

FLORIDA PUBLIC SERVICE COMMISSION

Fletcher Building
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Tallahassee, Florida 32399-0850

M E M O R A N D U M

March 19, 1991

TO : DIRECTOR, DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF LEGAL SERVICES [ADAMS] *yka* *FL*
DIVISION OF CONSUMER AFFAIRS [BROWN] *COB*

RE : DOCKET NO. 910293-TI, INITIATION OF SHOW CAUSE
PROCEEDINGS AGAINST INTEGRETTEL, INC. FOR
VIOLATION OF FPSC RULES 25-4.111(1) AND 25-4.043
REGARDING RESPONSES TO CONSUMER COMPLAINTS

AGENDA: APRIL 2, 1991

PANEL : FULL COMMISSION

CRITICAL DATES: NONE

CASE BACKGROUND

In 1990 consumers filed seventeen (17) complaints with the Division of Consumer Affairs against Integretel, Inc. As each complaint was filed, staff faxed or mailed the written complaint to Integretel and requested a written response within fifteen (15) days in accordance Rules 25-111(1) and 25-4.043, Florida Administrative Code (F.A.C.) and the Division of Consumer Affairs procedures.

In six of the 17 cases, the company did not respond at all to repeated staff requests for information. One of these six cases was closed after obtaining information from the local exchange company and the customer. The other five cases remain unresolved. Despite numerous letters, calls and certified letters requesting information, Integretel provided no responses other than a form letter acknowledging receipt of the complaint in two cases.

Of the remaining eleven (11) cases, all eleven of the responses received by staff arrived late (past the due date specified on the complaint form for reply.) These responses were received only after many attempts by staff to obtain replies to aid in the resolution of the complaints. Total attempts by staff to obtain responses to complaints from Integretel included 15

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phone calls, four faxed messages, fifteen letters via regular mail, and two certified letters. In spite of staff's efforts, Integretel provided either late or no response to each of the 17 complaints filed with the Division of Consumer Affairs in 1990.

This problem has continued into 1991 as two complaints have been filed and no responses have been received, despite follow-up requests by staff.

A list of all complaints and response times is attached. (Attachment 1).

Staff has exhausted its efforts to achieve Integretel's compliance with Rules 25-4.111(1) and 25-4.043, F.A.C., which apply to Interexchange Telephone Companies (IXCs) by incorporation in Rules 25-24.490 and 25-24.480 respectively. Staff now brings the following recommendation before the Commission for its consideration.

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DISCUSSION OF ISSUES

ISSUE 1: Should Integretel, Inc. show cause why it should not be fined for violation of rules that require response to customer complaints and commission staff inquiries?

RECOMMENDATION: Yes, Integretel, Inc. should show cause why it should not be fined \$3,600 for not responding to requests for information from staff in a timely manner as required by commission rules.

STAFF ANALYSIS: Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries states that:

The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.

Integretel has repeatedly violated the above rule.

Despite numerous requests by staff for the information needed in order to resolve and respond to customer complaints, each of the responses received were provided late in 1990 and only after many written and verbal requests. In six cases, no responses were ever provided, despite repeated requests by staff.

Rule 25-4.111, F.A.C., Customer Complaints and Service Requests states:

(1) Each telephone utility shall make a full and prompt investigation of all complaints and service requests made by its customers, either directly to it or through the Commission and respond to the initiating party within fifteen (15) days. The term "complaint" as used in this rule shall be construed to mean any oral or written report from a subscriber or user of telephone service relating to facilities, errors in billing or the quality of service rendered.

It should be noted that most customers file complaints with the Division of Consumer Affairs only after first attempting to resolve the complaints by contacting the utility themselves. In fact, part of the division's procedures include screening

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complaints from customers and referring the customers directly to the utility if they have not already contacted it. Therefore it does not appear that Integretel's failure to respond to commission staff is due to the company's having already resolved the customer's concerns as staff determined that the customers who filed complaints were justified in contacting the commission for assistance in 80% of the cases closed.

Integretel has not offered staff any valid reason for its continued lack of attention to requests for information. Not receiving the requested information from a utility hampers staff's ability to respond to customers seeking assistance from the commission and undermines the commission's effectiveness in handling customer complaints.

Therefore, staff believes the Commission should have Integretel, Inc. show cause why it should not be fined \$3,600 or \$200 for each case where a response was filed past the due-date and in each case where no response was filed at all.

Integretel, Inc. has repeatedly violated FPSC rules by not responding in a timely manner to the reasonable requests made by staff for information to aid in the investigation of customer complaints. In addition, the lack of response by Integretel caused extra expense to the commission and the taxpayers of Florida as it was necessary for staff to spend an inordinate amount of time calling the company, writing letters and sending certified mail requests in an effort to get the requested information.

Furthermore, staff spent time following up with customers who recontacted the commission to find out why their previous complaints remained unresolved. A disproportionate amount of time has been spent by staff in trying to get the required written responses from Integretel as compared to the time spent processing complaints filed against other utilities. Based on past experience staff has reason to believe that this will continue unless fines are imposed for these repeated rules violations. We believe that without the commission's strong statement that noncompliance with its rules will not be tolerated, staff will continue to have difficulty getting the information necessary to aid consumers in a timely manner.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: No, this docket should remain open pending resolution of the show cause proceeding.

STAFF ANALYSIS: This docket should remain open pending the company's response and resolution of the show cause proceeding. However, if the company fails to file a response, its certificate should be cancelled and this docket closed.

ATTACHMENT 1

Integretel, Inc. Complaints

1990

<u>Complaint</u>	<u>Date to Co.</u>	<u>Report Due</u>	<u>Report Rcvd</u>	<u>Follow-ups</u>
Munoz, T.	03/12/90	03/27/90	03/30/90	--
Davis, H.	05/22/90	06/06/90	08/02/90	--
Thornton, E.	06/14/90	06/29/90	08/23/90	three
Lake Suzy	07/18/90	08/02/90	09/14/90	one
Cimmino, K.	08/07/90	08/23/90	09/21/90	four
Richard B.	08/09/90	08/24/90	10/25/90	three
Yantus, Joe	08/27/90	09/11/90	none	one
Caudill, W.	09/04/90	09/20/90	none	one
Bailey, F.	10/04/90	10/19/90	01/22/91	four
Roberts, E.	10/09/90	10/24/90	11/28/90	one
Sands, D.	10/10/90	10/25/90	10/29/90	two
Big Lake	10/19/90	11/05/90	11/30/90	one
Frank, L.	10/18/90	11/05/90	none	four
Fedale, J.	10/19/90	11/06/90	none	two
Rauth, G.	10/26/90	11/13/90	02/26/91	two
Hall, L.	12/11/90	12/27/90	none	two
Fagen, B.	12/13/90	12/31/90	none	three
<u>1991</u>				
Griswold	01/10/91	01/25/91	none	one
Arandus, H.	03/08/91	03/22/91		

In addition, a letter was sent via certified mail in February, 1991, listing all open cases and requesting responses.