

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Dade County Circuit Court referral of certain issues in Case No. 92-11654 (Transcall America, Inc. D/b/a ATC Long Distance vs. Telecommunications Services, Inc., and Telecommunications Services, Inc. vs. Transcall America, Inc. D/b/a ATC Long Distance) that are within the Commission's jurisdiction.

DOCKET NO. 951232-TI
DATED: JULY 28, 1998

STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-98-0117-PCO-TI, issued January 21, 1998, and Order No. PSC-98-0766-PCO-TI, issued June 3, 1998, the Staff of the Florida Public Service Commission files its Prehearing Statement.

A. All Known Witnesses:

Direct and Rebuttal

Kathy L. Welch

(Issues 2 and 3)

B. All Known Exhibits:

KLW - 1

Staff Audit Report

KLW - 2

Audit Workpapers

Staff has not yet identified all exhibits which it intends to utilize in this proceeding. Staff will supply a tentative list of such exhibits at or prior to the Prehearing Conference.

C. Staff's Statement of Basic Position:

Staff is not a party to, and has no substantial interest in, the proceeding. Staff's role is generally to assure that there is a complete record for consideration by the Commissioners. Staff's positions set forth herein are preliminary pending the outcome of the hearing.

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- LIN 3
- OPC _____
- RCH _____
- SEC 1
- WAS _____
- OTH _____

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Based upon the testimony and exhibits filed by Staff witness Welch, it appears that Telus/Transcall improperly billed TSI in excess or violation of the contract between the parties. According to Staff witness Welch, however, it appears that any amount overcharged by Telus/Transcall was offset by credits and discounts provided by Telus/Transcall to TSI. Thus, based upon Staff witness Welch's testimony and Exhibit K LW-1, it appears that TSI owes Transcall \$501,369.

Staff's Position on the Issues:

LEGAL

ISSUE 1: Does the Commission have jurisdiction over the disputes arising out of the Telus/TSI contract?

STAFF: Staff has no position at this time.

FACTUAL

ISSUE 2: Did Telus/Transcall improperly bill TSI in excess of or violation of the contract between the parties, including, but not limited to, the following specific alleged violations:

- improperly billing for calls not made, not completed, that were busy, or had bad connections;
- overcharging calls, double billing calls, or billing for the same call in consecutive bills;
- improperly charging TSI for 800 calls;
- billing in increments that were in violation of the contract;
- improper billing for travel cards and canceled accounts; and
- supplying improper and inaccurate billing details to TSI.

STAFF: Based upon Staff witness Welch's testimony and Exhibit KIW-1, it appears that Telus/Transcall improperly billed TSI in excess or violation of the contract between the parties. Staff's position is preliminary pending the outcome of discovery and the hearing in this matter.

- A. If Telus/Transcall improperly billed TSI in excess of or violation of the contract, did the improper billing result in overcharges?

STAFF: Based upon Staff witness Welch's testimony and Exhibit KIW-1, it appears that the improper billing resulted in overcharges. Staff's position is preliminary pending the outcome of discovery and the hearing in this matter.

- B. If overcharges occurred, what is the amount of such overcharges, including any applicable interest?

STAFF: Based upon Staff witness Welch's testimony and Exhibit KIW-1, it appears that the overcharges to TSI were offset by credits and discounts provided by Telus/Transcall to TSI. Staff's position is preliminary pending the outcome of discovery and the hearing in this matter.

- C. Did TSI make any payments on any amount overcharged under the contract? If so, how much?

STAFF: Based upon Staff witness Welch's testimony and Exhibit KIW-1, it does not appear that TSI made any payments on any overcharged amount. Staff's position is preliminary pending the outcome of discovery and the hearing in this matter.

- D. After accounting for any overbilling, refunds, settlements or other credits that may be applicable, what amount, if any, does TSI owe Transcall for the services it received?

STAFF: Based upon Staff witness Welch's testimony and Exhibit KIW-1, it appears that TSI owes Transcall \$501,369. Staff's position is preliminary pending the outcome of discovery and the hearing in this matter.

ISSUE 3: Did Telus/Transcall improperly bill TSI's customers in excess of or violation of the applicable tariff for intrastate traffic, including, but not limited to, the following specific alleged violations:

- improperly billing for calls not made, not completed, that were busy, or had bad connections;
- overcharging calls, double billing calls, or billing for the same call in consecutive bills;
- improperly charging of 800 calls and 800 customers;
- billing in increments that were in violation of the applicable tariff;
- improperly billing for travel cards and canceled accounts; and
- supplying improper and inaccurate billing details to TSI's customers.

STAFF: Staff has no position at this time.

- A. If Telus/Transcall improperly billed TSI's customers in excess of or violation of the applicable tariff, did the improper billing result in overcharges?

STAFF: Staff has no position at this time.

- B. If overcharges occurred, what is the amount of such overcharges, including any applicable interest?

STAFF: Staff has no position at this time.

- C. Did TSI's customer's make any payments on any amount overcharged? If so, how much was paid and to whom were payments made?

STAFF: Staff has no position at this time.

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- D. After accounting for any overbilling, refunds, settlements or other credits that may be applicable, are TSI's customers due any refund amount? If so, who should pay the refund and how should it be implemented?

STAFF: Staff has no position at this time.

H. Stipulation

Staff is not aware of any issues that have been stipulated at this time.

I. Pending Motions:

Staff has no pending motions at this time.

RESPECTFULLY SUBMITTED,

Beth Keating

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Staff Counsel

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CERTIFICATE OF SERVICE

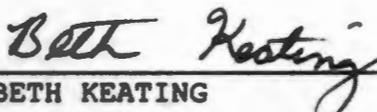
I HEREBY CERTIFY that copies of Staff's Prehearing Statement have been furnished by U. S. Mail, this 28th day of July, 1998, to the following:

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RESPECTFULLY SUBMITTED,



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