

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Determination of) DOCKET NO. 950366-TI
appropriate method for refunding) ORDER NO. PSC-95-0676-FOF-TI
overcharges by Business Telecom,) ISSUED: June 6, 1995
Inc. d/b/a BTI on intrastate)
long distance calls.)
_____)

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING METHOD OF REFUND AND DISPOSITION OF OVERCHARGES

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.

On June 8, 1994, our Division of Communications informed Business Telecom, Inc. d/b/a BTI (BTI) that pay telephone test calls carried by the company appeared to be billed in excess of those shown in BTI's tariff. BTI promptly revised its tariff to reflect the rates it was charging. BTI determined that 30 customers were overcharged a total of \$178.75 between March, 1992 and July 20, 1994. On its own initiative, BTI refunded \$120.75 to 21 of the 30 overcharged customers in September, 1994.

We order BTI to refund the remaining \$58.00 plus \$12.39 in interest, calculated in accordance with Rule 25-4.114, Florida Administrative Code. The customers that BTI can identify should be refunded by crediting their monthly bills after this Order becomes final. The remaining amount should be paid to the Florida Public Service Commission and will be disposed of pursuant to Chapter 364.285, Florida Statutes. When the refund is complete, BTI will provide our staff with a report verifying the refund.

DOCUMENT NUMBER-DATE

05275 JUN-6 8

FPSC-RECORDS/REPORTING

ORDER NO. PSC-95-0676-FOF-TI
DOCKET NO. 950366-TI
PAGE 2

We choose not to issue a show cause order against BTI. Once informed that there was a problem, BTI investigated and corrected the problem. BTI refunded most of the overcharges without any action by this Commission and fully cooperated with our staff. Considering the level of cooperation and the corrective action taken by BTI, we do not believe that a show cause order is necessary.

It is, therefore,

ORDERED by the Florida Public Service Commission that Business Telecom, Inc. d/b/a BTI shall refund \$70.39 consisting of \$58.00 overcharged plus \$12.39 in interest. It is further

ORDERED that Business Telecom, Inc. d/b/a BTI shall make the refunds directly to the end users that were overcharged by crediting their monthly bills. It is further

ORDERED that Business Telecom, Inc. d/b/a BTI shall remit to the Commission \$70.39 less any amount refunded directly to the end users. It is further

ORDERED that Business Telecom, Inc. d/b/a BTI shall provide a report to our staff verifying the amount refunded and the completion of the refund. It is further

ORDERED that this docket will be closed upon verification that the refund is complete. It is further

ORDERED that, unless a person whose substantial interests are affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, this order will become final.

By ORDER of the Florida Public Service Commission, this 6th day of June, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Dizon
Chief, Bureau of Records

(S E A L)

LMB

ORDER NO. PSC-95-0676-FOF-TI
DOCKET NO. 950366-TI
PAGE 3

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.

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 25-22.029(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 June 27, 1995.

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.