

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint by Aristides) DOCKET NO. 940428-TL
Day against BELLSOUTH) ORDER NO. PSC-95-0854-AS-TL
TELECOMMUNICATIONS, INC. d/b/a) ISSUED: July 17, 1995
SOUTHERN BELL TELEPHONE AND)
TELEGRAPH COMPANY regarding)
interruption of service.)
_____)

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

On November 1, 1993, Mr. Aristides Day filed a complaint against BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the company) with the Division of Consumer Affairs. The complaint concerned the interruption of Mr. Day's telephone service, for nonpayment, on July 21, 1993 while he was in Europe and another service interruption on August 31, 1993.

On June 9, 1994, we proposed to dismiss Mr. Day's complaint in Proposed Agency Action Order No. PSC-94-0716-FOF-TL. We received Mr. Day's protest to the Order on June 24, 1994, and subsequently referred the case to the Division of Administrative Hearings for a hearing. The matter was set to be heard on May 11, 1995. Prior to the hearing, Southern Bell and Mr. Day agreed to a settlement. Specifically, Mr. Day agreed to:

1. pay one-half of the amount past due on his account (\$434.37).
2. drop the PSC complaint set for hearing on May 11, 1995 and the more recent complaint that relates to an incident in December of 1994. See complaint No. 52157P.
3. release Southern Bell from all liability.

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The Hearing Officer cancelled the hearing based on this agreement and issued an Order closing the docket and returning the matter to the Commission.

Upon consideration, we believe the settlement is appropriate. It fully resolves the disputes between the parties.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the settlement between Mr. Aristides Day and BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company is hereby approved. It is further

ORDERED that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 17th day of July, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Jeyan
Chief, Bureau of Records

(S E A L)

MMB

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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.

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