

To the State of Florida Public
Service Commission

To Susan F. Clark, Chairman

960554-TP

This is a notification in reply for a request to receive a more definite statement and further to "strike the motion" to dismiss by a proceeding of the commission on Health Management System's formal and current complaint petition for violations by AT&T and the United Telephone Company for interlata PIC slamming. Therefore, Health Management Systems, Inc., requests for the matter to be set for Hearing before the Commission which is pursuant to Rule 25.0355. The rule, order or statue that has been violated, Rule 25-4.118 (PIC) Primary Interexchange Carrier changing without authorization by the end user of telecommunications services and the local intrastate carrier interrupting service after customer agreeing upon payment and paying of all local intralata, intrastate and interstate charges in person at the billing office of United Telephone and after reporting the complaint of slamming on Primary Interexchange Carriers non authorization changing to the State of Florida Public Service Commission which is totally against all Convenience and Necessity in the Public Interest. This is a grave and mortal violation and against all rules, orders and statues that constitute the HR 1555 and HR 602 Deregulation Telecommunications Act and Bill.

The initiation of formal proceedings are applicable under Statue 120.57 under rule 25-22.036 and by Rule 25-22.037 answers and motions and Rule 25-22.0376 for a reconsideration of Prehearing Officer Orders by Ms. Kathy Lewis and Mr. Walter D. Haessler. Health Management Systems, Inc., respectfully asks for the Commission to elect the motion to elect Susan F. Clark, Chairman, as the Hearing Officer of the Division of Administrative Hearings to be assigned to conduct the hearing and the Division of Communications Ms. Kathy Lewis to forward the initial pleading, and all materials filed with the Commission to the Division of Administrative Hearings and to notify all parties of its action.

DOCUMENT NUMBER-DATE

04947 MAY-28

FPSC-RECORDS/REPORTING

The Answers to the address by Ms. Kathy Lewis and Walter D. Haessler that were raised since April 8, 1996 on the motions of the service in the petition filed in the complaint seeking relief against AT&T and United Telephone by Health Management Systems in its complaint and violations regulated under HR 1555 and HR 602 § 251 through 256 Equal Access for usage of equal number portability parity are mute because the violation was already consented to by AT&T and includes United Telephone for disconnection of service of the agreements in person at the United Telephone's billing office for payments.

The compounded bills in which were questioned for charges being accessed for free zone area calling were to numbers in Fort Myers and on bills that preceded the March bill in the months of December 1995, January 1996, and February 1996 and according to the United Telephone Company's General Exchange Tariff Section A3, and their filed FCC N°1 and 2 Tariff and LERG and OCF Tariffs there is no local calling between (941)694-0207 and (941)334-2949 in the same free zone intralata area of Fort Myers to be billed for charges.

Secondly, the payments in question that were not properly credited that were made in cash payments in the amounts of \$104.04 on March 9, 1996, was credited by United Telephone on March 25, 1996 after the State of Florida Public Service Commission investigation upon the request of Health Management Systems. The payment on March 10, 1996 for \$156.54 as can be apparently seen on March to April phone bill service statement account of Health management System's bill. According to United Telephone Company's billing statements as payments that were properly recieved and in the April bill credited properly.

Finally AT&T consented to its violations of slamming or PIC nonauthorizable changing by providing a partial credit for accessed fees for these calls billings on the statements of United Telephone bills to Health Management Systems, Inc.

It is a falsification of appearance that United Telephone Company has acted in accordance with Commission Rules and Company Tariffs in pursuing collection on Health Management Systems' account. For further violations there was an assault and battery felony offense on the part of their Security Mr. Booth, and under Rule 25-4.113 Florida Adminis-

trative Code appropriate notification was never given until after interruption of telecommunications service which is far too late according to Rule 25-4.113, and further never was a disconnect notice received at any time either verbally and on written form although a motion is made to produce these interrogatories during the Commissions Administrative Hearings under Rule 25-22.037. These actions are and have ^{been} blatantly committed since March 8, 1995.

The relief Health Management Systems, Inc., seeks by the Florida State Public Service Commission is to publish such notice of violations under this complaint in appropriate local and other newspapers of general circulation and the Florida Administrative Weekly, along with all proceedings and upon this respectful request upon its motion along with all petition materials under Rule 25-22.040. Health Management Systems requests the Florida State Public Service Commission during the pending of this Florida Administrative Hearing 25-22.036 to receive a temporary deferment from all questionable evidentiary and intelocutory payments in question. Health Management Systems also respectfully requests all penalties to be derived for these violations under HR 1555 and HR 602 under Statue Section 256. These reliefs are all offective under the Commission's jurisdiction. As an IEC inter-exchange intralata and interlata carrier under the Bell Core approval of Access Carrier Name Abbreviation (ACNA) HLM for Health Liability Management Corporation and Carrier Identification Code (CIC) 1015381 and under the F.C.C. Common Carriers Bureau F.C.C. N°214, 1, and 2 tariff and under the application for Certificate of Convenience and Necessity for 90 days preposted to approval under the Deregulation Telecommunications Bill and Act its viable to request collocation premises under HR 1555 and HR 602 Section 251 in which the Certificate Application is already posted to the Florida Public Service Commission and with the OCF. The following Interexchange Carrier selection under 25-4.118 during the requested Florida Administrative Hearing to identify by depositions and interrogatories that the primary interexchange carrier by the customer which is Health Management Systems placed a telephone call or letter directly to the local exchange company. Secondly that the local exchange company accepted PIC change requests from the cer-

tificated interexchange company (IXC) already both company's in this motion were mentioned prior by acting on Health Management Systems better known as the customer's ^{complaint} Thirdly that the certified IXC that was responsible for billing Health Management Systems in its name submitted the PIC change request, other than the customer better known as Health Management Systems PIC change, directly or through another IXC in this case would have been (ACNA) ^{PIC} ~~PIC~~ to the United Telephone Company (LEC) only by if and only if it has certified to the LEC that at least one of the following actions occurred prior to the PIC change request.

(a) The IXC has on hand a ballot or letter from the customer requesting such change

(b) The customer being Health Management Systems initiated a call to an automated 800 number and through a sequence of prompts, confirms the customer's Health Management Systems, Inc., requested change.

(c) The customer's Health Management Systems, Inc., requested change is and was verified through a qualified, independent firm which is unaffiliated with any IXC.

(d) The IXC has received a customer Health Management Systems, Inc. request to change our PIC and to show proof by the IXC that response was given within three days by mailing of an information package upon Health Management Systems, Inc., request to change our PIC. The information package must have included a prepaid, returnable postcard and an additional 14 days have past before the IXC submits the PIC change to the LEC United Telephone. The information should have contained any information required by Rule 25-4.118 (3).

(3)(a) The ballot or letter submitted to the interexchange company that Health Management Systems would of had to request under the specific authority Rule 350-127(2) F.S. Law Implemented Rule 364.01, 364.19, 5 F.S. History - New 3-4-92 requesting a PIC change shall include but not be limited to the following information (each shall be separately stated):

(1.) Customer Name, phone/account number and address.

(2.) Company and the service to which the customer wishes to subscribe.

(3.) Statement that the person representing Health Management Systems, Inc., requesting the change is authorized to request the PIC change.

(4.) Customer Signature

(b) When a PIC change request results from either a customer Health Management Systems, Inc., initiated call which never transpired or a requested verified by an independent third party, the information set forth in (3)(a) 1.-3 above shall be obtained from the customer.

(c) Ballots and/or letters will be maintained by the IXC for a period of one year.

(4.) Customer requests for other services such as travel card service, do not constitute a change in PIC.

(5.) Charges for unauthorized PIC changes of 13 disconnections starting in March 8, 1995 for unauthorized PIC changes and higher usage rates in which alone in April of 1996 there are \$260.00 alone in reconnection charges after reporting to the PSC the disputed charges and higher usage rates over the rates of the preferred company shall be credited to the customer by the IXC responsible for the intentional error within 45 days of notification which is still concurrently forthcoming and owed presently. Upon notice from the customer of an unauthorized PIC change, the LEC shall change the customer in this case which was disconnected accordingly back to the prior IXC in this case MCI or another of the customers' choice in which customer was police escorted out of United Telephone Company Billing Office by the same two individuals that were responsible in Naples Florida outside the premises for assault and battery reported to the Naples Florida Police, and Fort Myers Police in which customer was there under arrangements to pay bill for LEC local intrastate intralata calls which costs allocated were changed three times. The change must be made within 24 hours excepting Saturday, Sunday and Holidays in which customer was interrupted from service and disconnected from business calls in which notary public witnesses are available from Mr. Dorian E. Talford Chairman of D.C. Chamber of Commerce Trade Committee, and the International Chamber of Commerce and the International Telecommunication

Union ~~and~~ United Nations Specialized Agency in which the customer is also on the Executive Board for over concurrent and consecutive periods of a week or more phone service was interrupted which began in March 8, 1995 in which case the changes shall be made by the end of the next business day according to the PIC change Law and Rule FS Law Implemented 364.01 364.19, 5 FS History-News 3-4-92. In the case where the Customer disputes the ballot which is either nonexistent or not recieved in this case or letter, the IXC appearing on the ballot/letter will in which customer requests respectfully from the Commission as partial recovery; will be responsible for any charges incurred to change the PIC of the customer.

(6) The IXC shall be to provide the following disclosures when soliciting a change in service for a customer:

(a) The IXC^{responsibilities} shall provide the following Identification of the IXC.

(b) That the purpose of visit or call is to solicit a change of the PIC ^{from} ~~of~~ the customer.

(c) That the PIC can not be changed unless the customer authorizes the change.

(d) Any additional information as referenced in Rule 25-24.490(4).

Health Management Systems, Inc., asks respectfully from State of Florida Public Service Commission during the Florida Administrative Hearing under Rule 364.285 Penalties.

(1) The Commission shall have the power to and is requested by Health Management Systems respectfully to impose upon AT&T and United Telephone Company by its jurisdiction under this chapter after having found that AT&T and United Telephone Company refused to comply and/or willfully violated these lawful rules and/or order of the Commission, and/or provisions of this chapter a penalty for each offense since March 8, 1995 of not more than \$25,000.00, which penalty shall be fixed, imposed, and collected by the Commission, and also Health Management Systems the customer respectfully requests the Commission under its discretion and under the public customers interest of the community for these and such violations to amend, suspend, and or revoke the Certificate of Public Convenience and Necessity for the Public Interest issued by it. Therefor from March 8, 1995 that such refusal

and violation continues to occur constitutes a separate offense. Each penalty shall be a lien upon the real and personal property of the entity, enforceable by the Commission as a statutory lien under Chapter 85 in which the customer respectfully requests for injunctive relief in which all penalties shall be deposited in the General Revenue Fund unallocated.

(2) Health Management Systems respectfully requests the Commission to institute injunctive relief within any court of competent jurisdiction to compel compliance with this chapter and /or Commission Rule 364.285; 25-4.118 FS LAW 350.127; 364.01, 364.19, 5 FS History-New 3-4-92 or to impel the accounting and refund of any moneys collected in violation of these Chapters or Commission Rules.

All future correspondence can be sent to Mr. William B. Ellinger, of Mitchell and Ellinger P.A. of 1110 - D Elden Street, Suite # 302 Herndon, Virginia 33070; and Phone N° (301)934-4292, and (301)872-3219.

Respectfully,

MA

Dr. Michael Weilert, CEO
Health Mgmt. Systems, Inc.
Health Liability Mgmt. Corp.

cc:William B. Ellinger, Esq.
cc:Mr. Dorian E. Talford
cc:Dr. Chuks Anyanwu, Chairman U.S.A.D.F.Exd.H.B..
cc:Mr. Phillip E. Erickson, Phillip Erickson and Co.

State of Florida

Commissioners:
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JOE GARCIA



DIVISION OF RECORDS &
REPORTING
BLANCA S. BAYO
DIRECTOR
(904) 413-6770

Public Service Commission

NOTICE OF COMPLAINT

TO

AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC.

AND

UNITED TELEPHONE COMPANY OF FLORIDA

Docket No. 960554-TP - Complaint against AT&T Communications of the Southern States, Inc. and United Telephone Company of Florida by Health Management Systems, Inc., regarding interLATA PIC slamming.

You are hereby notified that the above complaint, a copy of which is attached, has been filed with this Commission.

As required by the Commission's Rules of Practice and Procedure, you are directed to respond to this complaint by the close of business on **May 28, 1996**, and to serve a copy of your response on the complainant.

By **DIRECTION** of the Florida Public Service Commission, this 6th day of May, 1996.

Blanca S. Bayó, Director
Division of Records and Reporting

by: Kary Flynn
Chief, Bureau of Records

KF:mas

cc: Division of Legal Services
Division of Consumer Affairs
Division of Communications
Office of Public Counsel
Mr. William B. Ellinger w/o Attachments