case with the Florida Commission
17 of 137233-I.

18 My problem started back in December of 1995
19 when I was called by a company representing Quest
20 Communications saying that they were part of GTE and
21 that they wanted to consolidate all my bills on one
22 phone, which would be GTE, and that I would be
23 guaranteed the same rate that I was receiving now from
24 my other carrier.

25 I told her that I had a 12.9-cent per minute

1 call. She said, "No problem; we'll match that." And
2 I told her what my long distance rates were overseas,
3 and she said she would match that. She then put me on
4 the wire, or the tape recorder, recorded my signing up
5 for 393-8118.

6 About February or -- on the February bill I
7 noticed that I was also getting billed on 392-7815,
8 another number that I have in my own name, that I had
9 not authorized them to do it. She did ask me prior to
10 the recording if I had any other numbers. I told her
11 yes. She said, "Can we put them both on?" I says,
12 "No I want to see how you're going to do first, and
13 then once I'm satisfied with your service on this
14 phone, I'll switch to the other phone."

15 Well, I read my bills. I noticed that I was
16 getting charged 19 or 20 cents a minute, instead of
17 the 12.9, which raised all of my entire bill up by
18 about a third.

19 I complained to GTE. I complained to them,
20 and it went on for six or seven months, and I wrote
21 them a letter; and I finally got a hold of the Florida
22 Commission and I lodged a complaint. It took them
23 until January of '97 to take care of my 19 -- I mean
24 my 893 -- I mean, 393-8118 number and get that squared
25 away.

1 At that time I told them, "Look, in my
2 calculation, you guys owe me way over a \$1,000. I'm
3 not going to pay any more of these bills on this
4 number 392-7815 until you get me all squared away."
5 That was in January.

6 They sent a notice to GTE saying that I was
7 due a credit of the some 1,000-something dollars on
8 that number. However, they never sent the credit.
9 GTE has turned my service off at least seven or eight
10 times. Each and every time they swear to me they
11 won't do it again.

12 Each time I talk to somebody about it, I get
13 a very arrogant person who finally calms down and
14 becomes curious when they find out that it was GTE
15 that allowed the slamming and not my fault, that I'm a
16 victim.

17 **COMMISSIONER GARCIA:** And you said you filed
18 this with the Commission when?

19 **WITNESS SMITH:** It's a matter of that
20 gentleman's record.

21 **MR. DURBIN:** August '96.

22 **WITNESS SMITH:** And there's a --

23 **COMMISSIONER GARCIA:** Is that case closed
24 out?

25 **WITNESS SMITH:** No.

1 **COMMISSIONER GARCIA:** No. I'm asking -- so
2 then we've dropped the ball there, Mr. Durbin?

3 **MR. DURBIN:** (Inaudible; not at microphone.)

4 **WITNESS SMITH:** Is that for 813-392-7815,
5 sir?

6 **MR. DURBIN:** 392-7815?

7 **WITNESS SMITH:** Yes, sir.

8 **MR. DURBIN:** (Inaudible)

9 **WITNESS SMITH:** Well, I've been speaking
10 with GTE and the attorney for Quest since I told them
11 I was coming to this hearing about a month and a half
12 ago. They finally snapped out of the ether, and all
13 of a sudden their attorney has it now, and he says
14 that he's been in touch with you guys, that you guys
15 gave him 30 days.

16 He called me yesterday, said that he had to
17 beg you for another 30 days to finish the deal; that
18 coincidentally, "Oh, I'm sorry, but some of the
19 records really hadn't been gone over. They're still
20 in the warehouse. I have an order to have them
21 delivered to us. As soon as we get them, we'll rerate
22 your bill again. Don't worry about a thing." But
23 meanwhile GTE keeps turning off ly service. I mean,
24 like every 10 days, and it's driving me nuts.

25 **COMMISSIONER GARCIA:** Okay. First of all, I

1 don't understand why GTE is turning off your service.
2 If you're in dispute -- maybe they're turning it off
3 because the dispute is directly with them. They're
4 not giving you any leeway. But that's not right. If
5 you have a dispute with your long distance, they
6 shouldn't be turning it of.

7 **WITNESS SMITH:** I understand that, sir, and
8 that's why I'm --

9 **COMMISSIONER GARCIA:** Especially if you
10 filed something with the Commission.

11 **WITNESS SMITH:** Yes, sir, I agree. I agree.
12 And they have told me on three separate occasions that
13 they would remove that bill from my bill, my GTE bill,
14 that I would be billed just by GTE, but that I would
15 have to carry on my relationship with Quest and any
16 payment due to them, directly with them. Never
17 happened.

18 **COMMISSIONER GARCIA:** Right.

19 **WITNESS SMITH:** Three separate times -- I'm
20 to the point of tears about it. Three separate times
21 I begged them, "Look, this isn't your fight, you know.
22 Let me fight it out with them. Get it off my bill."

23 **COMMISSIONER GARCIA:** Right.

24 **WITNESS SMITH:** No way. And they keep
25 shutting my power -- I mean, shutting my phone off,

1 and I'm very, very, very upset since I was slammed and
2 it wasn't my problem. I didn't allow it to happen.
3 So I'd like to talk to somebody at GTE and get this
4 taken care of today before I go nuts.

5 **COMMISSIONER GARCIA:** Let's do that
6 specifically. GTE is here and Mr. Durbin is here.
7 Sit down with them. And you shouldn't have your phone
8 turned off, period, and that's -- especially if you're
9 in an ongoing dispute. But clearly we may have
10 dropped the ball somehow, and I'm sure GTE will be
11 amenable to trying to fix this right now.

12 **WITNESS SMITH:** Thank you very much for all
13 of your efforts. I appreciate it. Thank you.

14 **CHAIRMAN JOHNSON:** Thank you, Mr. Smith.
15 There may be questions for you.

16 **WITNESS SMITH:** Any questions?

17 **CHAIRMAN JOHNSON:** Any additional questions?
18 And Mr. Durbin is standing there waiting to further
19 assist you and will get you with that GTE person.

20 **WITNESS SMITH:** Terrific.

21 **CHAIRMAN JOHNSON:** To the extent that they
22 don't rectify the problem, you can get back with
23 Mr. Durbin and the Commission on the issues.

24 **WITNESS SMITH:** Thank you very much, ladies
25 and gentlemen. I appreciate your time.

1 **CHAIRMAN JOHNSON:** Thank you.

2 **MR. BECK:** Harry Huston? Is there a Harry
3 Huston or Houston here? (No response.)

4 George Ranstadler.

5 - - - - -

6 **GEORGE RANSTADLER**

7 appeared as a witness and, swearing to tell the truth,
8 testified as follows:

9 **DIRECT STATEMENT**

10 **WITNESS RANSTADLER:** My name is George
11 Ranstadler. I live at 7432 34th Street South,
12 St. Petersburg 33711, (813)867-6040.

13 In February of 1997 I made the stupid
14 mistake of switching my phone service. God, I wish I
15 hadn't. Shortly after this request was made in
16 February, it took, I believe, until sometime in May
17 for the service to be corrected, switched over.

18 GTE promised me one billing, 14 cents a
19 minute. Everything sounded better. It wasn't a big
20 saving, but one billing is a pleasure. It ended up
21 they got switched over to sometime in June.

22 My wife and I went up to Michigan for a
23 month or two. She had a heart attack up there, tied
24 us up for a while. Coming back we get our first
25 billing from GTE, 29 cents a minute.

1 Called GTE, said, "What's happening here?
2 We were promised 14 cents a minute". "Let me check
3 for you. Oh, you've been switched." "What do you
4 mean I've been switched?" "Someone switched you to a
5 unregulated service." "Who did this?" "I do not
6 know." I said, "How do I find out?" She said, "I
7 don't know. Maybe someone in your family called."
8 "Let me assure you nobody in my family called."
9 Anyway, they give me the credit to bring it down to
10 14 cents a minute.

11 Next month I get a billing. I go over the
12 billing. Part of it is 14 cents a minute. All of a
13 sudden, part of it's 29 cents a minute. Now I finally
14 look at page 7. There's a billing from BCI, who I
15 don't even know who the devil they are. So I call GTE
16 and tell them. "Well, somebody slammed you." "Who
17 slammed me?" "I don't know. We don't know who
18 slammed. I can't tell you. I can't tell you."
19 That's what they said. "I can't tell you."

20 So she said, "There's a number on Page 8 up
21 in the corner. Call that and BCI will talk to you."
22 So I called BCI. All right. "How did you get a hold
23 of my service?" Well, he said he didn't know. It was
24 a gentleman. I said, "Can't you give me a name who
25 signed this form?" He said no. He said, "By the way,

1 we don't handle the billing. The billing is handled
2 by USBI". What in the devil they are." "Get a hold
3 of them."

4 So I call USBI, talked to a young lady named
5 Lynn. Lynn proceeded to tell me that someone had
6 signed a slip of paper and that switched it over, and
7 that they would be glad to give me the 14 cents a
8 minute rather than the 29 cents a minute, and they'd
9 like to get GTE off of here and service me the whole
10 billing.

11 Well, I told her what she could do with her
12 14 cents a minute and the rest of the situation. She
13 started to give me a name. She says Francis
14 so-and-so, and then there was conversations in the
15 background. Now she says, "Oh, I'm sorry. I can't
16 give that information."

17 But they did agree to give me a credit for
18 the difference between 29 cents a minute and 14 cents
19 a minute. Fine. "Take it off your billing," she
20 says, "from GTE," which I did.

21 I get my other billing next -- last month.
22 I get a nasty notice from GTE that I'm in arrears in
23 so much money and if it isn't done -- paid in a
24 certain length of time, my phone service will be
25 disconnected.

1 I call back USBI and ask her -- Lynn what
2 happened. "I gave them the credit to switch over on
3 your service." The thing is, you people had a lot
4 more serious situations up here, but I'm getting at --
5 I'm in a stupid move here. I hate to see my billing
6 come in.

7 My wife doesn't know any better. She had a
8 heart attack in Michigan. She grabs the bill.
9 There's eight pages of billing from GTE. It doesn't
10 say BCI, unless you look up in the corner or someplace
11 or down over here.

12 I'm supposed to be doing business with GTE.
13 They promised me one billing, their service. I'm not
14 getting it. In the last billing this here USBI
15 charged me IDI, some charges, \$3.00, \$4.00. I'm not
16 even doing business with these people, but there it is
17 on Page 7 again on a GTE billing.

18 COMMISSIONER GARCIA: Did you speak with the
19 Commission?

20 WITNESS RANSTADLER: What's that?

21 COMMISSIONER GARCIA: Have you spoken with
22 the Commission before besides the visit here?

23 WITNESS RANSTADLER: No, I have not. I will
24 say this: The other day when I was speaking to USBI,
25 I mention to the gentleman who got on the phone that I

1 was going to talk to you people. He said, "Why don't
2 you just do that."

3 **COMMISSIONER GARCIA:** Well, good. And we
4 will do that for you. Maybe you should get with
5 Ms. Pena real quick and just give her your
6 information, and she'll be getting back to you this
7 afternoon or tomorrow to see what's going on.

8 **WITNESS RANSTADLER:** I appreciate it very
9 much, and thank you for your time.

10 **CHAIRMAN JOHNSON:** Thank you for your
11 testimony.

12 **COMMISSIONER CLARK:** You didn't happen to
13 get the person's name that said go ahead talk to us?

14 **WITNESS RANSTADLER:** No, because the
15 gentleman hung up so fast it snapped my ear. I mean,
16 he was telling me go jump from Tampa Bay. I mean, you
17 know, really.

18 **COMMISSIONER CLARK:** Thanks.

19 **WITNESS RANSTADLER:** But I will say this,
20 too. And the GTE man is sitting back here. It's one
21 hell of a job -- pardon that language -- to get all
22 these buttons, number 93, whatever you're going to
23 push to talk to someone, and finally get someone and
24 then you tell them your nice, long story, and he says,
25 "Oh, I'm in billing. You'll have to talk to

1 so-and-so, so-and-so."

2 Now, for instance when this credit came
3 through from USBI, I called GTE to let them know,
4 their billing department, this was going to happen. I
5 talked to a gentleman named Don, and Don says, "Thank
6 you for calling. We'll take care of that." My
7 billing comes this time. Oh, nasty letter. I'm going
8 to be discontinued because I'm in arrears on my
9 payment. I probably made a mistake in this last
10 billing by deducting this three or \$4.00 IDI charge,
11 whatever the devil it was, but I'll probably hear from
12 GTE for that, too. It's a shame --

13 **COMMISSIONER CLARK:** Well, when you did the
14 calling and you were in billing and they said you had
15 to talk to somebody else, did they transfer you
16 immediately, or did you have to go back to them --

17 **WITNESS RANSTADLER:** GTE?

18 **COMMISSIONER CLARK:** Yeah.

19 **WITNESS RANSTADLER:** No. They -- I got to
20 talk to someone else. Particularly the first time I
21 called when I wanted to know what happened to my --
22 who is doing my service and so on, they gave me
23 another -- by the way, they sent me four forms to fill
24 out so this won't be done again.

25 GTE sent me four forms. One form where I'm

1 clear, it's okay now, no more problems. The next
2 month, boom. There's the same thing. And then I get
3 a notice in between times "The form you filled out was
4 an incorrect form. Please fill out this form." Okay.
5 That's fine. That's two forms. Four forms.

6 I'm sitting here now today -- I told my wife
7 this morning, I hope this damn thing is cleared up.
8 I've never in 70-some years -- well, I didn't have a
9 phone that long, but all my years ever had that much
10 trouble except when we lived in Hawaii. They have a
11 bit of a problem.

12 (Simultaneous conversation.)

13 **COMMISSIONER CLARK:** Well, I'm sure
14 Commissioner Garcia is right, that Ms. Pena can
15 straighten this out for you.

16 **WITNESS RANSTADLER:** I hope so just for the
17 fact that --

18 **COMMISSIONER GARCIA:** Let me just --

19 (Simultaneous conversation.)

20 **WITNESS RANSTADLER:** What's that?

21 **COMMISSIONER GARCIA:** The next time this
22 happens, though, when you call up the phone company,
23 your local phone company -- first of all, I suggest
24 after you call them -- Ms. Pena is going to give you a
25 1-800 number. You call them when you -- you call us

1 at the Commission. But you tell GTE that you're in
2 dispute and they can't charge you for anything except
3 your local service. So I think in this --

4 **WITNESS RANSTADLER:** I didn't know that, I
5 assure you.

6 **COMMISSIONER GARCIA:** Well, they probably
7 did. But what you need to do is tell them, "I'm in
8 dispute with my long distance portion of my bill," and
9 then I believe in this area it's somewhere in -- your
10 local service begins somewhere at about \$17.00 or
11 \$18.00 --

12 **WITNESS RANSTADLER:** Yeah --

13 **COMMISSIONER GARCIA:** Yeah. Never too
14 much --

15 **WITNESS RANSTADLER:** Well, you see, in my
16 billing, part of it is GTE long distance, part of it's
17 BCI.

18 **COMMISSIONER GARCIA:** Got you. Well, we'll
19 take care of that.

20 **WITNESS RANSTADLER:** I appreciate your time.

21 **MR. MOSES:** Mr. Ranstadler, could I ask one
22 question of you?

23 **WITNESS RANSTADLER:** Yeah

24 **MR. MOSES:** BCI claims that they changed
25 your service by the use of a document that they

1 claimed that you had signed. Did they ever produce a
2 copy of that to you?

3 **WITNESS RANSTADLER:** No. Like I say, you
4 see, BCI billing is done by USBI. You probably know
5 that.

6 **MR. MOSES:** The billing --

7 **WITNESS RANSTADLER:** The girl at USBI almost
8 slipped and she told me, you know a Francis -- and
9 then I heard somebody -- I heard some commotion and
10 some talking in the background. She says, "I'm sorry.
11 I can't give you this information."

12 **COMMISSIONER GARCIA:** She was taken in the
13 back room probably. Ms. Pena is going to get that.
14 And, Ms. Pena, could you also, when we do the case,
15 could you ask for the form that he supposedly signed?

16 **MS. PENA:** Yes, sir.

17 **COMMISSIONER GARCIA:** And I believe Chairman
18 Johnson on Wednesday held a press conference about
19 some of the people that have been complained about and
20 how the state is investigating, and I believe that
21 that company may be one of them.

22 **WITNESS RANSTADLER:** It's one hell of a
23 mess, you know, to try to just pay a phone bill. It's
24 come to that. Thank you for your time.

25 **CHAIRMAN JOHNSON:** Thank you, sir. Public

1 Counsel?

2 **MR. BECK:** Mr. Ranstadler was the last
3 witness to sign up.

4 **CHAIRMAN JOHNSON:** Are there any other
5 customers in the audience that did not sign up to
6 testify but that would like to testify today? Seeing
7 none, I'd like to thank everyone for coming out.

8 Again, the information that you've provided
9 to us will be a part of our official record and we can
10 rely upon that when we make our final decision.

11 Counsel, could you read the schedule so that
12 they can understand when we will rule on this case and
13 when the hearings will be held?

14 **MS. CALDWELL:** The rulemaking is governed by
15 Section 120.54 Florida Statutes. This section
16 prescribes the process by which an agency may adopt
17 the rules, and part of the process includes these
18 workshops which we will conclude tomorrow in
19 Jacksonville, and then we will have a -- the Staff
20 will propose the rules at the December 16th agenda
21 conference.

22 On January 23rd interested persons may file
23 additional comments on the proposed rules. On
24 February the 6th of 1998 the full Commission will have
25 a rule hearing taking evidence and sworn testimony

1 where witnesses may be cross-examined, and then
2 finally on April the 7th, the final rules will be
3 adopted by the Commission at the agenda conference and
4 they will become effective shortly there after.

5 **CHAIRMAN JOHNSON:** Thank you. Any other
6 concluding remarks? Seeing none, this hearing is
7 adjourned. I'd like to thank everyone for coming out
8 again.

9 (Thereupon, the hearing concluded at 12:10
10 p.m.)

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1 STATE OF FLORIDA)

2 COUNTY OF LEON)

CERTIFICATE OF REPORTER

3 I, H. RUTHE POTAMI, CSR, RPR Official
4 Commission Reporter,

5 DO HEREBY CERTIFY that the Workshop in
6 Docket No. 970882-TI was heard by the Florida Public
7 Service Commission at the time and place herein
8 stated; it is further

9 CERTIFIED that I stenographically reported
10 the said proceedings; that the same has been
11 transcribed under my direct supervision; and that this
12 transcript, consisting of 95 pages, constitutes a true
13 transcription of my notes of said proceedings.

14 DATED this 2nd day of December, 1997.

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