

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of appropriate method for refunding overcharges on intrastate long distance service for calls placed from pay telephones by Intellicall Operator Services, Inc.

DOCKET NO. 970838-TI
ORDER NO. PSC-97-1200-FOF-TI
ISSUED: October 3, 1997

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION ORDER REQUIRING REFUNDS

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Intellicall Operator Services, Inc., (Intellicall) is an interexchange carrier providing operator services since October 18, 1988, under Certificate No. 2177.

On January 30, 1997, our staff made a calling card test call in Ocala to a Commission test number, testing for call timing and billing accuracy. The call lasted for two minutes. The billing for that call revealed the Commission was billed \$2.75 for a call that should have been billed at \$1.82.

Our staff asked Intellicall for an explanation of the discrepancy on March 4, 1997. Intellicall responded on March 17, 1997, that the pay telephone did not transmit the call as a direct dial calling card call, but rather as a 0- call. Intellicall's

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rate table then incorrectly rated the operator charge as if the operator dialed the call. Intellicall explained that on April 2, 1996, it modified its rate table and, at that time, the operator surcharge was entered incorrectly. The company stated that it corrected the rate table error on March 13, 1997, as soon as the source of the problem was found.

On May 7, 1997, the company advised that after analyzing its call data for the period between April 2, 1996, and March 13, 1997, it found a total of 6,236 calls that it had incorrectly rated for a total amount of overcharges of \$5,799.48. Intellicall stated that it was prepared to make refunds in that amount.

We find that the company shall be required to make refunds pursuant to Rule 25-4.114, Florida Administrative Code, in the amount of \$6,203.17. That amount consists of \$5,799.48 in overcharges and \$403.69 in interest. The company shall credit that amount to end users' bills. The refund shall be completed by applying the credits to bills issued between October 14 and November 30, 1997. Any unclaimed refunds, including interest, shall be remitted to the Florida Public Service Commission by December 30, 1997, to be forwarded to the Comptroller's Office for deposit in the General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Intellicall Operator Services, Inc., shall make refunds in the total amount of \$6,203.17 to end users in the manner prescribed in the body of this Order. It is further

ORDERED that all unclaimed refunds shall be remitted to the Florida Public Service Commission by December 30, 1997, to be forwarded to the Comptroller's Office for deposit in the General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. It is further

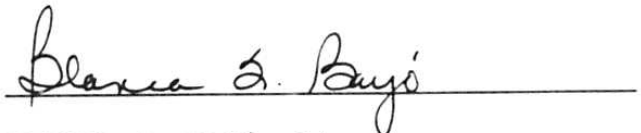
ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth

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in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 3rd day of October, 1997.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

CJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. 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 Rule 25-

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22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 24, 1997.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an 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 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.