

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Harold) DOCKET NO. 931062-TL
Durel against BellSouth) ORDER NO. PSC-96-0427-FOF-TL
Telecommunications, Inc. d/b/a) ISSUED: March 26, 1996
Southern Bell Telephone and)
Telegraph Company regarding)
charges for residential 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 CLOSING DOCKET

BY THE COMMISSION:

On October 20, 1992, BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) initiated service to Mr. Harold Durel. Between October, 1992, and March, 1993, Mr. Durel made numerous complaints regarding his service. Southern Bell investigated each complaint, but was unable to locate any problems.

On March 1, 1993, the Staff of this Commission initiated an informal inquiry into the quality of service provided to Mr. Durel by Southern Bell. However, since there was no indication that Mr. Durel's alleged problems were the result of Southern Bell's facilities or service, and since it appeared that Southern Bell was working in good faith to resolve the problems, Staff closed the inquiry.

On May 13, 1993, Southern Bell advised Staff that it continued to monitor Mr. Durel's service and that it had not found any problem with its equipment or lines. Southern Bell also informed Staff that Mr. Durel had made no payments since his service was initiated in October, 1992.

By letter dated June 24, 1993, Staff informed Mr. Durel that, since no problems could be found with Southern Bell's facilities, the Commission had no basis to require Southern Bell to make any

DOCUMENT NUMBER-DATE

03572 MAR 26 88

FPSC-RECORDS/REPORTING

adjustments to his bill. On July 9, 1993, Mr. Durel requested an informal conference.

Staff held an informal conference on August 17, 1993, in Royal Palm Beach. Both at and subsequent to the informal conference, Mr. Durel presented a number of letters, computer bulletin board messages, and news clippings that he believed illustrated his service problems. The letters were from associates of Mr. Durel who had allegedly experienced problems reaching him by telephone. Mr. Durel also complained that Southern Bell had damaged his sprinkler system when it repaired a buried cable. Mr. Durel originally asked that Southern Bell reimburse him \$2,600 for the alleged damage; however, he later reduced his claim to \$950.

Southern Bell argued that, since it was never able to find any problem with its facilities or equipment, with the exception of its repair of the buried service wire, no further bill adjustments should be made. As for Mr. Durel's sprinkler system, Southern Bell claimed that the damage was repaired on the spot by the contractor, but offered to repair any damage that may still exist.

The informal conference failed to resolve Mr. Durel's complaint and, by Proposed Agency Action Order No. PSC-93-1841-FOF-TL, issued December 1993, this Commission dismissed Mr. Durel's complaint.

Mr. Durel filed a protest to Order No. PSC-93-1841-FOF-TL. His complaint was referred to the Division of Administrative Hearings (DOAH). There were a number of delays before DOAH and a hearing was ultimately never held. By letter dated April 13, 1995, Mr. Durel withdrew his complaint. According to Mr. Durel, he withdrew his complaint so that he could pursue an action for damages in a court of competent jurisdiction. By Order dated April 14, 1995, DOAH closed its file and relinquished jurisdiction back to the Commission.

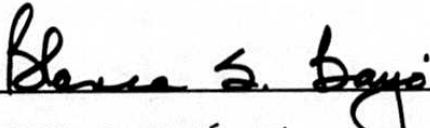
Since Mr. Durel has withdrawn his complaint, nothing remains to be done in this docket. Accordingly, we find it appropriate to acknowledge Mr. Durel's withdrawal of his complaint and close this docket.

It is, therefore,

ORDERED by the Florida Public Service Commission that this docket is closed.

ORDER NO. PSC-96-0427-FOF-TL
DOCKET NO. 931062-TL
PAGE 3

By ORDER of the Florida Public Service Commission, this 26th
day of March, 1996.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

RJP

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.