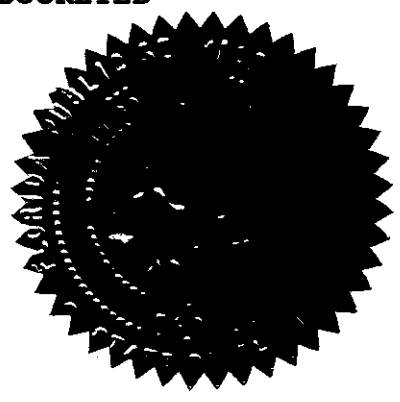


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of :
Proposed amendment to Rule :
24-4.110, F.A.C., Customer :
Billing for Local Exchange :
Telecommunications Companies: :
(cramming and truth in :
billing.) :

UNDOCKETED



PROCEEDINGS: **RULE DEVELOPMENT WORKSHOP**
 Orlando, Florida

BEFORE: **COMMISSIONER J. TERRY DEASON**
 COMMISSIONER JULIA L. JOHNSON
 COMMISSIONER E. LEON JACOBS, JR.

DATE: **Wednesday, April 7, 1999**

TIME: Commenced at 12:00 noon
 Concluded at 3:10 p.m.

PLACE: Orlando City Hall
 City Council Chambers (2nd Floor)
 400 South Orange Avenue
 Orlando, Florida

REPORTED BY: **KIMBERLY K. BERENS, CSR, RPR**
 FPSC Commission Reporter

DOCUMENT NUMBER-DATE
04899 APR 1999
FPSC-RECORDS/REPORTING

1 **APPEARANCES:**

2 **CHARLES J. BECK**, Deputy Public Counsel,
3 Office of Public Counsel, 111 West Madison Street,
4 Room 812, Tallahassee, Florida 32399-1400, appearing
5 on behalf of the **Citizens of the State of Florida**.

6 **DIANA CALDWELL**, Florida Public Service
7 Commission, Division of Appeals, 2540 Shumard Oak
8 Boulevard, Tallahassee, Florida 32399-0870, appearing
9 on behalf of the **Commission Staff**.

10 **ALSO PRESENT:**

11 **RICK MOSES**, FPSC Division of Communications.

12 **BARRY RAY**, FPSC Division of Consumer Affairs.

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I N D E X

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P R O C E E D I N G S

(Workshop convened at 12:05 p.m.)

COMMISSIONER JOHNSON: Ladies and gentlemen, thank you for joining us here today. My name is Julia Johnson. I'm a Commissioner with the Florida Public Service Commission.

We're going to take few moments just to show you a tape that the Chairman of the Public Service Commission, Joe Garcia, prepared that speaks to the issue of cramming. It provides a lot of background and information on that. That will last just a few moments.

After that tape has been presented, if you have any questions regarding the tape, feel free at the appropriate time to bring those forward, and we will introduce the Commissioners, entertain any questions that you might have and start the process. Again, this tape will only take -- it takes no more than eight minutes, and it will provide you with a little bit of background information. And with that we will run the tape again.

(Video tape played.)

COMMISSIONER DEASON: Ladies and gentlemen, let me take this opportunity to welcome you to this workshop. We will begin by having the Notice read.

1 **MS. CALDWELL:** Notice was published in the
2 February 19th Florida Administrative Weekly that a
3 rule development workshop would be held at this time
4 and place to consider proposed amendments to the rules
5 relating to customer billing.

6 **COMMISSIONER DEASON:** We'll take
7 appearances.

8 **MR. BECK:** My name is Charlie Beck. I'm
9 with the Office of Public Counsel in Tallahassee.
10 Also with me is Earl Poucher. Raise your hand. Our
11 office is tasked with representing the interest of
12 customers before the Public Service Commission.

13 **MS. CALDWELL:** My name is Diana Caldwell.
14 I'm with the Division of Appeals with the Florida
15 Public Service Commission.

16 **COMMISSIONER DEASON:** Thank you. Let me
17 introduce myself. My name is Terry Deason. I'm a
18 member of the Public Service Commission. With me is
19 Commissioner Johnson. I think she introduced herself
20 earlier when she had the video presented. And seated
21 to my left is Commissioner Leon Jacobs. We will
22 constitute the panel of Commissioners which will be
23 hearing this particular workshop.

24 As was indicated in the video, we're in the
25 process of holding a number of workshops throughout

1 the state. Most of those have been held. In fact,
2 this -- is this the last -- this is the last workshop
3 that we're having.

4 In case you did not know who was speaking
5 earlier, to my far left is Mr. Charlie Beck. He's
6 with the Office of the Public Counsel. As he
7 indicated, he represents customers before the Public
8 Service Commission. His office has been an integral
9 part of this process. He's been actively engaged in
10 this matter as he was in the slamming rule proceeding
11 which we had earlier.

12 And seated to my far right are Staff members
13 of the Public Service Commission, Ms. Diana Caldwell
14 and Mr. Rick Moses. And to the extreme far right is
15 the court reporter who will be recording this workshop
16 to make a record of the proceeding here today.

17 We're also --- this workshop is being
18 carried over the Internet, and we welcome those
19 persons who are joining us via that mode.

20 As you entered the auditorium today, you
21 should have been provided a special report that looks
22 like this. Normally printed on yellow paper. This
23 contains some of the background information. A lot of
24 it is information that you also viewed earlier on the
25 video. It gives some information about the problem of

1 cramming and the process the Commission is engaged in
2 at the current time. Also it describes the procedure
3 that we try to follow at meetings of this nature. And
4 I'm going to review that procedure in just a moment.

5 Also, the last page of this special report
6 is designed such that it can be detached. For those
7 individuals who wish to provide written comments as
8 opposed to making a formal statement here today, you
9 can write your comments, fold it so that the address
10 appears on the back of that sheet and you can mail it
11 to the Public Service Commission.

12 Also, on the very front of this report there
13 is an 800 number where you can contact the Commission
14 as well as our Internet and home page address.

15 The procedure that we're going to follow
16 today is that we will begin with our Staff giving a
17 brief overview of the rule proposal. And I emphasize
18 the term "proposal." It is simply a proposal at this
19 point. We're engaged in the process of getting public
20 input. We will take that input as well as input from
21 the Public Counsel's Office, the Attorney General, and
22 any other interested groups that want to participate
23 in the formal rulemaking process. We will take all of
24 those and, hopefully, adopt a rule which would be
25 effective in preventing the cramming problem.

1 The procedure that we're going to follow is
2 that we will have the Staff overview, and then I'm
3 going to ask members of the public who wish to make a
4 statement to stand and to be sworn in. This is so
5 that your testimony can be part of the record in this
6 proceeding.

7 Mr. Beck, will be keeping a list of those
8 individuals who have signed up to testify. He will be
9 calling those individuals by name. When your name is
10 called, we ask that you come to the podium to my front
11 left and begin by giving us your name and your
12 address. And if you think it will be helpful to the
13 court reporter, you may wish to spell your name to
14 ensure that it is recorded accurately in the record.

15 After you give your name and address, we ask
16 that you provide your statement. We do not impose any
17 strict time limits, but we do ask that you be mindful
18 that there are a number of people here who are waiting
19 their turn. So we want you to cover everything that
20 you feel is important, but be mindful that there are
21 others waiting.

22 When you finish your statement, we ask that
23 you remain at the podium for just a moment because
24 there may be some clarifying questions, either from
25 Commissioners or from our Staff or Mr. Beck from the

1 Public Counsel's Office.

2 Are there any preliminary matters which we
3 need to address which have not yet been addressed?

4 With that then, I'm going to ask all members
5 of the public who have signed up and wish to testify
6 today to please stand and raise your right hand.

7 (Witnesses collectively sworn.)

8 **COMMISSIONER DEASON:** Thank you. Please be
9 seated. I'm going to have Staff do the brief
10 overview.

11 **MR. MOSES:** Thank you. The first proposed
12 rule amendment provides for a billing block option
13 which will allow a customer to sign up with your local
14 provider for this option. And what it does is, it
15 will no longer allow any bill to appear on your local
16 exchange company's bill other than those that you have
17 authorized. In other words, it will only be your
18 local, your local toll and your toll provider that you
19 are presubscribed to.

20 The second revision incorporates the changes
21 from the 1998 Legislature that defined the information
22 services as 900 and 976 numbers. However, the
23 definition of the information services in that statute
24 is somewhat limited because it exempts Internet
25 services.

1 The third revision is what we're calling the
2 Truth In Billing Revision. It is added to prohibit
3 misleading or unclear advertising that may induce
4 callers to use a service and then be charged for those
5 hidden fees.

6 The final revision is an answer time
7 requirement that it requires the billing company that
8 is billing you for any of these services to have an
9 800 number and to answer that telephone number within
10 60 seconds and be ready to assist you with your
11 complaint. That is the summary.

12 **COMMISSIONER DEASON:** Thank you. Mr. Beck,
13 you may call your first witness.

14 **MR. BECK:** Thank you, Commissioner. The
15 first witness is Hunter Beet. I hope I'm pronouncing
16 the name right. Beet. Hunter, B-E-E-B or T. (No
17 response.)

18 Okay. The next witness is Ellouise
19 Robinson. Yes.

20 **MS. FOSTER:** I'm Eloise Foster. Did you
21 read my name wrong?

22 **MR. BECK:** I'm sorry. You're Eloise?

23 **MS. FOSTER:** Foster.

24 **MR. BECK:** We've got you on the list. But
25 that's not the person I'm calling. Ellouise Robinson?

1 No?

2 **COMMISSIONER JACOBS:** Here she is.

3 **COMMISSIONER DEASON:** She's right here.

4 **MR. BECK:** Oh, I'm sorry. Would you come up
5 here to the microphone, please?

6 **COMMISSIONER DEASON:** Yes, ma'am.

7

- - - - -

8

ELLOUISE Y. ROBINSON

9 was called as a witness on behalf of the Citizens of
10 the State of Florida and, having been duly sworn,
11 testified as follows:

12

DIRECT STATEMENT

13

WITNESS ROBINSON: I'm Ellouise Robinson.

14

My name is E-L-L-O-U-I-S-E, Y. Robinson, 3501 Fekany
15 Place. Capital F, like in Frank, E-K-A-N-Y, Place,
16 Orlando, Florida 32805.

17

I'm having problems. And I'm having

18

problems with this telephone bill. I have all kinds

19

of things that I don't know anything about. And when

20

I wrote the company, and circle it -- as a matter of

21

fact, number one, I circled the collect calls in red,

22

because I didn't make those -- I don't accept collect

23

calls because I have too many children out of state to

24

pay long distance telephone calls. That's number one.

25

Number two -- okay. When I did this, then I

1 got a letter from the company saying that I wasn't
2 supposed to do this. I immediately called this number
3 that they gave us to call and told her, "Well, I
4 didn't accept that call. I don't accept calls from my
5 own children out of state, not collect, because my
6 telephone bill is too much for an old woman paying
7 this much money, number one."

8 Number two, I decided I'd be real smart and
9 use 10-10-321. That's when I made a big mistake.
10 Then the bill went up much higher, and then I had
11 something called a holding fee.

12 Well, I called again. I'm (inaudible
13 speaking away from the microphone) on the telephone,
14 because that's my next thing. That's my company
15 keeper and everything else. So they told me that,
16 well, this was a fee that I had since I was calling
17 10-10-321. I did something and I wasn't using AT&T
18 anymore so I had that -- that was on the telephone
19 bill. That was a charge.

20 After I got that off -- I don't know if I
21 got that off or not, but anyway, the telephone bill is
22 still the same, much higher than an old lady can pay
23 with Social Security.

24 So, therefore, I have to go to -- instead of
25 doing volunteer work, I got to do substituting work so

1 I can pay my telephone bill.

2 The next thing is, my Leesburg calls. This
3 is my family. My Leesburg calls are much more than
4 the ones in New York and Nashville and all the other
5 out-of-state calls that I do. Now, I don't understand
6 that.

7 And then another thing. When I call
8 Leesburg, that's right around the corner if I'm able
9 to drive or sometimes I don't feel like driving. It's
10 cheaper for me to drive to Leesburg than to call
11 Leesburg or Fruitland Park. Now, I don't understand
12 that. But, anyway, I can call New York, I can call to
13 Queens, I can call to Nashville, and the bill is \$2 or
14 \$3, but if I call to Leesburg, the bill is \$6 and \$7.
15 That's the bill, a local -- I don't know. Bell, AT&T
16 somebody.

17 But, anyway -- then another thing, I'm
18 getting all kinds of things, franchise stuff that I
19 don't understand. And you ask these people and you
20 got to push -- you push 1, and you push 2, and you
21 push 3, and you push 4, and you push 5 and when you
22 get through you're right back to 1 again. And I still
23 don't understand it, so I get tired and I hang it up
24 and I go right back to the same thing again, push 1,
25 and this woman saying, so and so and so and so and so.

1 Well, I don't understand that. And then I push 2, and
2 you get that, and she don't know what she's talking
3 about, and I don't know what she's talking about and
4 this is just confusing. So somebody needs to get
5 their lines together, because this is confusing,
6 especially for senior citizens, because when you reach
7 65 they think, you know, you're up the tree all ready,
8 a squirrel. Okay?

9 I work at the Science Center, so I know
10 this. Not like one of those turtles that we have down
11 there, but one of those squirrels that's dead up a
12 tree.

13 Thank you so much. I'm sorry that I'm so
14 outspoken, but this is just the way I feel.

15 **COMMISSIONER DEASON:** Ms. Robinson, we
16 appreciate your candor. Could you wait just a moment?
17 There may be some clarifying questions. I'm right
18 here talking.

19 **WITNESS ROBINSON:** Okay.

20 **COMMISSIONER DEASON:** Are there questions?

21 **WITNESS ROBINSON:** I wish you'd come down
22 here and look at this bill for me.

23 **COMMISSIONER DEASON:** Well, that's what --
24 we're going to ask you if you can provide -- is that
25 an extra copy or can we --

1 **WITNESS ROBINSON:** Oh, no. I brought the
2 copy for you to see.

3 **COMMISSIONER DEASON:** Okay.

4 **WITNESS ROBINSON:** Because I don't like this
5 at all.

6 **COMMISSIONER DEASON:** Well, I understand.

7 **WITNESS ROBINSON:** You want my bills?

8 **COMMISSIONER JACOBS:** Yes.

9 **WITNESS ROBINSON:** You going to bring them
10 back to me?

11 **COMMISSIONER JACOBS:** I will. I wouldn't
12 cross you, for sure.

13 **WITNESS ROBINSON:** I don't want you to cross
14 me, but, sweetheart, when you're old and you have to
15 look at the money, and when you get your retirement, I
16 can't go down the road because I've got to pay the
17 telephone bill.

18 **COMMISSIONER JACOBS:** Yes.

19 **WITNESS ROBINSON:** Okay?

20 **COMMISSIONER JACOBS:** We'll take a look at
21 these and give them right back to you.

22 **WITNESS ROBINSON:** All right. Put them
23 right back in order just like I have them.

24 **COMMISSIONER DEASON:** Thank you,
25 Ms. Robinson. We're going to review those. We're

1 probably going to have Mr. Moses look at those as
2 well, and see if there is anything that we can do to
3 help explain those. And if there are any
4 inappropriate charges, we'll try to identify them.

5 **WITNESS ROBINSON:** That is what I want you
6 to do. I just want you to help me bring this bill
7 down, because I'm an old lady on Social Security and
8 retirement. Okay?

9 **COMMISSIONER DEASON:** Yes, ma'am. We'll do
10 our very best.

11 **WITNESS ROBINSON:** I sub to pay the bills,
12 so I don't take a trip because I got to sub to pay the
13 telephone bill.

14 **COMMISSIONER JACOBS:** Ms. Robinson, before
15 you leave, would you see the young man outside? I
16 think he should have some information on a program
17 that we call Lifeline. I do not know if you qualify
18 for it, but if you would, look at that information and
19 if you have any questions give us a call. And I think
20 you may qualify for that. It gives you a slight
21 discount on your monthly phone bill.

22 **WITNESS ROBINSON:** So, I have all three of
23 my children out of state, and then I have to call
24 them, because when you get educated you forget to
25 write.

1 **COMMISSIONER JACOBS:** Now, it won't discount
2 your long distance, but it will discount your local
3 bill.

4 **WITNESS ROBINSON:** My local bill -- well,
5 that will be fine, too, sir.

6 **COMMISSIONER JACOBS:** Okay.

7 **COMMISSIONER DEASON:** Thank you,
8 Ms. Robinson.

9 **MR. BECK:** The next witness is Valerie
10 Knudson.

11 - - - - -

12 **VALERIE KNUDSON**
13 was called as a witness on behalf of the Citizens of
14 the State of Florida and, having been duly sworn,
15 testified as follows:

16 **DIRECT STATEMENT**

17 **WITNESS KNUDSON:** Hi. My name is Valerie
18 Knudson. That's K-N-U-D-S-O-N. I live at 1710 White
19 Avenue. That's Orlando, Florida 32806.

20 I'm here because I have been fighting for
21 four to five months now on a problem that started back
22 in November when I was slammed. My long distance
23 company, obviously, was changed without my approval.
24 I have spent probably 20, 25-plus hours on the
25 telephone trying to cure this matter. In January,

1 January 4th to be exact, I had finally reported this
2 to the Public Service Commission. Not only was I
3 slammed, I have been crammed, too, as well. I have
4 probably about -- right now I'm holding \$322 and some
5 odd cents worth of calls to Haiti that are not mine.

6 I agree with Ms. Robinson about when you
7 dial in to get help from any of the services, phone
8 services, and I have had problem with the public
9 service as well, trying to get through on their
10 telephone, I keep rotating around on this automated
11 attendant. And I'll tell you, the other day I called,
12 I think it was the 31st of March, I called the Public
13 Service Commission once again to tell them I've now
14 got a third bill with charges on it that was like \$222
15 and some odd cents on this last billing cycle. It
16 took me -- first of all, it took me 20 minutes to go
17 through and finally speak to somebody. And then I
18 asked to be connected to the gentleman that was
19 supposed to be helping me, and I got a voice box.

20 At this time, I feel that I have put too
21 much time and effort into trying to cure these charges
22 that are not mine to Haiti and to Pompano, and places
23 that I don't even have people. I don't -- you know, I
24 don't call there. I just don't.

25 The first thing that I'm really upset about

1 is somebody switching my phone over to another long
2 distance company without my knowledge. Now, I've had
3 this phone number since 1975. And in November it was
4 switched over to MCI, and I've had terrible response
5 from MCI in trying to cure and solve this problem,
6 taking these charges off of my bill.

7 Many times when I've called MCI I've been
8 hung up on, purposely hung up on. I'll be talking,
9 the next thing you know I've got dead air. They've
10 hung up on me. I just don't know what more I can do
11 to try to resolve this matter. I followed everything
12 that I needed to do to get those charges taken off,
13 and I'm still getting them.

14 And here is the stack of bills. These are
15 all the bills here, right here, that I have all these
16 charges on. And I've been going through this long,
17 and I'm quite upset about it. I've lost a lot of time
18 on the telephone trying to cure this problem.

19 Now, I would like to make a suggestion to
20 the Public Service, and to whoever else would like to
21 listen, that if these things can be documented, I
22 think that these companies that are causing these
23 infractions -- which this one has been proved to be an
24 infraction. Nobody authorized them to do this. I
25 think, first of all, they should have triple fines.

1 Okay? It happens once, I can understand. It's a
2 possible mistake. But this thing has been going on
3 for four and five months.

4 Second of all, I have wasted 20-plus hours
5 on the telephone trying to cure this matter, and I
6 would like to be paid for my time. I would like to be
7 paid for my hours that I've spent on the phone trying
8 to do somebody else's job.

9 And that's pretty much all I have to say,
10 and I would appreciate somebody trying to help me out
11 with this matter.

12 **COMMISSIONER DEASON:** Okay. Let me -- I'm
13 sorry. Let me address. You have tried to call the
14 Public Service Commission. You've had some difficulty
15 in that. And for that --

16 **WITNESS KNUDSON:** Right. They've been
17 trying to help me out, but I have difficulty. When I
18 need to speak to a human being, I'm having difficulty
19 being able to get them at the time. I only have so
20 much time in a day to spend on the telephone.

21 **COMMISSIONER DEASON:** I understand. And we
22 do apologize for that.

23 **WITNESS KNUDSON:** I understand that you all
24 are very busy. I can see that we have a nice little
25 crown in here today. I can understand you all being

1 busy, and whatnot. But a lot of times when you leave
2 messages on a voice box, you never get a return call.

3 **COMMISSIONER DEASON:** I understand. We're
4 in the process of trying to increase the number of
5 personnel as well as the number of lines and the
6 automations used in responding to inquiries from the
7 public. In all honestly, we've been over overwhelmed
8 with the increase in the number of incoming calls to
9 our 800 number. In fact, we have a proposal in front
10 of this session of the Legislature to get additional
11 funding so that we can more accurately respond and
12 more timely respond, because we know -- our system is
13 such that we know that there are a backlog of calls.
14 Some people, in all honesty, get frustrated and hang
15 up before we are able to respond. And those people
16 that are patient and persevere it is really too
17 demanding. It's not fair to them to be put on hold
18 for that length of time. So we're aware of that
19 problem. We're in the process of addressing it.

20 But with the slamming problems that we've
21 had in the past, with cramming, with persons calling,
22 trying to get information, with all of the changes
23 that are taking place in telecommunications, and in
24 all honesty, that's quite confusing.

25 **WITNESS KNUDSON:** Right.

1 **COMMISSIONER DEASON:** We realize that.

2 **WITNESS KNUDSON:** I've worked in
3 telecommunications, so I understand that part.

4 **COMMISSIONER DEASON:** And there's been a new
5 telecommunications that was passed at the federal
6 level, as well as one that was passed at the state
7 level. So we're all involved, to some degree, in a
8 state of change. And whenever there is change, there
9 are inevitably problems and legitimate complaints and
10 legitimate questions for information as to how to go
11 about getting matters resolved and how to make
12 informed decisions as a consumer.

13 So we're in the process of addressing that.
14 Hopefully, we will get the necessary resources so that
15 we can be more timely in our response.

16 As far as your slamming problem, I take it
17 that that has not been resolved.

18 **WITNESS KNUDSON:** Well, the -- I switched it
19 back and did this thing called PIC.

20 **COMMISSIONER DEASON:** A PIC freeze.

21 **WITNESS KNUDSON:** But the problem is, is
22 even after the Public Service Commission has sent them
23 a letter and charged them with an infraction, I'm
24 still receiving -- I've received two more bills
25 since -- okay. They were February and March calls

1 that I have received since they've been charged with
2 the infraction.

3 **COMMISSIONER DEASON:** Are you being charged
4 for those in a separate bill or is it part of the bill
5 from the local company?

6 **WITNESS KNUDSON:** It's all -- it's in -- all
7 combined with my regular monthly bills.

8 **COMMISSIONER DEASON:** You receive service
9 from which local company? Is it BellSouth?

10 **WITNESS KNUDSON:** BellSouth. And the person
11 that did the slamming on me was MCI. I use AT&T, to
12 be quite honest. I've been with them. I'm happy with
13 them. They've never done anything like this to me.
14 You know, I understand their charges.

15 But MCI, I don't know what the problem is
16 there. I just know that when I have called there,
17 I've been hung up on, I've been screamed at. Just
18 last week I was screamed at by a lady there named
19 Helen -- I'm not going to give any last names or
20 anything -- because she said she didn't see these
21 charges in her computer system. I said, "Ma'am,
22 they're right here on my billing." And I had
23 BellSouth on the phone at the same time. And she was
24 trying to argue the case, and the lady was quite rude,
25 you know. And I just can't take anymore of it. It's

1 making me such a nervous wreck to try to cure this
2 matter.

3 **COMMISSIONER DEASON:** Has BellSouth tried to
4 work with you to address this --

5 **WITNESS KNUDSON:** I finally got a little
6 girl last week and she did try to help me. She -- we
7 did a conference call with MCI. And the lady started
8 yelling at me, and I said, "You see?" I told this
9 BellSouth girl, I said, "Do you see what I've been
10 going through trying to cure this matter? You see
11 what I've been going through?" The lady was obnoxious
12 and rude to me. And I have a legit problem and they
13 have been charged with an infraction.

14 **COMMISSIONER DEASON:** Well, we appreciate
15 your bringing this to our attention. I'm going to ask
16 Mr. Moses to review those bills and see if we cannot
17 expedite getting this particular complaint resolved.
18 Obviously, if you've spent 20 to 25 hours, that is
19 probably about --

20 **WITNESS KNUDSON:** I've had it.

21 **COMMISSIONER DEASON:** -- 20 hours too many.

22 **WITNESS KNUDSON:** Exactly. And like I said,
23 I'd like to be paid for my time, those 20, 25 hours
24 I've spent trying to cure this problem. I'd like MCI
25 to pay me for that time.

1 **COMMISSIONER DEASON:** Let me explain one
2 other thing, too. And your suggestion is a good one,
3 and, in fact, the Commission took action. The early
4 part of this year we adopted a new rule concerning
5 slamming. It probably wouldn't affect your situation,
6 because your slam took place in November of last year.
7 But we do have rules in effect now.

8 When a customer is slammed, that the first
9 30 days of service is free. In the sense that in the
10 case that you were slammed by MCI, the first 30 days
11 of service from MCI would be free and you would not be
12 liable to MCI. And, in effect, it's a penalty towards
13 MCI, and it is a benefit, to some extent. In a way
14 it's a payment to you for the frustration of having to
15 deal with a problem. At least you do get some benefit
16 of free service, and it acts as a deterrent to the
17 companies. It would no longer be profitable for
18 companies to engage in slamming.

19 That was part of the rationale that the
20 Commission used to adopt that rule. It was not
21 favorably looked upon by the companies, but through
22 the effort of the Public Counsel's Office, the
23 Commission and the Attorney General's Office, that was
24 part of our rule.

25 So we're hopeful that in the future, that

1 that rule provision, as well as many others that we've
2 adopted concerning slamming -- it probably will not
3 totally eliminate slamming, but we hope that it will
4 certainly be a deterrent and will minimize the
5 problem, because it had gotten to the point that it
6 was -- it was a pervasive problem and that action
7 needed to be taken. And we're hopeful -- we're
8 monitoring the number of complaints that come in after
9 the adoption of our rule, and we're hoping to see a
10 downward trend in the slamming situation.

11 But if you will provide your bills to
12 Mr. Moses -- he is seated up here right beside
13 Ms. Caldwell -- we will try to expedite getting those
14 slamming -- your slamming complaint resolved.

15 **WITNESS KNUDSON:** Right. Slamming and the
16 cramming part has not been resolved, either. That's
17 my main issue at this point is the cramming, because
18 I'm now holding \$322 and some odd cents worth -- a
19 couple of months worth of long distance charges to
20 Haiti, and so forth. Actually, they're international
21 charges.

22 **COMMISSIONER DEASON:** Who -- which company
23 is billing you for the --

24 **WITNESS KNUDSON:** MCI WorldCom.

25 **COMMISSIONER DEASON:** MCI. And they were --

1 you did not make the calls and then on top of that MCI
2 was not your authorized carrier?

3 **WITNESS KNUDSON:** No, they were not.

4 **COMMISSIONER DEASON:** We'll look into that
5 matter as well.

6 **WITNESS KNUDSON:** Okay.

7 **COMMISSIONER DEASON:** Okay.

8 **WITNESS KNUDSON:** Thank you very much.

9 **COMMISSIONER DEASON:** Thank you. I'm sorry.

10 Are there questions?

11 **MR. BECK:** Could I ask you one question.

12 These MCI charges for calls to Haiti that are on your
13 BellSouth bill, did you ever ask BellSouth to take it
14 off your BellSouth bill?

15 **WITNESS KNUDSON:** Yes, I have asked
16 BellSouth to remove it. And they said, sorry, that
17 they cannot. Just to pay what -- if I'm disputing
18 this amount, that they will make a little note in my
19 thing, but just to pay my regular bill. And usually
20 they'll add up what, you know, these MCI charges are
21 and minus that from what I have to pay BellSouth. But
22 until last week when I finally got a girl out of the
23 Miami office that had seen this problem, I guess a few
24 times before, and got ahold of MCI, and I still
25 haven't gotten any results from it, though, as far as

1 a letter or any credits or anything like that.

2 **MR. BECK:** BellSouth won't take it off until
3 MCI says it's okay?

4 **WITNESS KNUDSON:** Right. What has to
5 happen, I'm told, is MCI has to send this credit in.
6 It's some kind of credit slip or whatever. They have
7 to send that into BellSouth before BellSouth will take
8 those international long distance calls off my phone.

9 **MR. BECK:** Thank you.

10 **COMMISSIONER DEASON:** But you were never
11 threatened by BellSouth to have your service
12 disconnected for nonpayment? They explained to you
13 that you could dispute that amount and that your local
14 service would not be jeopardized?

15 **WITNESS KNUDSON:** Correct.

16 **COMMISSIONER DEASON:** Okay. Any other
17 questions? Thank you.

18 **MR. BECK:** The next witness is Steve Rayle.

19 - - - - -

20 **STEVE RAYLE**

21 was called as a witness on behalf of the Citizens of
22 the State of Florida and, having been duly sworn,
23 testified as follows:

24 **DIRECT STATEMENT**

25 **WITNESS RAYLE:** My name is Steve Rayle. I

1 live at 4275 Perkinshire Lane in Orlando. And I have
2 a very brief statement.

3 I, too, have been crammed. My son once
4 filled out a card for a drawing that offered a very
5 nice prize. Soon thereafter I found what would have
6 become a continuing bill, continuing monthly charge
7 added to my telephone bill. There was another
8 occasion that I declined a telemarketer's offer. They
9 billed me for it anyway.

10 I believe that a public utility is not
11 serving the public's interest by acting as a
12 third-party billing agency. I don't think it can ever
13 be regulated properly and abuses will continue. I
14 submit that no public utility be allowed to enter into
15 private agreements with private business in order
16 simply to act as their billing department. They
17 should not be allowed to do it at all. That's all I
18 have to say.

19 **COMMISSIONER DEASON:** Thank you. Let me ask
20 you one question. Have you been informed of a billing
21 block option?

22 **WITNESS RAYLE:** I'm aware that that option
23 may be available. The last time I talked to the phone
24 company they told me there was no such option.

25 **COMMISSIONER DEASON:** Okay. And if -- you

1 would be interested in having that option if it were
2 available?

3 **WITNESS RAYLE:** Absolutely.

4 **COMMISSIONER DEASON:** Okay.

5 **MR. BECK:** Sir, if you could, what were the
6 names of the companies that put the charges on your
7 bill?

8 **WITNESS RAYLE:** The one where my son filled
9 out the card, yes, I did call them, and they refused
10 to take it off. They refused to remove it. I called
11 the phone company and refused to pay it. Eventually
12 it was removed from my bill.

13 **MR. BECK:** Do you recall the name of the
14 company?

15 **WITNESS RAYLE:** No, I do not.

16 **MR. BECK:** Okay.

17 **WITNESS RAYLE:** It was a travel company. He
18 filled it out to win a pickup truck in a drawing. And
19 then -- I think the bill was \$20 or \$25 per month
20 recurring charge.

21 **MR. BECK:** Thank you.

22 **COMMISSIONER JOHNSON:** Sir, let me ask you
23 one question, though. From your testimony then, your
24 position on our rules would be that we should have a
25 rule that would not allow third-party billing at all?

1 Because there are two issues here: Whether or not we
2 should give the user the discretion and for a user to
3 be able to say, yes or no, or whether we should just
4 not allow it even if the user wanted some one
5 consolidated bill. Now, are you testifying that we
6 shouldn't give the user the option?

7 **WITNESS RAYLE:** That is correct. I don't
8 believe it serves the public interest at all to act as
9 the billing department for a private business. If
10 someone wants to buy a product or a service, that
11 business can bill them through the mail. It doesn't
12 have to come through a utility bill.

13 **COMMISSIONER JOHNSON:** Thank you.

14 **WITNESS RAYLE:** Thank you.

15 **COMMISSIONER DEASON:** Thank you, sir.

16 **WITNESS RAYLE:** Thank you.

17 **MR. BECK:** Next witness is Leola Govneau.

18 - - - - -

19 **LEOLA GOVNEAU**

20 was called as a witness on behalf of the Citizens of
21 the State of Florida and, having been duly sworn,
22 testified as follows:

23 **DIRECT STATEMENT**

24 **WITNESS GOVNEAU:** My name is Leola Govneau,
25 and I live at 403 East Jackson Street. I'm here to

1 ask one question, not only for me, but for a friend
2 that is out of town, and she was very upset about
3 that. This -- on her bill she has charges -- it says
4 total other charges and credits \$1.78. What is that
5 total -- what credit is that for? What charges is
6 that for?

7 **COMMISSIONER DEASON:** We probably would need
8 to look at the bill to try to get a better
9 understanding of what that is. It is under the
10 category, total other charges and credits?

11 **WITNESS GOVNEAU:** Other charges and credits,
12 uh-huh.

13 **COMMISSIONER DEASON:** Hopefully, Mr. Beck
14 can give us some indication as to what that is.

15 **MR. BECK:** I'll give it a try. There are
16 two items that make up the \$1.78. The first is from
17 AT&T for a universal conactivity charge. A lot of
18 companies call that different things, but that's a
19 charge from AT&T that helps pay for some federal
20 programs.

21 **WITNESS GOVNEAU:** Helps to pay for what?

22 **MR. BECK:** For federal programs, such as
23 Internet for schools and libraries. The long distance
24 companies -- this is a charge that each long distance
25 company can do it differently. Some don't have it at

1 all; some do. And the ones that do, the charges vary.
2 And that's what AT&T does for that one.

3 I can't tell you -- the other one just says
4 call a number for an explanation. It doesn't say what
5 it is. There is one that says carrier lane charge for
6 85 cents. Again, that's an AT&T charge. That's what
7 they call it. I'm not -- I'd only be guessing if I
8 told you. I think I know what it is, but I'm not sure
9 so I'd rather not. Those are the two charges there.

10 **COMMISSIONER DEASON:** Is there a
11 representative from AT&T here today? I'm sorry.
12 Ma'am, could you come to the microphone and just
13 identify who you are and there may be some other
14 customers who have some questions concerning AT&T
15 charges.

16 **MS. PERKINS:** My name is Noel, N-O-E-L.
17 Last name is Perkins. I'm with AT&T, part of the
18 Public Relations Department. I'm not sure I can
19 answer every question, but I'd be glad to look into
20 them all personally.

21 **COMMISSIONER DEASON:** Well, if you could
22 look at this particular billing and provide
23 information to Ms. -- is it Govneau?

24 **WITNESS GOVNEAU:** Yes.

25 **COMMISSIONER DEASON:** Concerning that, and

1 Ms. Govneau, if you do not get a satisfactory
2 explanation, please let Mr. Rick Moses on our Staff
3 know and we will look into it further. But she is --
4 I'm sorry. Your name is Perkins?

5 **MS. PERKINS:** Noel Perkins.

6 **COMMISSIONER DEASON:** Noel Perkins.

7 Ms. Perkins is with AT&T, and she's offered to explain
8 that to you and hopefully you can get a satisfactory
9 answer to that question.

10 **WITNESS GOVNEAU:** Thank you.

11 **COMMISSIONER DEASON:** Do you have other
12 matters that you wish to address the Commission about,
13 Ms. Govneau?

14 **WITNESS GOVNEAU:** Excuse me?

15 **COMMISSIONER DEASON:** Do you have other
16 matters you wish to tell --

17 **WITNESS GOVNEAU:** No, that's the only thing.
18 I'd like my bill back.

19 **COMMISSIONER DEASON:** Yes, ma'am.
20 Commissioner Johnson is looking at it right now and
21 we're going to get it right back to you.

22 **COMMISSIONER JOHNSON:** Ms. Govneau, I'm
23 Commissioner Johnson and I was reviewing your bill and
24 this has been a confusing proposition because -- and
25 this is for all of the customers. There are several

1 new charges that are starting to appear on customer's
2 bills and they've been appearing for the last eight
3 months or so.

4 One of the charges that's listed here under
5 other charges and credits is the universal service
6 conactivity charge. Now, that's not a charge that the
7 state commissions can authorize, but it's a charge
8 that the Federal Communications Commission authorizes
9 and Mr. Beck was absolutely right. When Congress
10 passed the Telecommunications Act in 1996, they said
11 that not only should we make telecommunication
12 services affordable to the average citizen so they can
13 talk on the phone, but that we should do something for
14 schools and libraries. And also they expanded the
15 program for low income individuals.

16 The FCC approved a program that collects
17 quite a bit of money from long distance companies.
18 It's over \$2 billion a year for quite a few different
19 programs. Those companies, in turn, have the option,
20 they are not required to try to recover it from
21 customers, but they have the option of requiring it --
22 recovering it.

23 It looks as if AT&T, they have a flat charge
24 that you and this particular user will receive every
25 month for 93 cents. That's the contribution back to

1 those particular programs. One of the good things
2 about AT&T's bill is that they do give you a 1-800
3 number that you can call. If you call that 1-800
4 number you will get a prerecorded message that will
5 explain why you're being charged the 93 cents.

6 The second charge, that's the 85 cents, is
7 another federal charge and those dollars actually go
8 to provide you -- and this gets very confusing and
9 we'll, off the bench, explain that, too. But it
10 provides you with access to your long distance
11 provider. The 85 cents used to be collected from when
12 you made a call, the minute of use. You never knew it
13 because it was bundled into your minute of use. And
14 what they've now done is they've made it a set fixed
15 charge so you'll probably see that 85 cents every
16 months too.

17 Both of these charges, they're being debated
18 and discussed on the federal level as to whether or
19 not they're fair and as to whether the FCC used the
20 right format to collect the charges. So they're still
21 under review. But at least luckily with respect to
22 the bill from AT&T, they provide you with 1-800
23 numbers that will help explain those charges.

24 But you raise a very, very good point
25 because what's happening is, often times -- and I

1 think one of the ladies mentioned -- we have other
2 providers that are putting additional charges that
3 aren't being explained and they don't have the 1-800
4 numbers so we all have to look at our bills very, very
5 carefully and it can be a confusing proposition.

6 So to the extent that we can help you or the
7 company can help you, we will endeavor to do that.
8 But I did want to explain these two charges because
9 there are probably several of you, that you may not
10 have AT&T as a provider, you may have MCI or Sprint,
11 but you will start seeing that universal conactivity
12 charge; another charge called the carrier line charge.
13 That's not something that we have jurisdiction over
14 here at the state level. They're federal charges.

15 And a third charge that we'll probably hear
16 a little bit about is the number portability charge.
17 That's another federal charge that the FCC allows
18 providers to recover the cost of putting in the
19 necessary software and equipment so that even if you
20 changed your local provider, you can keep your number.

21 But those are the kind of confusing issues
22 that we're here to try to help you with today, and
23 help you -- we may not be able to help get rid of all
24 the charges but we'll certainly try to explain them.
25 Thank you for your testimony.

1 **COMMISSIONER JACOBS:** If I can add a brief
2 footnote, Ms. Govneau. If I could add a brief
3 footnote. The thing that troubles me a lot about this
4 is that the implication is you see all these charges,
5 that they're new additives to your bill. You're
6 paying more for those services that you historically
7 paid for. That is to some extent true, but by and
8 large these charges have been there in the past.
9 They've just been incorporated into a lump sum amount
10 that you would see. Now with the advent of
11 competition these carriers want to narrow down their
12 cost structure as much as possible so that the
13 recovery mechanism is to pass them on separately.
14 Some of them are new charges, but a lot of them you've
15 had to incur those before. You're just now seeing
16 them on your bill separately.

17 **WITNESS GOVNEAU:** Okay. Thank you.

18 **COMMISSIONER DEASON:** Thank you, ma'am.

19 **MR. BECK:** The next witness is Kelly -- and
20 I'm going to spell the last name. P-A-U-C-H.
21 Arlington Street.

22

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23

KELLY POWELL

24 was called as a witness on behalf of the Citizens of
25 the State of Florida and, having been duly sworn,

1 testified as follows:

2 **DIRECT STATEMENT**

3 **WITNESS POWELL:** My name is Kelly Powell.
4 P-O-W-E-L-L. And I live at 713 Arlington Street,
5 Orlando 32805.

6 I had no idea I being crammed since June of
7 last year. I have relatively high phone bills and my
8 husband and I had said we're going to bring these
9 down. They continued to go up. And when you have 15
10 plus pages some months and they're stuck on Page 5 and
11 Page 10, sometimes I just read it and I pay the bill
12 and I go on about my business because I assume I owed
13 that bill because I know I make a lot of long distance
14 phone calls.

15 And in looking the last two months, started
16 actually going through these phone bills because they
17 still weren't dropping and it's just been me at home,
18 on Page 5 there's one from USPC Billing and they've
19 charged me since June of last year for an 800 voice
20 mail to the sum of \$33.78.

21 The second company, which is several pages
22 down with long distance phone charges in between, is
23 another one called Integretel Incorporated and they're
24 associated transmissions also for powerful 800 voice
25 mail for \$41. With taxes and everything else it comes

1 to \$43.28. I have been slammed for over \$602 to date.
2 As of last week I finally got credit for \$543 of this.
3 And they still owe me \$59 which I was told numerous
4 times to be patient.

5 I have written the FCC because when I first
6 found out about this I asked BellSouth what can I do.
7 And working in customer service over the phone, I know
8 you can make complaints to FCC so that's exactly what
9 I did. I wrote them a letter and told them about
10 this.

11 And I -- BellSouth, I mean, my phone has
12 been cut off at one point because these bills kept,
13 you know, they just kept climbing on me. They never
14 told me -- you know, and it would be helpful, too, to
15 say, hey, did you know you're being charged an extra
16 \$80 a month for something that is not your phone
17 service. Because I have voice mail which I pay a
18 complete package deal for an 800 number voice mail and
19 you name it, through BellSouth. And this is \$80 a
20 month.

21 I then called both of these companies.
22 Spent countless hours going through their prompts and
23 then getting people that hung up on me, told me that,
24 "This is your service. You requested it." I said,
25 "Well, I'd like to see something in writing with my

1 signature on it." They cannot produce anything like
2 that. And then I was told we have your voice on --
3 you know, I guess, on tape. I said again, I would
4 like to hear that also. Neither one of these
5 companies can produce me with anything that I had
6 given them authority to charge my bill \$80 a month, in
7 essence.

8 And I've had to fight all my days off to get
9 the \$543 back which I am grateful for because I paid
10 it and it was mine. Like I told them, they
11 fraudulently took my money and they could not explain
12 to me what this was. I asked them what is an 800
13 voice mail. "It's yours. You know what it is." "I
14 don't know what it is." I never could get a square
15 answer on what exactly I was paying for and then to go
16 through this. I mean, having to speak to supervisors
17 and say, you know, take my name off this list.

18 At one point they again charged me for
19 March. It's on the bill. And they said, "We will
20 refund you. It could take one to two billing cycles."
21 I said, "Well, I thought two months ago you took me
22 off your" -- this -- take me, black list my name is
23 what I told them to do. I don't want any part of
24 this.

25 So I'm still fighting with that. And

1 BellSouth, I called them. They've been, to an extent,
2 helpful and they went back through December and took
3 off all the late charges off my bill, you know, like
4 \$30, \$40, which was nice. But again, it should have
5 been all the way back to June because I'm still the
6 one eating the taxes because neither one of these
7 companies wants to take responsibility for the taxes
8 charged which is minimal, but it's still the point. I
9 was charged this and I paid over \$602. So that's
10 really all I have.

11 **COMMISSIONER DEASON:** Let me ask a question.
12 You actually had your service disconnected?

13 **WITNESS POWELL:** Yes, I did.

14 **COMMISSIONER DEASON:** Okay. Was that -- you
15 wanted it disconnected yourself or was it for
16 nonpayment?

17 **WITNESS POWELL:** Nonpayment. Because, like
18 I say, these things kept climbing on me here. I was
19 getting hit for \$80 a month. And unfortunately -- and
20 my error, not going through page by page. I would
21 look through all the long distance. I'm like, okay,
22 you know. But again, these are stuck in different
23 parts of your phone bill and when you look at it, it
24 looks very legitimate because it tells you about the
25 taxes, the credits, the receipts, your -- you know,

1 everything.

2 **COMMISSIONER DEASON:** Your service has been
3 restored now, is that correct?

4 **WITNESS POWELL:** Yes. It was restored
5 within 24 hours, but, you know, I kept telling them,
6 what is going on here that I can't seem to get this
7 under control.

8 **COMMISSIONER DEASON:** Did you have to pay a
9 reconnect fee?

10 **WITNESS POWELL:** Yes.

11 **COMMISSIONER DEASON:** Was that waived after
12 this matter --

13 **WITNESS POWELL:** You know, I hadn't thought
14 about that. It was not waived. So I can go back and
15 check with BellSouth on that. They gave me, like I
16 say, back from December through now the late charges
17 that I guess they -- she said because I told her what
18 had happened, and she said, we'll just go back and
19 calculate and give that to you regardless if that was
20 what it was for or not because of the cramming
21 situation.

22 **COMMISSIONER DEASON:** You should contact
23 Bell about the reconnect fee and if you don't get a
24 satisfactory response, please call us at our 800
25 number and we will see if there is anything that we

1 can do concerning that reconnect fee.

2 Let me ask you another question. I take it
3 from your testimony that you were crammed and for a
4 number of months, and then after you reviewed the bill
5 you found these changes. I also take it from your
6 testimony you feel that it would be helpful if there
7 was some requirement that a customer be put on notice
8 when these charges first appear so that you don't go
9 months and months paying without the knowledge that
10 it's on your bill.

11 **WITNESS POWELL:** Even as far as when your
12 bill comes out, if you're with whomever your long
13 distance carrier is, their charges are categorized on
14 one page. Even -- I mean, with miscellaneous charges
15 and credits, these are five pages apart. Even having
16 them together so that does stick out more so than it
17 being five pages apart, and especially if you have,
18 you know, you use different carriers, if you're out of
19 town. I travel a lot so my bill contains a lot of
20 different things.

21 And unfortunately, again, I should have paid
22 more attention, but you don't expect things like this
23 to happen to come in through your local carrier that
24 you're not aware of because when you talk to them, you
25 ask for packages, they sell you packages. That's what

1 you think you're getting. And when you see voice
2 mail, I know I have voice mail but I didn't know I
3 paying \$80 a month for voice mail.

4 Like I say, these two companies have just
5 been so hard to deal with. I mean, hanging up on me,
6 telling me, you know, "it's yours, you have it."
7 "Well, explain to me how I use it." "Well, you've got
8 all the information." You know, just these two
9 companies, and it's very hard to deal with that
10 because you're relaying back and forth between them
11 and BellSouth. It's just very frustrating.

12 **COMMISSIONER DEASON:** In our slamming rules,
13 which I addressed a little earlier, we have a
14 provision which requires customers be notified that
15 there has been a change in their long distance carrier
16 and the idea is to put customers on notice that the
17 change has taken place and if it is not an authorized
18 change, then the customer knows at the very beginning
19 that there has been a slam and he or she can take
20 remedial action so get that situation correct.

21 So you're suggesting then that when there
22 is -- the first time there is a new charge on the bill
23 for these third-party vendors, that there should be
24 some notice other than just putting it in somewhere in
25 the middle of the bill? That there be a notice that

1 there's a new charge on the bill?

2 **WITNESS POWELL:** Well, I agree with the
3 gentleman. I mean, as far as -- I mean, if you order
4 something like a beeper or a phone and you opt to have
5 a separate charge, it shouldn't just be incorporated
6 and slid in to my phone bill.

7 **COMMISSIONER DEASON:** You would prefer that
8 not even be allowed to bill on your phone bill?

9 **WITNESS POWELL:** Yeah. Because, I mean, I
10 didn't ask for it. It just -- the way it just slides
11 right in there, even if it was on a separate page, if
12 it couldn't go that far to a have a third-party
13 billing, that way it alerts you, hey, what do I got
14 here from this Integretel or this USPC. Who are these
15 people and what do I have?

16 I mean, I don't see where they have a right
17 to charge me as a consumer through BellSouth on a
18 something that doesn't even relate to them. I'm
19 paying BellSouth for BellSouth's local charges,
20 whatever, and the choice of my long distance carrier.
21 That's it. That's all I want from them.

22 And I don't see, like you say, how these
23 people can come in and give you something that you
24 have no idea what it's about, never have anything in
25 writing about it, but yet they can continually charge

1 you and then give you a lot of lip service on why you
2 owe this money, you know, and be patient, we're going
3 to take it off your bill. It should be taken off
4 immediately, you know. And that's just very
5 frustrating. I mean, if it was a very minimal amount,
6 but \$600 is a lot of money.

7 **COMMISSIONER JACOBS:** This was approximately
8 \$80 a month over --

9 **WITNESS POWELL:** One company was \$43.28. One
10 was \$33.78 since June.

11 **COMMISSIONER JACOBS:** When you discovered
12 it, you discovered it soon after you began to --

13 **WITNESS POWELL:** No. Honestly, like I say,
14 my phone bills are relatively high. So they fluctuate
15 quite a bit and so I told my husband, we got to bring
16 these down, and we both were being very conscience
17 about them going down and our phone bill was still
18 staying, you know, up there. And I should have looked
19 at it at that point, but like I say, when you have
20 pages, I just didn't go through every page.

21 **COMMISSIONER JACOBS:** That's understandable.
22 What I'm concerned with is how long after you began
23 your efforts to get the charges removed did they stop
24 billing you for them?

25 **WITNESS POWELL:** December is when I

1 really -- I started investigating this.

2 **COMMISSIONER JACOBS:** And they stopped
3 billing you when?

4 **WITNESS POWELL:** Well, I mean, I still
5 got -- they gave me a credit, but I still got charged
6 for March.

7 **COMMISSIONER JACOBS:** You got charged --

8 **WITNESS POWELL:** I got charged for March.
9 And the thing is, when you call both of these
10 companies, they will not remove the charges until I
11 get my April statement, which I haven't received in
12 the mail yet.

13 **COMMISSIONER JACOBS:** For the most recent
14 bill you got, those charges remained?

15 **WITNESS POWELL:** It was on my March
16 statement and then they said that they went ahead, and
17 it was -- BellSouth was -- or these companies both
18 said they charged me for April, or it will be on my
19 April bill for March. Let me say that back. And that
20 I would have to call them back again, which is another
21 minimum 20 minutes on the line with each company, to
22 get the credit for one month and then they assured me
23 my name is off the list, that I won't be charged for
24 April. But it will be on my April bill for March
25 because they said they're a month behind. But still

1 it should have been taken off in December when I made
2 the initial phone call and still not have been charged
3 January, February, or March.

4 And you know, I told them, can't you just
5 document my name, whatever, in the computer and put,
6 please remove charges. And they said, no, you will
7 need to call back and go through this whole process
8 again and that frustrates me. Because working on
9 phones with computer, I know you can document things.
10 It should come up as a whatever, to say this person is
11 owed this money back in error and they will not even
12 do that. You call us or you don't get your money back
13 is basically the bottom line. So that's where I'm at.

14 **MR. BECK:** Ma'am, when you first noticed
15 these charges did you call BellSouth or did you call
16 the other companies?

17 **WITNESS POWELL:** Actually, I called
18 BellSouth first because I asked them, I said, who are
19 these people and she said -- they -- both times they
20 said, well, there's an 800 number at the top of your
21 statement, which there is, for billing questions. And
22 she said, you need to call them and find out what this
23 is and that's when I called them and they said, well,
24 you know, we can -- I had to go start disputing it.
25 And BellSouth was -- they went back and figured out

1 how long I had been charged this for because the other
2 company said they could not -- they could not tell me
3 that information.

4 **MR. BECK:** So BellSouth wouldn't take it
5 off? They referred you back to Integretel?

6 **WITNESS POWELL:** They referred me back.
7 BellSouth did tell me, you've been being charged since
8 June. And so she said, that's what you will need to
9 go after and target that date forward and that's will
10 I did.

11 And then BellSouth showed, I guess on my
12 profile or whatever it is in the computer, that a
13 credit of \$602 was in dispute and so that they didn't
14 really harass me for that amount and that's how it's
15 been played up and I've had to go back and forth.
16 Once I call one, I call and say, you know, so many
17 weeks later, did you receive the credit and so on and
18 so forth.

19 **COMMISSIONER JOHNSON:** Did you say you
20 weren't refunded for the taxes on the --

21 **WITNESS POWELL:** No. I was refunded -- out
22 of \$602, I have \$543 to date credit on my phone bill
23 and I have \$59 still owed to me and both of them kept
24 saying we're not going to charge. You have to -- both
25 of these companies that charged me for 800 voice mail

1 said, "Well, BellSouth is responsible for paying you
2 for the taxes because they charged it." And then I
3 called BellSouth and they said, "No, this is charged
4 through them, so they owe you this money." So I still
5 haven't been given who owes me, you know, for the
6 taxes.

7 **COMMISSIONER JOHNSON:** Make sure you get
8 with our Staff and with respect to ensuring that you
9 do get the full credit because you shouldn't pay taxes
10 on a service that you didn't order in the first place.

11 And one of the issues that you raised, I
12 guess I kind of direct the question to Staff.
13 Certainly I appreciate your comment with respect to
14 there shouldn't be this kind of billing on your
15 telephone bill at all. But your secondary comment
16 that, if it is, that it should be separately
17 delineated and clearly identifiable. Do we have
18 anything in the rules that would go to that particular
19 issue? That is, billing format and making the bill so
20 that it's more understandable and it will alert the
21 customers when their nontelecommunication service is
22 the actual bill?

23 **MS. CALDWELL:** There is currently nothing in
24 this draft. However, this problem has been coming up
25 that Staffs' been seeing, so it will be an issue that

1 we will be addressing in the draft -- in a rule that
2 we take to the Commission.

3 **WITNESS POWELL:** Even if it was side by
4 side. Like I say, when both pages say, miscellaneous
5 charges and credits, but yet they're five pages apart,
6 you know, that's just -- if it's the same page and
7 condensity even just for the unregulated charges or
8 something that is not long distance.

9 **COMMISSIONER JOHNSON:** Thank you. This
10 again goes to Staff. Have we opened -- do we need to
11 open a docket to address -- and I know we've talked
12 about before the billing and the bill format and
13 having a formal process to kind of work through that.
14 Do we have a docket open or -- this is it? But it
15 would be -- would you do it as a part of this docket
16 or would it be separate?

17 **MS. CALDWELL:** It depends on what you want
18 to do. What Staff intends to do is take all the
19 comments that we feel that the -- all the comments the
20 customers have made and try and turn it into rules
21 that we can solve those problems. And clarity of the
22 bill is one of the issues that we see, so we are going
23 to try and address in our draft -- in the next draft
24 we are going to try and address clarity to make sure
25 that the bills are clear to the customer. To the

1 extent that we are working with so many different
2 companies that whether we can specifically say, you
3 will have this on your bill, this on your bill and
4 this on your bill, we may give broad guidelines
5 without trying to limit the companies too much because
6 everyone's got their own billing formats and their
7 software and things like that. So we are going to try
8 and make the bills as clear as possible that explain
9 the charges as much as possible and that will be
10 something that we're going to attempt to accomplish in
11 this rule.

12 **COMMISSIONER JOHNSON:** Thank you. Thank
13 you, Ms. Powell.

14 **MR. BECK:** Next witness is D. Khandelwal.

15 - - - - -

16 **DEAN KHANDELWAL**

17 was called as a witness on behalf of the Citizens of
18 the State of Florida and, having been duly sworn,
19 testified as follows:

20 **DIRECT STATEMENT**

21 **WITNESS KHANDELWAL:** My name is Dean
22 Khandelwal. 8610 Vista Terrace in Orlando, Florida
23 32825.

24 I have two major problems. One is the
25 cramming by a company -- can I give the name?

1 **COMMISSIONER DEASON:** Yes.

2 **WITNESS KHANDELWAL:** That is LD Services and
3 billing agent for them is USBI and there is no agent
4 number for them. They have been cramming me for \$1 at
5 one place and \$4.95 at another place since
6 August 31st, every month. August 31st, September 1st,
7 October 1st, November 1st and so on.

8 I tried to reach USBI and they say I have to
9 contact LDI Services and they won't give me a
10 telephone number and after some time I insisted on
11 talking to supervisor. Several months later they told
12 me that they will process the credit. They process
13 the credit for \$18 for three months, but the charge
14 continued even after that. After that they said that
15 they cannot do anything.

16 I went to BellSouth. BellSouth tried to
17 reach LD Services. They could not reach them on
18 telephone with the number that they had, and finally
19 BellSouth said that they will put that as a disputed
20 amount, I don't have to pay.

21 That remains disputed. They still have not
22 cleared my account. That is one kind of problem.
23 Cramming from LD Services through USBI.

24 Another kind of problem is with BellSouth.
25 This credit to -- and I don't know how they computed

1 \$7.33. That has not yet been processed and in
2 recent -- every month they are adding finance charges,
3 late charges. Every month I have to call them. Fight
4 for those late changes. Ask them how much is the
5 correct amount that I have to pay. I pay that amount
6 and again, next month I get the late charges. The
7 disputed amount remains.

8 Just two days ago when I called them to get
9 my payment for this month they said that, "Well, the
10 total amount due is this much amount and that's what I
11 have to pay." I said, "Look, that is a disputed
12 amount." They said, "No, that includes the disputed
13 amount." I said, "No, ma'am, it does not include the
14 disputed amount." And finally I had to guide her to
15 the proper page number six or seven of the bill. But
16 this is where it says the minimum due is this much and
17 she said, "oh, yeah, I'm sorry."

18 So this is the kind of thing that is
19 happening. They are harassing me in some sense by
20 saying, "no, that's the bill that you have to pay,"
21 and imposing that on us. That credit has not yet been
22 processed. BellSouth insisting on the wrong payment.
23 And those are my problems.

24 I have couple of suggestions. One is the
25 PIC freeze provision. My suggestion would be that

1 whenever a new service is asked, the PIC freeze should
2 be automatic. The consumer should have a choice to
3 remove the PIC freeze if they want to rather than
4 chose to put the PIC freeze.

5 And another thing is this tax. How that is
6 charged; the different types of charges; the federal
7 charges; the FCC charges. It becomes too confusing on
8 the bill. And if there will be some better way of
9 summarizing that on the billing that would be great
10 help. That's basically it.

11 **COMMISSIONER DEASON:** Let me ask you a
12 question. BellSouth has acknowledged that the late
13 charges on the disputed amount is inappropriate; is
14 that correct?

15 **WITNESS KHANDLWAL:** They have acknowledged
16 that it is inappropriate.

17 **COMMISSIONER DEASON:** Okay. But they have
18 not yet given you the credit for those late charges, is
19 that --

20 **WITNESS KHANDLWAL:** They have issued a
21 credit, but I have to call for them. But the disputed
22 amount that remains that accrues the late charges
23 again next month for which I have to call them again.

24 **COMMISSIONER DEASON:** So every month you
25 have to call --

1 **WITNESS KHANDELWAL:** The last six months I
2 been doing that for no reason. It's a waste of time.
3 And then many times I try to reach the supervisor.
4 When I ask for supervisor, sometimes they will
5 disconnect. Sometimes the supervisor will call and I
6 never get the call back. And just the day before
7 yesterday finally I got to talk to the supervisor.
8 And one of them, of course, would not do anything.
9 Another one said, "Yeah, I understand your problem but
10 we have limitations."

11 **COMMISSIONER DEASON:** Have you called the
12 Public Service Commission with this problem?

13 **WITNESS KHANDELWAL:** No, I did not.

14 **COMMISSIONER DEASON:** Is there a
15 representative from BellSouth here today? This lady
16 back here. If you could meet with her to see if this
17 problem can be corrected to remove these late charges
18 and if you don't get a satisfactory response please
19 call our 800 number. You may have to stay on the
20 phone for a few minutes before you get someone, but if
21 you don't get a satisfactory response from BellSouth,
22 please call our office and we can open a complaint on
23 this matter and try to assist you in getting it
24 corrected.

25 I agree with you, that you should not have

1 the burden and responsibility and the frustration of
2 having to call BellSouth every month to get something
3 corrected that they've already acknowledged is an
4 error. Okay.

5 **WITNESS KHANDELWAL:** With respect to Public
6 Service Commission, I had a telephone connection in
7 Tampa some time ago. There I had a problem with MCI.
8 They would not resolve. GTE would not resolve. And
9 finally, to remain -- the bill remained unpaid. They
10 report it to my credit agency. On that one I did
11 write to PSC and I never got replied back. I can --

12 **COMMISSIONER DEASON:** Do you still have a
13 copy of that letter?

14 **WITNESS KHANDELWAL:** I sent by e-mail.

15 **COMMISSIONER DEASON:** By e-mail.

16 **WITNESS KHANDELWAL:** Yes.

17 **COMMISSIONER DEASON:** If you can give the
18 details of that to Mr. Moses. We will see what
19 happened with that correspondence and see if we can
20 assist you in that matter as well.

21 **WITNESS KHANDELWAL:** I will do that.

22 **COMMISSIONER DEASON:** Other questions?

23 (No response.) Thank you, sir.

24 **WITNESS KHANDELWAL:** Thank you.

25 **MR. BECK:** The next witness is Hugh Wallace.

- - - - -

HUGH WALLACE

1
2
3 was called as a witness on behalf of the Citizens of
4 the State of Florida and, having been duly sworn,
5 testified as follows:

DIRECT STATEMENT

6
7 **WITNESS WALLACE:** My name is Hugh Wallace.
8 H-U-G-H. Address is 1107 East Amelia Street, Orlando,
9 32803.

10 I was slammed last year by a Texas company.
11 Took me awhile. I got it straightened out. Like the
12 lady said, you can sit on the phone for hours. I
13 would sit, 10, 15 minutes waiting for -- once I
14 connected with a company, it would take 10 or 15
15 minutes for someone to come on the line. And I had to
16 go back and forth several times with this company and
17 each time you call, you get a different person so you
18 have to go back through the explanation and so on.
19 Anyway, I thinking the same thing. I wish that I
20 could have been paid for my time, the hours that I
21 spent on the phone.

22 I did have a dispute. I believe -- I'm not
23 sure last year if it was with BellSouth or AT&T, but I
24 contacted the PSC. Wrote a letter. I think I made a
25 phone call. And it wasn't but a couple of days later

1 I got a call back from one of the two companies. As I
2 say, I don't remember which one. And the dispute was
3 resolved right then. And then a few days later I got
4 a call from a representative from the PSC asking if
5 the dispute had been resolved and I was able to tell
6 them yes. That was a very pleasant experience to have
7 a response from PSC, you know, calling back. And I
8 just wanted to compliment you on that.

9 I came really here to ask two or three
10 questions. Not about cramming. Recently it was in
11 the paper, on the radio and news and then this morning
12 I heard a snatch on the radio and news about the \$3
13 charge that is going to be coming on, I guess, the
14 minimum -- the minimum charge that is going to be put
15 on the bills if you do not make a certain dollar
16 amount of phone calls. That's not going to effect me
17 because I have more than that.

18 But my question was, why is a person
19 penalized if they don't make long distance calls? And
20 I talked to Mr. Moses briefly just before the meeting
21 and he tried to explain that, well, the companies do
22 have the equipment in place, it costs them money to
23 provide the services. But really I think that the
24 person that doesn't make the phone calls should not be
25 charged or penalized. If there -- I believe it does

1 cost money to put the equipment in place to make long
2 distance phone calls, then that should be spread out
3 over -- on the part of other charges. I don't know.
4 But I don't think that it should penalize a person
5 that doesn't make the long distance calls to be added
6 to their bill. That's just a comment.

7 Now, area codes are changing and new area
8 codes are being added almost daily, I guess. You try
9 to look up into the phone book to find out where an
10 area code is, a city, where does it fall. Well, you
11 know, Dallas I think has at least two areas codes in
12 the City of Dallas or that area. I have a niece and
13 nephew there.

14 If you call the area code that you do have
15 it comes back, like the other day when I tried to
16 call, you know, they're nonexistent. So I did get
17 ahold of an information operator and I got the correct
18 area code. But there are -- I like Eustis. That's
19 just up the road about 30, 35 miles. That's close to
20 the border of 407 and 352. If I want to call Eustis,
21 I don't know what area code to use. It turns out, I
22 found out this morning, it is 352. How do I find out
23 the area code?

24 Now, normally if you call for a long
25 distance or call for a phone number at a distant city,

1 you call the area code 555-1212 and ask them and you
2 give them the city and you're charged 50 or 75 cents
3 for that information.

4 Are we -- I have not tried this. But I'm
5 just wondering. If I want to find the area code of a
6 particular city that's close to the border line of
7 another area code -- and you can't tell that from
8 these little maps in the front of the book -- can I
9 call 1-555 -- or call an area code which I think it's
10 in like, 1-352, which is just up the road, and then
11 the 555-1212 and get a live person on the phone and
12 ask, is Eustis in 352 or 904? Would I be charged 50
13 or 75 cents as if that was information for a phone
14 number?

15 My question is, would I be charged? Is that
16 the only way I can find an area code? You can't find
17 it in the phone book. And you know, like the lady
18 said awhile ago, you start punching in and punching
19 in, finally after five minutes of punching in and
20 listening to messages they might say, punch zero to
21 talk to someone or punch six. Sometimes you don't get
22 an option of talking to a real live person. You can't
23 talk. It used to be you could call a local BellSouth
24 office and talk to somebody, but you can't do that
25 now. You're blocked. Absolutely blocked from talking

1 to a live person in almost, almost all cases. It is
2 very difficult.

3 But my question is, how do I find an area
4 code and would I be charged?

5 **COMMISSIONER DEASON:** That's an interesting
6 question and I don't have the answer right here. My
7 guess is that if you dial that number you're probably
8 going to be charged. But if Mr. Moses knows I will
9 have him answer, and if he doesn't know we'll get you
10 that information.

11 **MR. MOSES:** Mr. Wallace, there is some
12 alternative directory assistances that are available
13 and I believe BellSouth is one of them; but I'm not
14 100 percent sure. I know Sprint has it. If you just
15 dial your local 411 number or the directory assistance
16 number for your local company, all they will ask you
17 is the city and state and they will give you
18 nationwide directory assistance at that time so the
19 area code then no longer becomes a factor. You just
20 need to know the city and state that the person
21 resides in that you're trying to reach.

22 Other than that, if you do use the 1-800
23 area code and the 555, what you're using there is the
24 long distance directory assistance and at that time
25 you probably would be charged if you asked just for

1 the area code information.

2 **WITNESS WALLACE:** I haven't used the 411 in
3 some time and I can't remember if I actually get a
4 recording or actually talk to a live person. It is
5 difficult to talk to a live person.

6 **MR. MOSES:** Here's one other thing that you
7 can do if you reach one of those recordings. Don't do
8 anything and usually it will default to a live
9 operator.

10 **WITNESS WALLACE:** That's what I say.
11 Sometimes it will say stay on the line or hit zero,
12 but sometimes, maybe not the phone company, but
13 sometimes you don't have an option. They don't give
14 you an option of punching zero or staying on the line
15 to talk to a live person. You're just in a loop.

16 **MR. MOSES:** One other directory assistance
17 that is available to you is 10-10-9000, but you do get
18 charged for that also, but then the area code is no
19 longer an issue with that either.

20 **WITNESS WALLACE:** Okay.

21 **COMMISSIONER JOHNSON:** Following up on that,
22 Mr. Moses, with the 411 you get a charge. It's just a
23 local charge after a certain amount of calls, right?

24 **MR. MOSES:** You will get a charge on that.

25 **WITNESS WALLACE:** It used to be if you used

1 it three times. Now, I'm not sure. Maybe one of the
2 representatives here -- maybe you're charged for the
3 very first one you use.

4 **COMMISSIONER DEASON:** Is there anyone here
5 that wants to address that?

6 **COMMISSIONER JOHNSON:** The local charge for
7 411?

8 **COMMISSIONER DEASON:** You need to come
9 forward and identify yourself at the microphone.

10 **COMMISSIONER JOHNSON:** While he's coming up,
11 let me ask Mr. Moses another question. If you dial
12 your long distance operator, do they have that
13 information? Like if I -- my carrier is AT&T and if I
14 dial 00, do they have area code? I've always been
15 able to get the information from just dialing 00 and
16 asking the operator what is the area code.

17 **MR. MOSES:** I don't know, to be honest with
18 you. I haven't tried that.

19 **COMMISSIONER JOHNSON:** That's what -- we
20 need to know an official answer, but from my residence
21 if I don't know an area code, I will just dial my
22 operator. My carrier is AT&T so if I dial 00 I'll get
23 a long distance operator and I simply ask the long
24 distance operator for the area code. Now, that's
25 worked. I'm not certain if that's official enough,

1 but we can follow up.

2 **MR. REHWINKEL:** Charles Rehwinkel with
3 Sprint. As far as 411, I wanted to make clear, you're
4 correct. 411 is a national directory assistance
5 service that we provide.

6 I do not know the answer but I will research
7 it and let the Commission know so that you can relay
8 that information to the customer and anyone else that
9 wants to know about it. If you just ask for the MPA
10 or the area code, will you get a charge. And I don't
11 know the answer to that question. But if you dial 411
12 and you ask for a number that is outside your local
13 calling area or your -- the MPA that you're served by,
14 the charge is higher than the standard charge for the
15 local directory assistance.

16 So I just wanted to make sure that it was
17 understood that just because you dial 411 it depends
18 on what number you ask for as to what the charge will
19 be. But I will find out about, if you just ask for
20 the area code number.

21 **MS. CALDWELL:** Mr. Rehwinkel, will the
22 operator at that point tell the customer what the
23 charge is at the time if they ask?

24 **MR. REHWINKEL:** If the customers asks, they
25 will.

1 **COMMISSIONER JOHNSON:** That's another issue,
2 Mr. Rehwinkel, that we perhaps should look into
3 because that is becoming a big problem. The customer
4 is not -- they're not given the choice. They don't
5 know it's a higher charge. They are given the number
6 and then when they get their bill, even if they were
7 expecting a 411, whatever the traditional charge might
8 be, they've asked for a number outside of the local
9 calling area and it's a higher rate and they don't
10 even know to ask or to expect a higher rate.

11 That's something that I'd like to see Staff
12 look into, and along those lines, I'm digressing a
13 little bit, the same thing is happening for customers
14 when they're trying to dial a 1-800 number. And often
15 times, if you're dialing slowly, particularly -- well,
16 anyone, elderly or myself. When I'm looking for a
17 number and you're dialing slowly, often times the
18 operator will get on the line and say, it's AT&T or
19 MCI or Sprint, may I help you. And you'll respond,
20 yes, and they'll dial the number for you. If they
21 dial the number for you, they charge you a higher
22 rate. But you have to ask, "am I going to be charged
23 more for this?" They don't tell you. They just get
24 on the line with a very happy greeting, "this is XYZ
25 company. May I help you?" And they don't tell you

1 that you're being charged a higher rate.

2 That's something that I think in conjunction
3 with this 411 and whether or not people are notified
4 of the higher charge, that we look into.

5 **MR. REHWINKEL:** With respect to the 411,
6 normally in the past if you dialed 411 and asked for a
7 number that was outside that area, you wouldn't get
8 any assistance at that point. You would have to be
9 referred to dial the 1-511 or the 1-area code-555. So
10 it's something that we'd be glad to work with your
11 Staff on.

12 **COMMISSIONER JOHNSON:** Thank you.

13 **WITNESS WALLACE:** I just have one more
14 question. It was mentioned a little earlier in the
15 meeting about the universal service, the federal
16 charge for putting computers in the schools and I
17 guess, what, helping hearing impaired or elderly. I
18 don't know what the charge is. Am I correct in saying
19 universal service, that charge?

20 **COMMISSIONER JOHNSON:** Yes, sir.

21 **WITNESS WALLACE:** Okay. I believe one of
22 the Commissioners mentioned that not all of the long
23 distance companies are putting that charge on, or am I
24 incorrect, or all of them putting it on?

25 **COMMISSIONER JOHNSON:** They aren't required

1 to. They are allowed. If they want to recover those
2 dollars, they are allowed to charge the end user, but
3 they aren't require to. So there are some providers
4 out there that aren't charging it.

5 **WITNESS WALLACE:** You said they're allowed
6 to recover, I think you said. Are they being charged
7 by the federal government?

8 **COMMISSIONER JOHNSON:** Yes, sir. Based
9 upon --

10 **WITNESS WALLACE:** So then they're recouping
11 what they paid the federal government? Well, aren't
12 all of the long distance companies being charged that?

13 **COMMISSIONER JOHNSON:** Yes.

14 **WITNESS WALLACE:** Then some of them are
15 absorbing that cost and passing the --

16 **COMMISSIONER JOHNSON:** Exactly.

17 **COMMISSIONER DEASON:** They're either
18 absorbing or it's just hidden in with perhaps the
19 minute per minute rate, and that's why you need to
20 find out the per minute rates, as well as their policy
21 on these flat charges and determine what's the best
22 calling plan for you.

23 **WITNESS WALLACE:** Okay. That's what I was
24 wondering. Okay. So that's why then some of the
25 companies vary in the amount that they charge?

1 **COMMISSIONER JOHNSON:** And companies assess
2 it differently. AT&T, their's is a flat rate so
3 you'll get, I think, 93 cents per month. Some of the
4 companies, it's a percentage of use. So it varies
5 month to month. Mr. Rehwinkel may know Sprint's. I
6 think it's -- I don't want to even quote what it is,
7 but it's a percentage of your telephone usage so it'll
8 vary by month, but AT&T went with a flat rate.

9 **WITNESS WALLACE:** When I saw that charge on
10 mine awhile back, I called and the phone company told
11 me what it was. It is getting difficult to know what
12 is legitimate charges and what are not legitimate
13 charges. You're basic, before you even start on long
14 distance calls, it's up to 20 some dollars with state
15 taxes, city taxes, federal taxes, these other charges
16 that are added to it. You got a phone bill before you
17 even start making phone calls. Okay. Thank you so
18 much.

19 **COMMISSIONER DEASON:** Thank you.

20 **MR. BECK:** Eloise Foster.

21 **COMMISSIONER DEASON:** I'm sorry. Did
22 BellSouth want to make a -- clarify their 411 policy?

23 **MR. ALLINGTON:** I think it would probably be
24 in order to do that Commissioner. Thank you very
25 much. Gary Allington representing BellSouth. For a

1 local call a consumer is allowed two free listings,
2 two free listings throughout the month. Any listing
3 over the two free will bill at a 25 cents per listing
4 basis or cost.

5 If a consumer in this case is looking for a
6 Eustis number and they dial BellSouth's 411 nationwide
7 informational service, then the operator would note
8 that it would be in the 352 area code and it would be
9 transferred to a nationwide operator who then would
10 provide that information. Assuming that the customer
11 is only verifying the area code, there wouldn't be a
12 fee. If the customer is looking for a number, then
13 that fee would bill out at 85 cents for that inquiry
14 even though that's considered an interLATA call.

15 **COMMISSIONER DEASON:** So if the information
16 is just what the area code is, there is no charge for
17 that?

18 **MR. ALLINGTON:** I'd make it quite clear
19 they're just verifying the area code.

20 **COMMISSIONER DEASON:** But if they do get the
21 actual number, there's an 85 cent charge?

22 **MR. ALLINGTON:** They would bill at 85 cents,
23 that's correct.

24 **COMMISSIONER DEASON:** Thank you for that
25 clarification.

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25**ELOISE FOSTER**

was called as a witness on behalf of the Citizens of the State of Florida and, having been duly sworn, testified as follows:

DIRECT STATEMENT

WITNESS FOSTER: Good morning. I'm Eloise Foster, E-L-O-I-S-E. And I live at 4259 Inglenook, I-N-G-L-E-N-O-O-K, Lane, Orlando 32839.

I'm very much like the first lady that testified. I am a senior citizen; age 70; 75% permanently disabled and 50 percent blind. I'm living on a total income of \$548 a month Social Security which means I have to budget very, very carefully and do without a lot of things in order to make ends meet.

I'm very concerned about my phone bill and charges that are being added to the phone bill each month, things that I don't ask for. Example. On basic services every month I have an emergency 911 bill of 50 cents, an FCC interstate toll access of \$3.50 and an access systems surcharge of 11 cents. Comes to \$4.11 and that money is taxed. And I'm paying a bunch of taxes on regulated and unregulated services.

I don't mind paying for what I use.

1 However, I signed up for MCI a couple of months ago
2 after being hounded to death by Delta Airlines to
3 switch over and get frequent flier miles. I happen to
4 be a Delta flyer when I can afford to go some place.

5 MCI totally lied to me on their charges and
6 they added fees for phone calls that I didn't make.
7 They said, you have to spend "x" amount of dollars per
8 month on long distance or we are going to bill you for
9 that.

10 And when the gentleman spoke up a few
11 minutes ago about this extra \$3 charge that AT&T is
12 going to assess, I heard that on the news this
13 morning. I think it is totally unfair. I cannot
14 afford long distance calls anymore. I should not be
15 charged for what I don't use.

16 My MCI bill, back again. I was charged a
17 national access fee, a universal service fee, and a
18 partial minimum fee that particular month. I have
19 since -- because I was lied to, I have gone back to
20 AT&T.

21 And I'd like to say one other thing.
22 Everything that -- the services that seem to be
23 provided are taxed, whether we ask for the services or
24 not. And in addressing an issue on the universal
25 conactivity charge and the carrier line charge, they

1 have doubled this month. It is not the original 93
2 and 80 some cents. It is now -- universal conactivity
3 charge is \$1.86 on my AT&T charge and the line carrier
4 charge is \$1.70.

5 I realize from what has been said that these
6 are federal regulations. I don't choose to
7 participate. I do not own a computer in my home, nor
8 do I own a working television set. I'm a reader. Why
9 should I have to be charged on my low Social Security
10 income to pay for things that I don't use and I don't
11 want. And I can tell you the public library in my
12 neighborhood, a branch library, does have computers
13 for school children to use after school. I don't
14 choose to use the Internet or anything else like that.

15 And I'm very resentful of having to pay
16 charges because 50 cents and \$1 and \$1.25, these
17 little bits don't seem very much to people on -- that
18 are working and have good salaries. But for people
19 like the first speaker this morning -- I sat there.
20 The tears came because I can understand her
21 frustration being on limited Social Security.

22 Somebody has got to help the senior citizens
23 and I cannot give up my telephone, ladies and
24 gentlemen, because I am disabled. I've got to have a
25 phone for emergency purposes in my home.

1 And I have one other thing to say. The
2 telemarketing business has gotten so raunchy here in
3 Orlando, I do not answer my phone after 3 o'clock in
4 the afternoon until after 9 o'clock at night because
5 it is telemarketers. I am slammed for -- anywhere
6 from four to 15 calls in that six hour period on
7 telemarketers. I don't wish their product. I don't
8 wish to buy their product. I don't wish to know about
9 their products. And I think it's a total invasion of
10 privacy allowed by the Public Service Commission for
11 telemarketers to bother people, especially seniors
12 like myself that don't want these things. It's a very
13 frustrating situation.

14 My telephone bill, I have budgeted \$30 a
15 month and I thought I would be -- that would include
16 one long distance call a month to a grandchild. I
17 can't make that call anymore. It's very, very
18 frustrating. Because of all these charges that the
19 federal, state and local are putting on our bill, and
20 I call it cramming, and all of those charges are
21 taxed. I'm willing to pay for basic phone service.

22 When Judge Green broke up AT&T my phone bill
23 at that time was \$15 a month and I had two leased
24 pieces of equipment. That was my total bill per
25 month. I got rid of the leased pieces of equipment so

1 I wasn't charged for them. The stuff that is being
2 sold now called telephone equipment is made overseas.
3 It's a bunch of junk. And my bill keeps going up and
4 up and up and up and there is no way I can cut the
5 bill down except take out my phone, and I need it for
6 medical purposes and for safety purposes.

7 I don't know what else to say to you except
8 seniors on fixed incomes do need to be helped. Thank
9 you very, very much for your time.

10 **COMMISSIONER DEASON:** Thank you. Questions?

11 **COMMISSIONER JACOBS:** Ms. Foster, several
12 things for you. I am very interested in your
13 circumstances. We've heard this many times and I am
14 coming to the conclusion that it's a special
15 circumstance we have to take note of and we have to do
16 something about that. There are some proposals out
17 there now. But you need practical help and you need
18 it now.

19 One of the things that I just discussed with
20 Staff -- and you may want to, if you have time to stay
21 around afterwards, get some further explanation of
22 what I will suggest to you. But the system has become
23 that because you have local service and you want to
24 use long distance, you have to choose what we call
25 presubscribe with a long distance carrier. It is that

1 action which exposes you to many of these charges.
2 You have the option not to do that. If you don't make
3 any long distance calls or one a month, you don't have
4 to presubscribe with a long distance company. You can
5 choose not to and several of those charges would go
6 away if you choose not to. Not all of them.

7 If you do that, you still may want to make a
8 long distance calls, then you have some options there.
9 And again, you want -- before you do this, you want to
10 sit down and get some information and make a very wise
11 decision.

12 Those options would you include, doing a
13 prepaid calling card or some other things. But it
14 goes to the issue that you're bring up, which is an
15 important issue, is that simply merely by the fact
16 that presubscribing to a long distance company, you
17 subject to yourself to what is becoming a litany of
18 charges. And I'm of the opinion that we have to do
19 something practical and we need to do it now. And it
20 may not be what the system anticipated and I don't
21 know that I care about that anymore. What I'm hearing
22 is that people have been inundated. So that is one
23 option that you have. You can say to your local
24 company tomorrow, I do not want wish to presubscribe
25 to any long distance company anymore and some of those

1 charges will go away.

2 Now, again -- but don't do that tomorrow.
3 Sit down and get information and understand what your
4 options are if you do that. Okay. If you need some
5 information, call my office personally and I would be
6 happy to help you with that.

7 The other thing that I want to make sure you
8 understand is the information that we gave out earlier
9 to Ms. Robinson. That there is in that program out
10 there, and please get the information from our
11 representative outside, on the Lifeline program, and
12 it may be of some small assistance to you in terms of
13 a reduction on the local part of your bill and you may
14 be eligible for that. I'm not sure if you are. But
15 please get that information and determine if you are
16 or not.

17 And then finally, one of the things that I
18 heard you say was that you need to understand how to
19 budget for your bill. I think --

20 **WITNESS FOSTER:** I do budget because I set
21 aside in my budget \$30 a month for my telephone bill.
22 It does not dare go over that. And I set aside \$30 a
23 month for OUC. We're coming up to the heavy summer
24 season. I cannot afford to run an air conditioner.
25 It's going to be a very painful, hot summer for me

1 because I have arthritis and I am very, very bone
2 sensitive to heat.

3 But I budget as carefully as I know how to
4 make those Social Security dollars do the best job
5 they can do for me. And my budget items match my
6 checkbook items very carefully. And I have people
7 where I live in the condo complex that, "we don't know
8 how you are managing." And I said, "number one, it's
9 by a lot of prayer; number two, a lot of faith in the
10 Lord; and number three, very careful creative
11 financing." I can do no more than that.

12 **COMMISSIONER JACOBS:** I'm not sure of what I
13 was going to suggest to you so let me not make that
14 publicly to you now. Let me find out about that, the
15 information I wanted to give to you. Let me get more
16 clarity on it and my office will call you. We will
17 get in contact with you about some budgeting options.
18 Okay. We'll do that.

19 **WITNESS FOSTER:** I have one last thing to
20 say. I am a product of AT&T. My father was a tool
21 and design engineer for 40 years with Western
22 Electric. He worked on the original atomic bomb.

23 If my father were alive today he would be
24 saddened by what has happened to the company that gave
25 him life and life support for his family for 40 some

1 years and I know Dad is sitting up in Heaven, looking
2 down and crying at this mess we have today. And he
3 was a proud person for AT&T and Western Electric and
4 I'm here and my brothers are alive because AT&T and
5 Western Electric gave my dad a job during the
6 depression years and he rose through the ranks of
7 engineering and had more patents printed or published
8 than any other engineer in his field in the United
9 States at the time of his death.

10 And I hated to switch to MCI, but I tried it
11 and it was a total disaster. I switched right back.

12 I'm still having, getting charges that I
13 can't -- I just can't absorb anymore taxes and
14 government stuff. I just can't absorb it because my
15 Social Security only went up \$7 a month this year and
16 that whole little raise is going into the phone bill
17 for taxes and things that are regulated by the
18 government. It is not fair. And I'm part of the
19 dying breed of seniors but some of us are feisty and
20 we are still here. And I don't intend to be killed by
21 AT&T -- by the phone bill.

22 **COMMISSIONER JACOBS:** Well, again, I would
23 encourage you to explore that option that I spoke
24 about earlier. If you indeed, only want to make one
25 or two calls a month, I would really encourage you to

1 explore that option.

2 **WITNESS FOSTER:** Okay. Thank you very much,
3 all of you, for being here.

4 **COMMISSIONER DEASON:** Thank you. We're
5 going to take a recess at this time, approximately 10
6 minutes. Ms. Foster, do you have copies of your
7 bills?

8 **WITNESS FOSTER:** I brought the last two.

9 **COMMISSIONER DEASON:** Commissioner Johnson
10 asked to look at those, so during the recess you may
11 want to share those with her. But we're going to take
12 a recess for 10 minutes and we will reconvene at that
13 time.

14 (Brief recess.)

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16 **COMMISSIONER DEASON:** If we could take our
17 places. We'll go ahead and call the workshop back to
18 order. Mr. Beck, call your next witness, please.

19 **MR. BECK:** The next witness is Bouameur
20 Elmalki.

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22 **BOUAMEUR ELMALKI**

23 was called as a witness on behalf of the Citizens of
24 the State of Florida and, having been duly sworn,
25 testified as follows:

DIRECT STATEMENT

1
2 **WITNESS ELMALKI:** Good afternoon folks. My
3 name is Bouameur Elmalki. My mailing address is PO
4 Box 690414, Orlando, Florida. Zip code is 32869.

5 **COMMISSIONER DEASON:** Could you spell your
6 name for us, please, sir?

7 **WITNESS ELMALKI:** E-L-M-A-L-K-I.

8 **COMMISSIONER DEASON:** Thank you.

9 **WITNESS ELMALKI:** I have two simple
10 questions regarding the taxes that have been charged
11 by MCI. I called the FCC. They sent me some
12 information. They tell me the rate, how much this
13 will be. Then I also insist on MCI to see their
14 justification of these taxes that they are charging
15 me. They sent me a letter. The letter says, okay,
16 we'll charge 6% on the federal universal service fee.
17 I look up my bill. It's not the same. I do have
18 copies and I have a letter from them.

19 Another thing I'd like to find out through
20 you folks because you are controlling in the state of
21 Florida, I guess, taxes and whatever. This thing is
22 lumped together with the federal. They are saying,
23 well, state and federal. I want that to be broken
24 down. At least we know what's the federal and what's
25 the state. At least the federal, they tell you

1 exactly what they are approximately charging you. And
2 the state, we can't figure out what's going on. I
3 appreciate that if you could help me or assist me.

4 What frustrates me most is I have a \$21 bill
5 for long distance call. I was charged \$4.76. Almost
6 like 20 something percent. Another one is \$54. Paid
7 \$14 taxes. This is just the federal. I got mine
8 split. When I used to get them with the local phone,
9 the taxes are lower. When they send to me directly I
10 started getting, you know, too much excessive taxes.
11 So I know probably you cannot do very much but at
12 least I need something to be broken down at least to
13 see what I am paying for.

14 **COMMISSIONER DEASON:** And you're talking
15 about your MCI bill?

16 **WITNESS ELMALKI:** Yes. MCI. Yes, sir.

17 And second question, hopefully you can help
18 me with this. Second question is about the pay
19 telephone cards. I do a lot of business overseas,
20 mainly Europe and Africa. And I use a lot of them,
21 you know, \$10, \$20. Sometimes I don't finish the \$20
22 amount they tell you and have some time left over.
23 When you call they say, you don't have enough money.
24 \$1.40, something like that. I think the connection
25 fee is supposed to be \$1.92 or whatever. And I say,

1 "Well, how about if I mail you this, about 20 or 30,
2 and you give me credit." "No, we don't do that."
3 That's it. So what I do with this card that has
4 \$1.90, 30 cents? I don't know if this is for local
5 people to handle that or maybe the federal level but
6 at least they're sold here in Florida. Florida Public
7 Commission should look into this problem too.

8 **COMMISSIONER DEASON:** Let me ask you this.
9 Is it a card that can be used just exclusively for
10 international calling?

11 **WITNESS ELMALKI:** Yes, sir. Most of my
12 calls are international.

13 **COMMISSIONER DEASON:** Is the card itself, is
14 it only good for international?

15 **WITNESS ELMALKI:** No. It's for domestic and
16 international.

17 **COMMISSIONER DEASON:** Okay. Then,
18 obviously, you could use it for domestic calls if you
19 need to place any domestic calls.

20 **WITNESS ELMALKI:** Oh, yeah. But still, I
21 just want to call a place north of Tampa. I have
22 \$1.14 left on the card. They said they can't because
23 you don't have enough money on this card for local. I
24 mean, local with respect to the state.

25 **COMMISSIONER DEASON:** Well, I'm not -- first

1 of all, you need to check to see if the card can be
2 reactivated. That is, if you can purchase more
3 minutes.

4 **WITNESS ELMALKI:** No. This is a throw away
5 type of --

6 **COMMISSIONER DEASON:** Throw away card.
7 Okay.

8 **WITNESS ELMALKI:** Yes. There are some that
9 you can charge by your Mastercard or whatever. You
10 just go this, you know, to a shop or whatever. Some
11 stores maybe, or Wal-Mart, they sell them. They sell
12 this prepaid phone card.

13 **COMMISSIONER DEASON:** Mr. Moses, do you have
14 any suggestions?

15 **MR. MOSES:** Well, in that instance, the only
16 thing I can think of, evidently the surcharges that
17 they are charging, amounts to a little bit more than
18 what he has left on the card and there is nothing in
19 the rules that really require them to do a refund of
20 that remaining balance. The only -- I don't know what
21 to suggest to you.

22 **WITNESS ELMALKI:** That's a lot of money to
23 be wasted on each card. They can give you balance
24 for, you know, the balance of a new card that is more
25 or less a denomination of the cards they sell.

1 **MR. MOSES:** The way that things work when
2 you purchase it, you get a block of money that is used
3 and is drawn down on a connection charge, which is
4 usually a surcharge, and that varies on the company
5 which they have to disclose at the time of selling the
6 card, and then there's a per minute charge.

7 **WITNESS ELMALKI:** No, sir. There was
8 nothing disclosed. They have a list of the countries
9 published in the window. You buy a \$10 card. You get
10 "x" minutes of whatever calls to "x" country and
11 that's it. But suppose you talk to somebody five, ten
12 minutes and you still have time left and the next time
13 you want to call, "sorry, you don't have enough."
14 What do you do with the balance then?

15 Why don't you, when you collect a bunch of
16 them and you add the time and they can issue you at
17 least a -- you know. You call their customer service
18 they say, "sorry, we can't do it." A few companies
19 used to do it. But now some of them here in the State
20 of Florida, they don't. One of them, as a matter of
21 fact, is called phone cards. It's a card, yellow with
22 black writing on it.

23 **COMMISSIONER DEASON:** That's a good
24 question. We've not encountered that problem before.
25 I've used cards before and it's just for domestic and

1 when the time runs out they cut you off in the middle
2 of the conversation. But your card is all used up.
3 I've never -- I take it the problem is, that there is
4 an upfront charge for actually making the connection
5 before you even speak and that you don't have enough
6 money left on your card to even pay for the initial
7 connection and then you're left stranded with that
8 amount of investment that you're not able to utilize.

9 **WITNESS ELMALKI:** Right. Not just one. A
10 few dozen sometimes, you know.

11 **COMMISSIONER DEASON:** And our rules don't
12 address that at all, correct?

13 **MR. MOSES:** No.

14 **MS. CALDWELL:** No, they don't.

15 **COMMISSIONER DEASON:** All right. Thank you.

16 **WITNESS ELMALKI:** How about the taxes that
17 MCI charges? I need a break down. I need to know why
18 the federal government tells me that we charge for
19 universal service fee between 4 to 5.4 and the folks
20 at MCI they tell me 6% we charge. And then when they
21 send you the bill it's over 6%.

22 **COMMISSIONER DEASON:** What we need to do is
23 get a copy of your bill.

24 **WITNESS ELMALKI:** Yes, sir. I got a letter
25 from them.

1 **COMMISSIONER DEASON:** Okay. And let us
2 review that and if there is a mistake in calculation
3 of the taxes, then we'll see if we can get a refund.
4 And if it's calculated correctly, perhaps we can
5 explain to you the rationale as to how the
6 calculations result.

7 **WITNESS ELMALKI:** All right. Thank you very
8 much.

9 **COMMISSIONER DEASON:** All right. Thank you.

10 **MR. BECK:** The next witness is Rosalee
11 Hopard.

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13 **ROSALEE HOPARD**

14 was called as a witness on behalf of the Citizens of
15 the State of Florida and, having been duly sworn,
16 testified as follows:

17 **DIRECT STATEMENT**

18 **WITNESS HOPARD:** Thank you. Rosalee Hopard,
19 H-O-P-A-R-D. I live at 655 James Town Boulevard in
20 Altamonte Springs, 32714. And I had a complaint with
21 Integretel which I was completely naive about. I
22 didn't even know what Integretel was. I noticed it
23 because last August there was a charge on my bill and
24 I don't know if Sprint made it. It wasn't among all
25 the other lines. It was a separate page. Separate

1 page and it said -- and I looked at it and I said,
2 it's billed on behalf of Bahhia Encounters
3 Incorporated. Bahhia Psychic. And I knew right away
4 it wasn't mine because, first of all, I don't have a
5 900 number. I have a block. We can't use 900 in my
6 house, which I have learned by not being able to call
7 Dateline or one of those places to call up. So I
8 can't even use 900, which at that time, I did not know
9 that it was a 900 number until I inquired.

10 Also, I don't believe in psychics.
11 Absolutely not. It's against my nature. I'm a
12 realist and I was infuriated by the Bahhia Encounters,
13 of all things. So I called up the number that was on
14 here. There is a number on Integretel. I called the
15 800 number and I said to the young man, "What is
16 this?" He said, "Well, we're a third party. We're
17 not responsible." And this is from -- where are they
18 located. I said, "Miami." I said, "I want this off
19 my bill." He said, "Well, you have to talk to your
20 local phone company. We have nothing to do with
21 this."

22 So I called my local phone number right away
23 and I told them. Now, they must have had -- I never
24 knew anybody was having a problem. I work for the
25 Consumer Fraud Unit and I didn't even know about this

1 at the time because I wasn't really working there at
2 the time. But I didn't realize that this was such a
3 fraud going on. So when -- I was indignant and I
4 said, I just want this off and I thought it would
5 taken care of immediately.

6 It's still on my charge. In fact, they
7 billed me two more times. My phone company was
8 wonderful. They put on there that I will not have to
9 pay it until it's off and it's up to them to take it
10 off. Meanwhile, I am paying taxes on it and I'm
11 paying a late fee. Paying a late fee every month for
12 this and it's not a large amount. It's under \$50.
13 Because I was very vocal about this. I called. I
14 called -- I got letters from you, too. I got a very
15 nice letter from the Public Service Commission from a
16 young lady who took my case and she sent a letter to
17 the man. I went and found out where this company is
18 from. They are from San Jose, California. I called
19 up their number. I wrote them a letter. I got a
20 letter back from the customer relations man saying,
21 "Oh, yeah, they're going to credit us." This went on
22 and on. It still, two months later, wasn't credited.
23 The Public Service Commission sent them a
24 letter and they said -- they told them they'll credit
25 it. It still hasn't been credited since August. And

1 when I tried to call back I got the name of a young
2 man whose name is Juan Perez. He's the customer
3 relations person in San Jose in the actual main
4 company, because the young man I called on the 800 was
5 in Florida. He didn't know. He refused to talk to
6 me. Now every time I try to call them, the secretary
7 will say, "Well, who's calling please." And when I
8 give them my name either they disconnect me, he is
9 always in a meeting or he's always at a conference.
10 So I guess they just don't want to talk to anybody.

11 The reason I'm upset about it is because
12 it's embarrassing to me. I have never been late in my
13 life on a phone bill. I've never not paid a phone
14 bill on time. I've never had a problem where this --
15 is this going on my credit? It's embarrassing. I
16 never had an outstanding past due balance in my life
17 on any bill. Rent. Any bill. And it's a little
18 embarrassing to me. I know nobody knows about it,
19 but I don't like getting things that say past due
20 balance for six months. I don't care how little it
21 is. And then, of course, I'm paying the late fees on
22 it.

23 When I try to -- this man in Integretel was
24 very angry with me. And he said, "Well, we're just a
25 third party. We have no responsibility for this at

1 all." I just couldn't believe he said that. I said,
2 "Of course you have responsibility. You're billing --
3 you're charging people for something that they
4 don't -- shouldn't be charged for, that they've never
5 used. It's your responsibility too." It's like
6 saying, "Well, I didn't know the law." You can't
7 be -- you're still responsible for breaking the law,
8 even if you have no knowledge of that law. Same thing
9 with Integretel. Whoever their customers are, they
10 shouldn't be able to back them up as far as I'm
11 concerned.

12 I tried to get ahold of Bahhia Encounters.
13 They're in Miami. And I tried to get ahold of them.
14 I called them once and could never get through. It
15 was always busy.

16 Now, I went into the Internet and I asked
17 for everything that was named Bahhia. They have a lot
18 of psychics. They have all the psychics listed. I
19 believe they're in Ft. Lauderdale or Miami. And
20 nothing says Bahhia Encounters. So I don't know what
21 name they're going under or what is going on. But I
22 cannot find them. It's impossible. Because I would
23 call them directly, but I cannot find Bahhia Psychics
24 anywhere.

25 So that's the story. It's not a lot of

1 money, but even if it's not a lot of money, it's just
2 very annoying to me that I can't get -- I can't get my
3 phone company to just take it off and get ahold of
4 them. It's on my phone company's bill. I love AT&T.
5 I've always had them. This is Sprint. It's on the
6 Sprint bill and they're very good too. But the thing
7 is we should not have it.

8 We should not be forced -- the customer
9 should not be forced to have to take this kind of
10 abuse when it's going through our local phone
11 companies. That's why it should be billed as a
12 separate bill in a separate envelope right from their
13 companies. And not -- they should not use our local
14 companies to blackmail us. It's not right.

15 That's all -- I think the best thing is to
16 have everybody bill separately. Why should they have
17 to go through our phone company? I didn't choose
18 them.

19 That's the story. I mean, I know that other
20 people owe a lot of money and I really, really feel
21 for them and, you know, working for a consumer affair
22 office, I hear terrible stories like this, only not --
23 you know, with other kinds of fraud. It's -- for me
24 to be involved in this, boy, I know how it feels.

25 So, I just wanted to say thank you for

1 listening to us and somebody should do something with
2 this Integretel. Somebody else mentioned Integretel
3 and apparently it's very well-known to all these
4 people here. So I don't feel so alone. Thank you for
5 listening.

6 **COMMISSIONER DEASON:** Thank you.

7 **WITNESS HOPARD:** I'll just keep, I guess,
8 writing letters to Integretel. You know, you say
9 you'll give me a credit. They keep saying the next
10 billing cycle.

11 **COMMISSIONER JACOBS:** Have you contacted the
12 Public Service Commission?

13 **WITNESS HOPARD:** Yeah. I got a letter from
14 a Tarrah Gordon. She's a regulatory agent.

15 **COMMISSIONER JACOBS:** She's working on it?

16 **WITNESS HOPARD:** She wrote to them and they
17 wrote to her. Sent me a copy saying that it will be
18 in the next billing cycle. That was in January. So,
19 okay. I am still waiting. But, I'm not giving up
20 hope, you know. The next billing cycle. It's just
21 that I have to keep paying the late fees and the taxes
22 on it. But the Public Service Commission did at least
23 get their attention.

24 **MR. BECK:** Did you ask Sprint to take it off
25 your Sprint bill?

1 **WITNESS HOPARD:** Yeah, I did. They will not
2 take it off without Integretel telling them.
3 Integretel said in a letter to Ms. Gordon that they
4 did send a letter. But apparently, I don't know if
5 they did or not, but it's still on there and I can't
6 get ahold of Integretel. Thank you.

7 **MR. MOSES:** Ms. Hopard, before you leave,
8 let me get with you and get the information from you
9 and let me assist you in getting this resolved.

10 **WITNESS HOPARD:** Okay. Thank you.

11 **MR. BECK:** The next witness is Henry
12 Goldberg.

13 - - - - -

14 **HENRY GOLDBERG**
15 was called as a witness on behalf of the Citizens of
16 the State of Florida and, having been duly sworn,
17 testified as follows:

18 **DIRECT STATEMENT**

19 **WITNESS GOLDBERG:** My name is Henry
20 Goldberg. I live at 1421 Sunnyside Drive, Maitland.
21 I'm a small business owner; the owner of a firm called
22 Certified Building Inspectors. And I'm here before
23 the Commission to explain three things.

24 Number one, we had a problem in billing.
25 The billing was by a third party. The third party

1 refused to take it off for services that weren't
2 ordered. Refused to take it off the invoice. We did
3 write to the PSC, the Public Service Commission. We
4 wrote to Sprint telephone people. And through their
5 correspondence, we were able to relinquish and
6 eliminate the charges that we had. For that, we thank
7 you very much.

8 One of the others reasons I wanted to
9 discuss this today is because although we did
10 eliminate the charges for this one firm, we found that
11 the same scam is being used again and again and again.
12 In reviewing our telephone lines -- I'm going to
13 backtrack here for a moment. We have about 10 or 12
14 lines in our office. They're answered by various
15 different people, different employees that will answer
16 the phone. That's their job. Our job is to take and
17 we call it answer the phone and take care of our
18 consumers.

19 The problem we run into is the scam, as I'm
20 going to call it, or cramming as you call it, is a
21 very simple thing. When that phone call comes in --
22 Ms. Johnson, I'm going to ask you to play the role, if
23 you will, please. I'm going to say to you that I'm so
24 and so from such and such marketing company. And we
25 would like very much today to offer and give to you a

1 free web site. Now, there's nothing that you have to
2 buy. There's no charges going to be made for this,
3 but we're going to do it to test the marketing ability
4 in our area for your product. Would you mind giving
5 me your first name please, Ms. Johnson?

6 **COMMISSIONER JOHNSON:** Julia.

7 **WITNESS GOLDBERG:** Julia. Thank you very
8 much. Good-bye.

9 Now, when you call back and find out who
10 authorized these calls, they have the names of every
11 one of my employees and middle initial sometimes,
12 sometimes just a muff and there is their
13 "authorization" to charge for that bill.

14 Now, that's one of the things that I know
15 that the PSC has no control over and you can't really
16 stop the method of solicitation. But there is one
17 thing that you people can do and you can continue to
18 do it.

19 On Page 13 of your draft, if you want to
20 refer to that please. Item No. 14, that says the
21 section applies to local exchange companies and to
22 define a provider. Provider is defined as a company
23 providing service to the end user that uses an ALEC or
24 ILEC to bill or collect on its behalf. This includes
25 any company that bills on behalf of the provider.

1 That doesn't include another situation which
2 we run into, and I gave Mr. Beck the invoice on that.
3 I believe that you have it from Republic.

4 One of the companies -- and I'm going to
5 name these names. It's billed on -- it's through
6 Federal Transtel which is the one that we were able to
7 get the billing credited with originally on one phone
8 line and the notation here that Sprint people were
9 able to come up with for us. It stated that it was
10 billed on behalf of Profile National Business
11 Directories. Now, is that a third-party or is it a
12 fourth-party billing transition?

13 It seems to me that it's totally unrealistic
14 for the ability of a firm to mail in or put into their
15 computer charges to other companies and allow them to
16 collect on their behalf. When we traced these
17 companies out, it turns out that the phone numbers
18 that we get to them, all go back to the same one
19 individual. They have different phone numbers but the
20 complaint department, after sitting on this for 3
21 hours and 17 minutes, we finally got through and it
22 turns out that we speak to the same individual as
23 their "complaint or public service individual". And
24 they tell us that we authorized the charges. Again,
25 as someone spoke earlier, they did have the name of

1 our employee in there.

2 I can't ask my employees not to talk to
3 people or give them their name, but the scam that goes
4 on with this can be resolved very simply, and this is
5 one of the reasons that I want to be here today.
6 Because if you take and enforce what we're going to
7 call, no third-party billing, and allow the phone
8 companies -- I'm going to speak specifically of my own
9 phone company, Sprint -- to do what we call blocked
10 billing, if that is within your realm to do so, that
11 will greatly reduce these type of things that are
12 occurring today that cause the problem for the public.
13 Thank you very much.

14 **COMMISSIONER DEASON:** Thank you. Any
15 questions? Thank you, sir.

16 **MR. BECK:** The next witness is Alice Huang.

17 - - - - -

18 **ALICE HUANG**

19 was called as a witness on behalf of the Citizens of
20 the State of Florida and, having been duly sworn,
21 testified as follows:

22 **DIRECT STATEMENT**

23 **WITNESS HUANG:** My name is Alice, A-L-I-C-E.
24 And the last name is Huang, H-u-a-n-g. Address is
25 3123 Raven Road, Orlando, 32803.

1 Two months ago I received an invoice from
2 AT&T which was the overseas call. I made -- the date
3 I made the long distance call was the January 27th at
4 8:48 p.m. I speak for 22 minutes. They charge me
5 \$68.53. And that was how the operator handled calls.

6 When I found this bill it's too high I
7 called back to AT&T. I asked them to explain this.
8 They said, this was handled by an operator, but I told
9 them when I asked for the service, I ask how much for
10 the service charge. They didn't tell me how much.
11 They said, "Do you still want to make this call?" I
12 said, "Okay. Why can't you tell me how much?" They
13 said, "I don't know." So they didn't tell me how much
14 it was. But then they say, "Do you still need this
15 service?" I said, "okay," because I really needed to
16 make that call. And, myself couldn't go through the
17 phone of the number. It was overseas in Taiwan. I
18 called to one of my relatives.

19 So, when I talked to one of the supervisors,
20 they couldn't give me the good explanation. And I
21 said, can you reduce some amount of this because your
22 operator didn't tell me how much the service charge
23 will be, but I -- for some kind of situation. I had
24 to make that call. So I did it. And then they said
25 there is no way they can reduce that. I said, "that's

1 not my fault. Your operator didn't tell me that how
2 much the service charge will be."

3 See sometimes if you service charge for
4 something like one time service charge, but it looks
5 like they charge me every minute for \$2 something.
6 That's ridiculous, you know. And this happened twice.
7 Because when I realized the bill was so high, so I go
8 back to check the previous bills and there is one time
9 happened on October 24th. I made 21 minutes, go
10 through the operator. They charge me \$44.53.

11 So I go back to AT&T, accounting department,
12 the customer service. And the guy told me, "Why you
13 wait for so late to bring back this matter?" I said,
14 because that -- I said, "because this January 27th
15 call cost me so much so I have to check, you know, I
16 cannot trust your company. So I go back to check the
17 other bills. See if there is any more charges like
18 this." Unfortunately it happened, right. So they
19 say, "I'm sorry, I cannot give you any discount or
20 anything." I said, "That's not my fault. This is not
21 fair." They wouldn't listen so I say, "Can I talk to
22 your manager?" He said, "No, my manager wouldn't talk
23 to you and you have to pay this, otherwise your long
24 distance call will be -- long distance service will be
25 disconnected." So I did pay.

1 But -- and I found out that I -- I joined a
2 one rate plus plan. That cost \$4.95. And the other
3 plan, AT&T simple rate international SM, cost me \$3.

4 Also there is some universal conactivity
5 charge. That lady, Ms. Johnson, stated that I was
6 charged by federal. I just realized that. But see,
7 there are so many different kinds of service charge.
8 Why do you have to charge me that overseas call for
9 every minute for \$2 something? I don't think that the
10 average people can pay that much service charge.

11 And also, as I stated, when I ask for how
12 much you going to charge for that call, you cannot
13 tell me. So later how can you bill me that much, you
14 know? Make one call for 22 minutes. And the other
15 time I make for 25 minutes, overseas call, they charge
16 me only \$8.75. That's -- I dial for myself. But, you
17 know, that's one time that -- Taiwan. I called back
18 to Taiwan.

19 Taiwan area code, the national code, they
20 change it. It was different that time so I cannot go
21 through. So I ask the operator for help and then --
22 so this happened. So and so, you know.

23 **COMMISSIONER DEASON:** Did you try to dial it
24 directly and could not complete the call?

25 **WITNESS HUANG:** Right. I tried to dial by

1 myself and it couldn't go through and so I don't know
2 what's going on.

3 **COMMISSIONER DEASON:** Did you explain that
4 to the operator that you tried to dial directly?

5 **WITNESS HUANG:** Right. Right. I explained
6 to operator and, you know, every time operator have to
7 let you wait and wait, and then -- you know, for their
8 service. And that's one problem.

9 The other problem was I had -- there's one
10 bill. It shows three different long distance
11 companies. You know, every long distance company,
12 they charge you a different service charge. There is
13 one company I remember. I'm sorry. I didn't bring
14 that copy with me because today I thought I only want
15 to talk about that AT&T charge.

16 One company, they switched the long distance
17 company by themselves so -- and when the bill came, I
18 said, how come there is three long distance companies
19 in one month. So I called that company. I called
20 BellSouth. BellSouth said, let me connect you to that
21 company. So I talked to them and they said, "your
22 husband did that. He switched that." I said, I don't
23 think he did that because he, you know, usually me
24 handle the long distance company. He doesn't care
25 about which company goes. So when I said, "can you

1 prove that? When did my husband switch to your
2 company?" They said, "Okay." And then I said, "Can
3 you prove that to me? I need that copy." They mailed
4 me that copy and they forged my husband's name. That
5 was not my husband's signature, you know, and I can
6 see it and then I showed it to my husband and my
7 husband said, I didn't sign that.

8 And so -- I told them, I say, you know what,
9 you forged his name. This is a crime, you know. You
10 cannot do this to me. And I said, maybe I'll sue you.
11 I said, I'll complain this to FCC. I called FCC and I
12 left a message. They didn't respond back.

13 And also, there is another question in this.
14 When I make a long distance overseas call, if -- if I
15 didn't talk but they charge the time -- I mean, if I
16 didn't talk because there is nobody there, either
17 there's -- they put a fax machine on it. They
18 switched to fax machine or there is answering service,
19 answering machine and I didn't leave a message. I
20 don't want to leave a message, but they still charge
21 it, you know. I just didn't go back -- I didn't call
22 back the long distance company and said, hey, I didn't
23 talk, you need to give me the credit, you know.

24 So my question is, I don't know whether you
25 understand my question. If I dial by myself, is 25

1 minutes, cost \$8.75. But, see, it goes through the
2 long distance company. They didn't explain. They
3 didn't tell me how much they charge for the service
4 charge. But for 22 minutes for \$68.53. That was a
5 \$60 difference for almost the same time I used. It's
6 totally unfair.

7 **COMMISSIONER DEASON:** Thank you.
8 Ms. Perkins with AT&T is in the back. I would suggest
9 you speak with her. And this Commission
10 unfortunately -- or fortunately -- we have no
11 jurisdiction over international calling. That is
12 strictly an FCC matter. So we cannot really intervene
13 on your behalf but I can give you some advice and that
14 is that -- and take it for what it's worth. That if
15 you don't get a satisfactory response from AT&T, you
16 may want to switch long distance carriers and choose
17 someone else.

18 **WITNESS HUANG:** I did switch when -- after I
19 failed to negotiate with the customer service operator
20 and then I switched immediately. But then the next
21 day their salesperson called me back because each
22 month I spend some amount, you know, for overseas
23 call. So they said, "Do you want to switch back?" I
24 said, "Why should I? If you can solve this problem,
25 give me the money back, you know, I don't want just

1 make the call and pay nothing. But the difference, it
2 was too much. If you can solve the problem." They
3 say, "I'm sorry, we are on a different department." I
4 say, "Then forget it." And -- but their salesperson
5 kept calling, asking me to switch back.

6 **COMMISSIONER DEASON:** Well, they may be
7 willing to make a concession if they can win your
8 business back because obviously you're a good customer
9 if you make long distance calls. But that is strictly
10 a matter between you and AT&T. And perhaps you could
11 talk to the FCC. But really there is nothing the
12 Public Service Commission can do since it is an
13 international call.

14 **COMMISSIONER JACOBS:** What about the
15 instance where your authorization, you say, was
16 forged, at least your husband's was forged? How long
17 ago did that occur?

18 **WITNESS HUANG:** I remember it was last year.
19 Last year.

20 **COMMISSIONER JACOBS:** And what happened as a
21 result of that? Were you switched back to your
22 original company or who was it that did the forgery?

23 **WITNESS HUANG:** I can't remember that name,
24 but it was like TLC. Do you know, is there any long
25 distance call named that?

1 **COMMISSIONER JACOBS:** It's very likely.
2 There's a whole host of them. But you were switched
3 back to who you wanted?

4 **WITNESS HUANG:** Right. I did switch and I
5 cancelled some other -- looks like they give me some
6 credit. That company gave me the credit back. Okay.

7 **COMMISSIONER JOHNSON:** Ma'am, it strikes
8 me -- I believe that the FCC rule with respect to
9 operator assisted calls is very similar to ours. And
10 that is, if you can't complete the call and you tell
11 the operator that you can't complete the call, then
12 they are not supposed to charge you for the operator
13 assisted fee. So, that's something I want -- if AT&T
14 could look into and coordinate with our Staff to
15 ensure, because I hear you saying, you couldn't do it
16 yourself and --

17 **WITNESS HUANG:** Right. I couldn't go
18 through by myself.

19 **COMMISSIONER JOHNSON:** And if you put the
20 operator on notice that it's not you, it's the
21 equipment and you can't complete the call, I believe
22 that their rule is the same; that they are not
23 supposed to charge you even though they assisted you,
24 because you had no choice in order to complete the
25 call.

1 So I see the AT&T representative. She was
2 shaking her head for a minute there so perhaps they
3 will be able to assist you and just coordinate back
4 with our Staff on that problem because that is a
5 fundamental problem that -- in terms of working with
6 those operator assisted services. And at least, in
7 this instance, you told them that you couldn't
8 complete the call. So hopefully AT&T can help you
9 directly, and if not, we can coordinate with you to
10 help the FCC provide you with the assistance that you
11 need.

12 **WITNESS HUANG:** Thank you very much.

13 **COMMISSIONER DEASON:** Thank you.

14 **MR. BECK:** Commissioner Deason, there are no
15 other customers who indicated ahead of time that they
16 wish to speak.

17 **COMMISSIONER DEASON:** Let me ask. Are there
18 any other members of the public who joined us late
19 that did not get the opportunity to sign up, but still
20 wishes to make a statement? Yes, sir. Please come
21 forward. I need to put you under oath as the other
22 witnesses. And let me ask, if there are any other
23 members of the public who wish to make a statement,
24 you can also stand and raise your right hand as well.

25 (Witness sworn.)

1 **COMMISSIONER DEASON:** You may proceed. Give
2 us your name and your address, please.

3 - - - - -

4 **RICHARD STANTON**

5 was called as a witness on behalf of the Citizens of
6 the State of Florida and, having been duly sworn,
7 testified as follows:

8 **DIRECT STATEMENT**

9 **WITNESS STANTON:** I'm Richard Stanton. I'm
10 at 100 East Anderson Street, Orlando 32801.

11 My problems are comparatively minor as I see
12 them. Indeed, virtually all of the problems were
13 covered one way or the other by your previous
14 speakers.

15 Number one is this. I have not made a long
16 distance call in 12 years. As things are, I'm not
17 likely to make a long distance call in the next 12
18 years either. This -- not surprisingly I do not have
19 a long distance carrier. Yet for the last several
20 months there appears a charge of 50 cents for the fact
21 that I do not have a long distance carrier which seems
22 to me intrinsically unfair. And as a previous speaker
23 mentioned, certainly long distance is expensive, et
24 cetera, et cetera.

25 And it seems to me that those who utilize

1 the service should pay completely for that service,
2 and not a person like myself who never makes a long
3 distance call. Fifty cents is a petty amount
4 comparatively, but when you live on \$650 a month
5 Social Security retirement it's a king's ransom in a
6 manner of speaking. So I would like to get the
7 panel's opinion on that.

8 A second problem is -- and I'm not sure if
9 this is telemarketing or not. I suspect that it is.
10 I use my answering machine as a monitoring devise. I
11 don't answer it unless I know who is on the other end.
12 And this thing rings constantly with dead time and
13 takes up my answering machine tape with nothing or
14 else, in many cases, I'm told that Mrs. Brown at 1-800
15 something, 4134, has a business deal for me and that I
16 should call her back. And as I said, it's a recorded
17 message, so therefore, I suspect it is telemarketing.
18 I have not called back. But I can virtually bet that
19 when I get back to my apartment after this there is
20 going to be another call on there from Mrs. Brown, et
21 cetera, et cetera.

22 And, again, I don't know if the panel can do
23 anything about this. Maybe, if nothing else, saying
24 that they are restricted to one call a month or a week
25 or something of the sort. But as I said, my answering

1 machine is filed up with this crap, you know, on a
2 daily basis.

3 The third item is that I was a victim of a
4 third-party scam recently. My phone bill is generally
5 about \$12 a month. And again, this is a month or so
6 ago. The answering machine was literally ringing
7 every two minutes with, again, nothing but dead time
8 on there.

9 And one afternoon after the number of
10 incoming calls had been excessive, I got a call for
11 which I was very thankful. It was AT&T. Now, I am
12 with BellSouth. This was an AT&T representative, and
13 near as I could figure out, with AT&T's monitoring
14 equipment, they determined that there were all of
15 these calls to my number, you know, just within that
16 day. As I said literally it was every two minutes.
17 And she indicated the calls were coming from Kissimmee
18 from a pay phone and asked me if I had authorized
19 this. And I said -- as I've told you -- I haven't
20 personally made a long distance call in 12 years. I
21 have authorized nobody to use me as a third party, and
22 that these calls were completely bogus.

23 Long story short, of course, I called
24 BellSouth to alert them to the fact. And as I said,
25 eventually my next month phone bill came through, it

1 was \$100 something. \$100 worth of these bogus calls
2 where I had been used as a third party. And again, in
3 compliments to both AT&T and BellSouth, the people
4 that I spoke to handled it efficiently. I'm going to
5 pay \$12 a month type of thing.

6 But as I posed to one of the AT&T people, I
7 have been under the impression that if you make a toll
8 call and charge it to a third party, they are supposed
9 to call that third party and authorize that, so
10 indeed, you know that it's legitimate. And all I can
11 suspect now is that all of this ringing of my answer
12 machine and all this dead time was probably AT&T
13 calling me and since all they got was an answering
14 machine -- and in most case I don't think they got
15 that. It seems it would ring and stop, you know,
16 start up again in another two minutes.

17 But again, as your other speakers have
18 mentioned, I resent every minute of the time that I
19 had to spend running this thing down with AT&T and
20 BellSouth, et cetera, et cetera. And so I guess my
21 thought is somewhat along the lines of the other
22 gentleman who said this third-party billing, although
23 it's good for business and capitalism and so forth,
24 certainly wreaks havoc on different individuals.

25 So, that's about the size of it. Should I

1 ask for reactions or --

2 **COMMISSIONER DEASON:** Well, let me -- you
3 asked for our reaction concerning the 50 cent charge
4 that appears on your bill, even though you don't
5 presubscribe to a carrier. How is that labeled on
6 your bill?

7 **WITNESS STANTON:** It says 50 cents lack of
8 presubscribed long distance carrier.

9 **COMMISSIONER DEASON:** Okay. And
10 Commissioner Johnson can amplify on this if she
11 wishes, but I assume that is an FCC authorized charge.
12 And so it really doesn't matter what we think about
13 it, whether we like it or not. It's not going to
14 change it. That is FCC. It's not our jurisdiction.

15 And I think Commissioner Jacobs alluded to
16 that earlier that you can perhaps avoid some charges
17 but you're going to be charged some anyway regardless
18 of whether you presubscribe or not.

19 **WITNESS STANTON:** Right. I noticed that you
20 said to Eloise, most of your charges will be
21 eliminated. In that case, "most" is the operative
22 word. Everything except 50 cents, right?

23 **COMMISSIONER DEASON:** And your concern about
24 receiving telemarketing calls; there is a service you
25 can subscribe to, and there is a charge for that, and

1 it's administered by the State of Florida where you
2 can put your name on a list that prevents that. But
3 there is -- I think it's like \$5 or \$10 a year.

4 **MS. CALDWELL:** \$10.

5 **COMMISSIONER DEASON:** \$10 initial, I'm told
6 and then \$5 a year recurring to have your name put on
7 a list to eliminate, not all, but most of
8 telemarketing calls. I understand that charities and
9 political calls are still permitted.

10 **WITNESS STANTON:** Indeed I have heard or
11 read about that. And as I said, I live on \$650 a
12 month so I have to cut all expenses to rock bottom.
13 So -- but the point is, that's the price you pay in a
14 capitalistic society for people who are --

15 **COMMISSIONER DEASON:** Right. As far as -- I
16 don't think it's within our jurisdiction to tell
17 companies they cannot make telemarketing calls. In
18 fact, there may be some Constitutional matters or free
19 speech and things of that nature. But you can
20 subscribe to the service that would eliminate many of
21 those calls.

22 Your third point concerning the third-party
23 billing, those calls which you did -- were those
24 collect calls that they billed you as you authorizing
25 the payment of those? How was it that you got billed

1 for calls that were placed to your answering machine?

2 **WITNESS STANTON:** To this minute, I don't
3 know. I suspect that, say, with the various scams and
4 the sophistication of electronic equipment and so
5 forth -- as a matter of fact, one theory that I have
6 is this. That these telemarketers, and maybe whoever
7 else that calls and never gets anything but an
8 answering machine at my place, may have gotten ticked
9 off and said this guy never picks up his phone, which
10 is the truth, and therefore, almost in a spiteful way
11 or something, said, well, let's use this as a scam.
12 So, I don't know how they got my number. But -- so
13 that's a theory that occurred to me.

14 **COMMISSIONER DEASON:** But those charges were
15 removed?

16 **WITNESS STANTON:** Oh, yes.

17 **COMMISSIONER DEASON:** It just took some
18 effort on your part?

19 **WITNESS STANTON:** Yes. Exactly.

20 **COMMISSIONER DEASON:** Are there any other
21 questions?

22 **COMMISSIONER JACOBS:** Do you have a copy of
23 your bill?

24 **WITNESS STANTON:** I do. But not with me.

25 **COMMISSIONER JACOBS:** I was just curious.

1 **WITNESS STANTON:** You mean of the \$100 bill
2 or whatever?

3 **COMMISSIONER JACOBS:** No, no, no. Of any
4 bill. I was just curious to see how it looks without
5 a presubscribed long distance carrier.

6 **WITNESS STANTON:** Like I say, it's generally
7 \$8 a month or something like that. I shouldn't say
8 \$8. Sometimes \$8. Generally \$12 a month. In other
9 words, I have bare minimal service and so forth and so
10 on.

11 **COMMISSIONER JACOBS:** Thank you.

12 **COMMISSIONER DEASON:** Thank you, sir. I
13 want to take this opportunity to thank every one that
14 took time out of their schedules to come and attend
15 this workshop. I appreciate the comments that were
16 provided. These comments, obviously, will be helpful
17 as we go about this process.

18 As Staff indicated, we do have a proposed
19 rule that is going to be modified and we will continue
20 with this rulemaking process. The next step -- since
21 this is the last workshop, I assume the next step
22 Staff will come back with a modified proposal and
23 actually present it to the Commission to initiate
24 formal rulemaking, is that correct?

25 **MS. CALDWELL:** We will eventually get there.

1 I think we will go through some modification
2 processes, adding a lot more provisions to the rule.
3 The law requires us also to do an economic impact
4 statement to that to define -- to determine any
5 regulatory costs that might occur. That process takes
6 usually about 8 to 10 weeks.

7 We also intend to meet with the industry.
8 Sometimes provisions become very costly and through
9 meeting with the industries we can work out
10 alternatives that sometimes do the same -- have the
11 same effect, but may be less costly to the industry.
12 And after that we will take it to the Commission for
13 their consideration.

14 **COMMISSIONER JACOBS:** Can I make a request?
15 Last night we heard GTE's proposed policy on how
16 they're going to deal with the third party. I'd like
17 to understand exactly the parameters by which we can
18 address that whole issue, the terms and conditions by
19 which the local exchange company contracts with these
20 third-party billing companies, and to what extent the
21 methods that GTE is invoking.

22 I hate to scrutinize the frequency of
23 complaints against those companies, as a matter of
24 contracting with them. I'd like to understand to what
25 extent we can have a say in that. If there is no

1 jurisdiction to do that, then so be it. But I'd at
2 least like to understand what the parameters are of
3 those agreements and how they operate and then I'd
4 also like to understand what -- how we can have some
5 jurisdiction to speak to that.

6 **MR. BECK:** Commissioner, I believe, Charles
7 Rehwinkel of Sprint was wanting to address their
8 policies similar to what GTE did last night.

9 **COMMISSIONER DEASON:** Come forward. I'm
10 going to do the same thing to you that I did to GTE
11 and put you under oath.

12

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13

CHARLES REHWINKEL

14 having been first duly sworn, testified as follows:

15

DIRECT STATEMENT

16 **MR. REHWINKEL:** That's the first time in 14
17 years of being in this business that I've been under
18 oath. So I don't think my answers would be any
19 different.

20

COMMISSIONER DEASON: Beware.

21

22 **MR. REHWINKEL:** Commissioner, my name is
23 Charles Rehwinkel. I'm the attorney for Sprint.
24 Mr. Beck, I don't think he was being facetious. I
25 didn't want to do this, but he wanted me to do this.

25

I'm glad to state what I believe Sprint's

1 policy is. I know that GTE and BellSouth have come up
2 and stated what theirs are or what they believe it is
3 and I think it will be appropriate for us to do the
4 same thing.

5 I would say -- make one reservation in
6 saying this, is this is what I believe that our policy
7 is. This is what I believe that we have stated our
8 policy is to the Commission in an informal and
9 workshop settings.

10 But with regard to when a customer calls our
11 business office with a -- regarding a charge that we
12 are characterizing as cramming, what our policy is, is
13 if that customer is asking the service representative
14 for information or has questions about the nature of
15 the charge, and that seems, in the customer service
16 representative's discretion, to be what that customer
17 wants, our only option there and what we are supposed
18 to do is to refer that customer to the billing
19 clearinghouse or -- actually our bills now, I think in
20 the last few months have been modified to state who
21 the provider of the service is, not who the billing
22 clearinghouse. You'll see Integretel or USBI. But
23 actually who the provider is that the clearinghouse is
24 putting the bill, the charge on our bill for. So that
25 name is now stated on the bill.

1 The rep is supposed to refer that customer
2 to that provider for an explanation of what the
3 charges are because sometimes a customer doesn't
4 necessarily believe that the charge is unwarranted.
5 He may not know whether another authorized person in
6 the household has allowed that charge to be made. So
7 he may just have a question.

8 If the customer, on the other hand, appears
9 to be upset or insistent that he has not authorized
10 the charge, the service representative, to the best of
11 my belief, is suppose to recourse that charge at that
12 point in time and to contact the clearinghouse and ask
13 them not to place any additional charges on the bill
14 and to credit any past charges that are associated
15 with the same type charge that may have been on prior
16 bills that the customer did not catch. And then it is
17 suppose to remark the account so that the customer, if
18 any bills or charges that are in the pipeline so to
19 speak appear on subsequent bills, those are suppose to
20 be taken off.

21 I think you've heard from at least one
22 customer today where that did not happen, and I
23 believe that is inconsistent with what our policy is.

24 Mr. Goldberg shared with me some of the
25 concerns that he had and I believe that we did not

1 handle his account initially as we should have.
2 Although, I think ultimately we handled it the way we
3 should have.

4 So I know that the policy has not
5 necessarily been executed to perfection. But that is
6 what I believe our policy is with respect to
7 interfacing with the customer.

8 I would like the opportunity in the
9 rulemaking process to verify this and to provide any
10 additional information that may be relevant to this.

11 **COMMISSIONER JACOBS:** What I was speaking to
12 is, do you know if Sprint undertakes a review of
13 your -- of arrangements with either the clearinghouse
14 or the party that you actually bill for?

15 **MR. REHWINKEL:** Yes. Commissioner, we have
16 provided our policy on that to Staff in this process,
17 and I'd like to say this. We have -- our customers
18 have charges on their bill. When a customer calls and
19 complains to us about this, our service recovery
20 center logs each and every one of those complaints.

21 These are not the ones where they just want
22 to ask a question. Those people go on and they deal
23 with the provider and if then they find out that
24 they've got a problem and they call us back and say,
25 "I want it off the bill, I've got a complaint."

1 That's logged. If they initially call and have a
2 complaint, that's logged. So we have logged
3 complaints.

4 The Public Service Commission get complaints
5 about providers that bill our customers and the
6 Commission logs those individually as to the provider
7 or the clearinghouse. Sometimes your information is
8 not perfect, so you log it as USBI instead of Pet
9 Insurance. Okay. Sometimes you log them as a Sprint
10 complaint because the customer is upset with the way
11 Sprint has handled it.

12 What we discovered in the last six months
13 was that the entire universe of the complaints that we
14 get that we log is about 25% of the total universe
15 because the Commission -- you get complaints and you
16 log them and we don't ever see that information.

17 And we are -- right now, we have taken the
18 initiative of trying to establish linkage with the
19 Commission to get a duplicate copy of that information
20 so we can incorporate that in our statistics that our
21 billing clearinghouse folks can take to the
22 clearinghouses and discuss with them whether there are
23 any improprieties in the way they bill, are there an
24 excessive number of complaints against them. Because
25 what we found out is that what was happening is that

1 we were only dealing with the 25% that we were
2 actually logging. We didn't know about the other 75%.

3 And so what we are trying to do in the last
4 couple of months is work with your Staff to get that
5 information so we have it and we can then take that
6 and more effectively discharge our policy. So
7 hopefully that will also help cut down on these
8 complaints. But, yes, we do have that kind of policy.

9 **MS. CALDWELL:** Mr. Rehwinkel, is your
10 company taking any steps towards reviewing your
11 contracts with these third-party billing companies? I
12 know that GTE has now ceased billing for any
13 noninformation services. Are you taking steps in
14 doing those types of things for cramming?

15 **MR. REHWINKEL:** In 1998, around the middle
16 of the year, we had most of our contracts come up for
17 renewal and we implemented a far more stringent policy
18 at that time.

19 As far as taking the kind of steps that I
20 heard GTE was describing at the last agenda
21 conference, we have, to my knowledge, not gone that
22 far. That's a very difficult line to walk because
23 there are certain legal constraints that make -- GTE
24 has felt more emboldened about taking. There are some
25 federal restrictions on what you can do there.

1 There's an anti-competitive law that --
2 anti-competition laws that make it very difficult to
3 act in that area. But that is something that we are
4 also looking at and it's an internal discussion that
5 we're having.

6 **MS. CALDWELL:** How about the thresholds of
7 complaints, something like that that they've set up,
8 that they have all of their companies on a threshold
9 where they've set these guidelines and if you have
10 anymore complaints we're going to put you on review or
11 cut you off?

12 **MR. REHWINKEL:** That has been -- those
13 thresholds do exist. I don't know what they are today
14 and I know that we have cut off at least a half a
15 dozen providers in the last few months. I am very
16 interested in what Mr. Goldberg said about providers
17 going from one clearinghouse to another. That's a
18 problem that I understood was not existing, but that's
19 something that, on a break, I asked someone to check
20 into.

21 **COMMISSIONER DEASON:** Any other questions?
22 Thank you, Mr. Rehwinkel. With that, thank you again
23 for participating in this process, and this workshop
24 is now adjourned.

25 (Thereupon, the workshop concluded at

1 3:10 p.m.)

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1 STATE OF FLORIDA)
: CERTIFICATE OF REPORTER
2 COUNTY OF LEON)

3 I, KIMBERLY K. BERENS, CSR, RPR, Official
4 Commission Reporter,

5 DO HEREBY CERTIFY that the Workshop was
6 heard by the Florida Public Service Commission at the
7 time and place herein stated; it is further

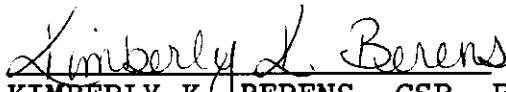
8 CERTIFIED that I stenographically reported
9 the said proceedings; that the same has been
10 transcribed by me; and that this transcript,
11 consisting of 125 pages, constitutes a true
12 transcription of my notes of said proceedings.

13 DATED this April 15, 1999.

14

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16


KIMBERLY K. BERENS, CSR, RPR
Florida Public Service Commission
Official Commission Reporter

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\$1,358 96/24, 100/16, 101/14 \$10.28 73/22 \$10.38 12/14 \$100 15/6, 99/17, 100/23 \$125 104/18 \$15 35/17 \$19.90 51/19, 51/25, 52/8 \$2,800 95/23, 96/14 \$210 76/10 \$25 73/9 \$25,000 34/14 \$27.50 78/13 \$28.12 120/7, 120/16 \$29.95 28/7, 28/20 \$3.50 74/14, 76/12, 76/16, 76/19 \$300 110/24, 113/24 \$38 73/9 \$4.85 24/18, 25/2, 33/4 \$4.95 34/7, 41/5 \$49.50 78/15, 115/7 \$5 13/22, 15/23 \$000 101/14, 101/19, 111/2, 113/24 \$9.90 51/25 \$9.95 49/18, 51/25 \$900 111/2	24 3/6 24-4.110 1/6 24-48 117/22 24-hour 79/3 25 104/11 250 69/7, 97/25 2540 2/7 27 3/8, 86/16 271364 82/4 2843 94/7 28th 102/14 2nd 1/20	accepts 65/3 access 33/15, 39/1, 39/19, 41/19, 130/9 accessories 81/3 accident 99/3, 101/9 accidentally 44/7 accomplished 57/16 accountability 31/14 accountable 31/18 accountant 35/4 accurate 83/20 accurately 9/10 accuses 103/22 Accutel 41/19, 43/10 acquainted 88/24 Act 50/12, 52/21, 53/9, 53/24, 54/3, 54/13, 57/16, 69/25, 70/1, 75/10, 93/11 Action 14/14, 48/14, 49/14, 121/18 activate 86/11 activation 12/14 activity 86/18, 87/5, 87/16, 88/5 add 115/20, 132/21 added 10/16, 76/10 additive 95/1 address 8/9, 9/8, 19/12, 19/15, 19/17, 22/1, 27/15, 45/4, 51/11, 54/18, 61/9, 61/11, 70/11, 71/11, 74/25, 82/4, 87/8, 95/5, 95/17, 105/22, 110/9, 122/10, 123/9, 123/11, 123/17, 124/19 addressed 43/7, 56/19, 67/23, 82/10, 118/13, 133/1 addresses 55/10 addressing 54/6, 86/24, 108/1 adds 34/9 ADERHOLD 3/18, 81/14, 81/15, 81/23, 82/3, 82/4, 84/11, 87/13, 87/15, 88/2, 88/10, 88/14, 89/10, 89/20, 90/18, 91/4, 91/8, 91/18, 91/22, 93/2, 93/5, 93/18, 93/21 Administration 13/16 administrative 118/1 Administratively 5/6 Admiral 99/5, 99/6 adopted 46/8, 54/7 adukt 21/12 advantage 59/15 adventure 46/25 advertise 105/10 advertisements 11/2 advertising 10/17, 55/17 advised 51/17, 51/18 advises 52/19 Affairs 2/14, 18/12 affected 69/8 affectionately 98/11 affiliated 123/7 age 63/20 agencies 67/7 agency 27/20, 43/14, 113/3 agent 50/23, 53/5 aggravation 122/15, 124/1 aggregate 129/15, 129/17 aggregated 61/9 aggregator 129/2 agree 76/1, 109/16, 112/10, 132/2 agreed 79/10 agreement 100/13, 100/14, 118/16, 129/7 air 94/25, 98/4 alarmed 23/16, 23/22 alleged 84/21 allow 10/2, 76/4, 76/8, 87/7, 126/20, 130/13 allowed 94/17, 130/3 allows 90/20 amended 20/24 amendment 1/5, 10/1 amendments 5/8 America 13/16 American 24/12, 24/15 Amerinet 117/13, 118/11, 118/12, 119/1 amount 13/25, 17/19, 17/24, 91/13, 93/7, 120/6, 122/17 anger 101/23, 109/25, 124/1 angry 73/2 announcement 23/12 annoyed 52/17, 52/22 annual 21/8 answer 10/20, 11/11, 31/14, 35/3, 43/17, 55/21, 59/6, 85/21, 98/23, 106/4, 106/25, 131/5, 131/16, 131/17 answered 10/22, 56/24, 66/18, 98/3 answering 51/4, 54/10, 98/18, 99/4 answers 108/21 antirramming 125/16 AON 58/21, 60/21 Apartment 24/13 apologize 41/5, 85/5, 93/9 Appeals 2/7, 5/20 APPEARANCES 2/1, 5/11, 5/22, 6/9 application 34/16, 72/21, 72/25
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