

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Refund by Cable &
Wireless, Inc. of overcharges
for intrastate long distance
calls.

DOCKET NO. 971519-TI
ORDER NO. PSC-98-0187-AS-TI
ISSUED: January 30, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

ORDER APPROVING SETTLEMENT PROPOSAL

BY THE COMMISSION:

CASE BACKGROUND

On March 7, 1997, our staff notified Cable & Wireless, Inc. (CWI) that it would evaluate the company's quality of service from March 17 through March 28, 1997, pursuant to Rule 25-21.026, Florida Administrative Code. On March 14, 1997, CWI furnished the staff a Business First Basic (BFB) Travel Card for 0+ test calls. Our staff completed its evaluation on March 20 and 21, 1997.

On July 10, 1997, staff forwarded the evaluation results to CWI. The staff's results indicated that all test calls were over rated, meaning that CWI charged a rate higher than its tariffed rate on file with the Commission as of March 20 and 21, 1997. Specifically, CWI had charged \$.3435 per minute, while its tariffed rate was \$.3300 per minute. CWI responded on August 1, 1997, that "the inaccuracies . . . were due to an inadvertent omission of a rate change for BFB Travel Card in CWI's Florida tariff." CWI subsequently filed the correct rate on April 30, 1997, with an effective date of May 1, 1997. The company estimated that the over billed amount from March 21 through April 30, 1997, would be less than \$2,000. CWI asserted that, since it properly notified its

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customers of the rate change before the change was implemented, no material harm was done to any Florida customers. CWI provided several bill inserts that indeed announced rate increases, effective December 11, 1996.

Our staff sent a certified data request to the company on September 3, 1997, seeking: confirmation that the higher rate went into effect on December 11, 1996; a new estimate of the over billed amount; and a proposal and timetable to refund the over billed amount and interest to its Florida customers. CWI responded on October 1, 1997, and confirmed the start date of December 11, 1996. It calculated the estimated over billing amount to be \$4,415 for 541 Florida accounts. CWI then agreed to refund this amount plus interest as a flat credit amount to each of its 541 customers within six weeks of a Commission Order approving its settlement proposal. CWI's settlement proposal is attached to this Order as Attachment A.

SETTLEMENT PROPOSAL

CWI has been very cooperative with our staff. CWI provided all requested information in a timely manner and never disputed the fact that its calls resulted in customer overcharges. CWI offers a settlement proposal of \$4,698 in the form of a credit of \$8.68 for each of its 541 customers. The company explained that it would require an overly burdensome number of administrative hours to determine specific amounts for each of the 541 accounts, given the relatively small over billing amount. For customers who no longer have CWI service, the company proposes to send a check to the last known address. We agree with CWI's proposal to give a flat credit to existing accounts and to send checks for former accounts as described above.

Accordingly, we accept CWI's settlement proposal to resolve customer overcharges. CWI shall issue a credit of \$8.68 (eight dollars and sixty-eight cents) to each of its 541 Florida customers. CWI shall also send checks to the last known address of former CWI customers. CWI shall complete this refund within six weeks after the date that this order is issued. Pursuant to Rule 25-4.114(7), Florida Administrative Code. CWI shall file a preliminary refund report 30 days after the refund is completed and a final refund report 90 days thereafter. After the final refund report, CWI shall submit any unclaimed refunds to the Commission for deposit in the State of Florida General Revenue Fund.

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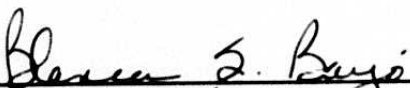
Docket No. 971519-TI shall remain open until the final refund report has been received and any unclaimed refunds submitted to the State of Florida General Revenue Fund.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the settlement proposed by Cable & Wireless, Inc., in resolution of this show cause proceeding, which is attached to this Order as Attachment A and is incorporated herein by reference, is hereby approved. It is further

ORDERED that Docket No. 971519-TI shall remain open until the final refund report has been received and any unclaimed refunds submitted to the Commission for deposit to the State of Florida General Revenue Fund, upon receipt, Docket No. 971519-TI shall be closed.

By ORDER of the Florida Public Service Commission this 30th day of January, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.