

1 **PARTICIPATING:**

2 **WILL COX and JOHN BOWMAN, FPSC Division of**
3 **Legal Services.**

4 **DICK DURBIN, FPSC Division of Consumer**
5 **Affairs.**

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

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1 P R O C E E D I N G S

2 CHAIRMAN JOHNSON: Item 10.

3 MS. BIEGALSKI: Commissioners, Item 10 is
4 Staff's recommendation to Show Cause Minimum Rate
5 Pricing for apparent slamming violations. There are
6 two modifications I need to make.

7 One is to update the number of consumer
8 complaints closed as infractions, and that would be
9 50, with the fine amount being modified to 500,000.

10 And also the recommendation statement of
11 Issue 1 should be modified to include the cancellation
12 of Minimum Rate Pricing's certificate so that Minimum
13 Rate Pricing will be required to Show Cause why it
14 should not be fined or have its certificate cancelled.
15 And Staff believes this is necessary in order to be
16 consistent with prior recommendations.

17 Minimum Rate Pricing was granted its
18 certificate on May 7th of '96. A month after
19 receiving its certificate the Division of Consumer
20 Affairs started receiving complaints. An overwhelming
21 majority of the complaints are related to the
22 telemarketing activities of Minimum Rate Pricing. The
23 consumers were led to believe that they were signing
24 up for a discount plan, not switching their long
25 distance provider.

1 **COMMISSIONER CLARK:** Is there anyone from
2 the Company here to speak?

3 **MR. BOWMAN:** I don't think they intend to
4 make a presentation.

5 **COMMISSIONER CLARK:** Oh, okay.

6 **COMMISSIONER GARCIA:** I move Staff.

7 **COMMISSIONER CLARK:** There's a motion.

8 **COMMISSIONER DEASON:** Second.

9 **CHAIRMAN JOHNSON:** There's a motion and a
10 second. Any discussion? Showing none, show it
11 approved unanimously.

12 **COMMISSIONER GARCIA:** Let me ask something
13 of Staff on this, because it was a discussion we had
14 the other day with the phone cards. If in this case
15 we go forward, and we decide to remove this company's
16 certificate, immediately by that, included in the
17 recommendation of Staff is that IXCs can no longer
18 sell service to this company in Florida, correct?

19 **MR. BOWMAN:** That's correct.

20 **COMMISSIONER GARCIA:** Thank you.

21 Madam Chairman, also I would like to ask if
22 any of Robby Cunningham's staff is there. I think
23 it's very important that we issue a press release on
24 this, because we had hearings across the state, and I
25 think it's important that people know how serious we

1 are about this issue.

2 **CHAIRMAN JOHNSON:** Okay. Bev is shaking her
3 head. She's already working on it, but thank you.

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1 STATE OF FLORIDA)
2 COUNTY OF LEON)

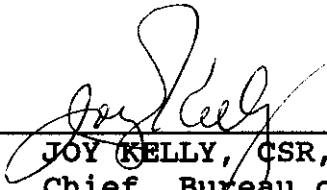
CERTIFICATE OF REPORTER

3 I, JOY KELLY, CSR, RPR, Chief, Bureau of
4 Reporting, Official Commission Reporter,

5 DO HEREBY CERTIFY that Item No. 10, Docket
6 No. 971482-TI, of the 2-3-98 Agenda Conference was
7 heard by the Florida Public Service Commission at the
8 time and place herein 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 5 pages, constitutes a true
13 transcription of my notes of said proceedings.

14 DATED this 10th day of February, 1998.

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