

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Determination by Florida) DOCKET NO. 940748-TC
Public Service Commission of) ORDER NO. PSC-94-1091-FOF-TC
appropriate method of refund for) ISSUED: September 6, 1994
overcharges by LONDON)
COMMUNICATIONS, INC. on)
intrastate long distance calls)
placed from pay telephones.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER TO SHOW CAUSE WHY A PENALTY SHOULD NOT BE IMPOSED
FOR OVERCHARGING CUSTOMERS

BY THE COMMISSION:

London Communications, Inc. (London) has been a certificated pay telephone provider since December 4, 1989. As such, London is subject to the rules and regulations of the Florida Public Service Commission.

A new rate cap on interlata and intralata calls from pay telephones was established by Orders Nos. 24101 and 25312, issued in 1991. These Orders were stayed until September, 1993. By Order No. PSC-93-0896-AS-TP, the new rate cap was implemented. The order detailed the rates with effective dates. Copies of the Order were sent to all pay telephone and operator service providers certificated in Florida. Thus, London was notified of the newly established rates.

On November 30, 1993, a staff engineer in the Division of Communications' Bureau of Service Evaluation placed a direct dialed credit card call from a London pay telephone while performing routine evaluations. As a result of this call, it was revealed that London was charging in excess of the rate caps.

According to the information received from London, the overcharging occurred starting in September 1993. London had been charging a \$1.00 surcharge on 0+ interlata and intralata calls when

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it should have only charged \$.25 pursuant to Order No. 24101, 25312 and PSC-93-0896-AS-TP. London improperly charged \$1.00 instead of \$.25 on 11,292 interlata and intralata calls in Florida between September 1993 and April 1994. The amount overcharged totaled \$8,469. After correspondence with staff in April 1994, London corrected its rates.

By separate Order, we have proposed to require London to refund the amount overcharged to its customers. The instant Order addresses the issue of London's apparent violation of the rate cap mandates imposed by Orders Nos. 24101, 25312, and PSC-93-0896-AS-TP.

London has a history of violations of Commission rules and orders. On April 8, 1993, by Order No. PSC-93-0534-FOF-TC, this Commission required London to show cause why it should not be fined \$2,000 for violation of Rule 25-4.515(14), requiring access for the physically handicapped and 25-4.043, failure to respond to the Commission staff's inquiries. On March 30, 1994, by Order No. PSC-94-0367-FOF-TC, London was fined \$6,000 for continuing violations of Rule 25-24.515(14), handicapped access violations; Rule 25-24.515(6), blocking access to locally available interexchange carriers; and Rule 25-24.515(7), improper routing and rating of operator assisted local calls; as well as violations of Order No. PSC-92-0194-FOF-TL, requiring certain EAS calling capabilities from its pay phones. London's continuing apparent violations constitute a grave situation that must be remedied.

Accordingly, we find it appropriate to require London to show cause in writing why it should not be fined \$5,000 for charging in excess of the rate caps established by Orders Nos. 24101, 25312, and PSC-93-0896-AS-TP.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that London Communications, Inc. shall show cause in writing why it should not be fined \$5,000 for overcharges to its customers as outlined in the body of this Order. It is further

ORDERED that any response to this Order shall be filed pursuant to the requirements set forth below. It is further

ORDERED that failure to respond to this Order shall be deemed as admission to the allegations set forth above, a default and a waiver to the right to a formal hearing. It is further

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ORDERED that this docket shall remain open pending resolution of the show cause process.

By ORDER of the Florida Public Service Commission, this 6th day of September, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Perry
Chief, Bureau of Records

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by 25-22.037(1), Florida Administrative Code, in the form provided by 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on September 27, 1994.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing pursuant to 25-22.037(3), Florida Administrative Code,

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and a default pursuant to 25-22.037(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to 9.110, Florida Rules of Appellate Procedure.