

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Determination of ) DOCKET NO. 951168-TI  
appropriate method for refunding ) ORDER NO. PSC-95-1547-FOF-TI  
overcharges on intrastate long ) ISSUED: December 15, 1995  
distance service provided by )  
Quest Communications Corporation )  
for calls placed from pay )  
telephones. )  
\_\_\_\_\_ )

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 REFUND METHOD

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.

We routinely evaluate pay telephones for compliance with Commission rules. During these evaluations credit card test calls are made. Calls are verified to determine whether they comply with Order No. 24101 with respect to the rate charges. Quest Communication Corporation (QCC) was informed December 19, 1994 that charges for three test calls appeared to exceed the amount allowed by the Florida pay telephone rate cap. In a January 9, 1995 response to a staff inquiry, QCC advised that the overcharges were caused when one of its agents, who was not aware that the same surcharges for interstate calls do not apply to Florida intrastate long distance calls, programmed the wrong rates into QCC pay telephones. QCC corrected the problem the day it received our staff's letter by discontinuing the interstate surcharge on Florida intrastate calls. It has also ceased allowing independent agents

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to program rates on its pay telephones. QCC implemented a program which has pre-set cost call limits to prevent charges that exceed Florida state limits.

QCC determined that it had overcharged \$18,515.75 on 5,172 calls between September and December, 1994. QCC proposed to make the refund by providing a credit on identified customers telephone bills and paying the remaining amount to the Commission for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

We accept QCC's proposal. We order QCC to refund a total amount of \$19,902.28, consisting of \$18,515.75 in overcharges plus \$1,386.53 interest, calculated in accordance with Rule 25-4.114 Florida Administrative Code. QCC shall refund the money by applying credit to identified overcharged customers' monthly bills and pay the remaining amount to the Commission for deposit in the General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

We choose not to issue a show cause order or impose a fine against QCC at this time. QCC promptly responded to our staff's inquiry, corrected the problem, and took steps to prevent recurrence. Considering the QCC effort in resolving the overcharging problem and implementing corrective measures, we do not believe a show cause order is necessary.

It is, therefore,

ORDERED by the Florida Public Service Commission that Quest Communications Corporation's refund proposal is accepted as described in the body of this Order. It is further

ORDERED that Quest Communications Corporation refund \$19,902.28 consisting of \$18,515.75 in overcharges plus \$1,386.53 interest, calculated in accordance with Rule 25-4.114, Florida Administrative Code. 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, this Order shall become final on the following date and this docket shall be closed upon verification that Quest Communications Corporation has completed the refund.

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By ORDER of the Florida Public Service Commission, this 15th  
day of December, 1995.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Deegan  
Chief, Bureau of Records

( S E A L )

LMB

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 January 5, 1996.

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.

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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.