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P. J. Merkle
Manager - Regulatory

May 28, 1996

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Fl. 32399-0850

ORIGINAL
FILE COPY

Dear Ms. Bayo:

Re: 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

Attached is the United Telephone Company of Florida (Sprint) response to the complaint
referenced above.

Sprint has provided the facts relevant to this situation in the response. The facts should
demonstrate that the complaint with regard to Sprint is without substance.

If there is additional information required, please contact me directly at 407 889-6403.

Respectfully,

P. J. Merkle

- ACK _____
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DOCUMENT NUMBER - DATE
05849 MAY 28 1996
FP&C-RECORDS/REPORTING

UNITED TELEPHONE COMPANY OF FLORIDA
(SPRINT)
MAY 28, 1996

RESPONSE TO COMPLAINT

ORIGINAL
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Re: 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

Dr. Weilert's complaint is incoherent and filled with outrageous assertions, which make it virtually impossible for United Telephone Company of Florida ("Sprint") to file a meaningful response to the complaint. Accordingly, Sprint is left to improperly speculate why it has been brought into the complaint.

All that appears certain is that Dr. Weilert has repeatedly failed to make proper payment on his account as it becomes due. Dr. Weilert neglects to make payment for service in a timely fashion resulting in suspension and interruption of service.

Sprint's records reflect the following with respect to Dr. Weilert's account. Service was established March 8, 1995, with a PIC of MCI. The telephone number upon the date service was established was (941) 437-0988. Sprint's records indicate Dr. Weilert's April bill was not disputed and the bill was paid in full, even though the April bill reflected no MCI charges and \$609.76 in AT&T direct dial toll calls.

On May 9, 1995, Dr. Weilert relocated his service to a new address, 1137 Hilltop Dr., Naples, Fl., 33940 and the telephone number was changed to (941) 262-0002. The PIC on the May service order was MCI. Just as in April, Dr. Weilert's May bill reflected only AT&T direct dial toll calls totaling \$824.46 and no MCI charges. Once again, no charges were disputed by Dr. Weilert and the bill was paid accordingly.

The June 1995 bill sent to and received by Dr. Weilert included \$133.77 in MCI operator-assisted charges and \$103.52 in AT&T direct dial toll calls. The June bill totaled \$484.70 and no charges were challenged by the customer. Sprint failed to receive payment and contacted Dr. Weilert, at which time Dr. Weilert assured Sprint representatives that the check was in the mail and requested an extension of the payment due date. In an effort to cooperate with the customer, Sprint extended the due date to allow ample time for postal delivery of the check. Only \$77.10 was received from the customer. On June 27, 1995, a letter of authorization was received from AT&T directing Sprint to change the PIC to AT&T and the requested change was processed the same day.

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05849 MAY 28 1996
FPSC-RECORDS/REPORTING

In July 1995, Dr. Weilert's bill reflected current charges totaling \$166.76, \$51.76 of which were attributed to MCI operator-assisted charges. The July bill did not include any AT&T direct dial toll charges, but did include a past due balance of \$407.00 from the previous month's bill.

There was quite a bit of activity on Dr. Weilert's account in the month of August 1995. On August 2, 1995, a letter of authorization was received and processed by Sprint changing the PIC to MCI. Dr. Weilert was mailed a bill on August 13, 1995, totaling \$1,478.53, of which \$573.86 was a total of past due amounts from the customer's June and July bills. The customer was to have paid the past due amount on or before August 14, 1995, in order to avoid service interruption. Unfortunately, the \$573.86 remained outstanding as of August 14, 1995, and as such, service was interrupted on August 15, 1995. Dr. Weilert immediately contacted Henry Booth, Sprint's Manager Corporate Security, and committed to pay Sprint \$573.86 on or before August 18, 1995, if Sprint would restore his service. It was agreed and understood that Dr. Weilert's service would be restored the same day, upon the express condition that the past due balance was received by the extended due date. Should this condition not be met for any reason, the customer would once again have his service interrupted.

In an effort to maintain positive customer relations and in good faith reliance on Dr. Weilert's promise to pay, service was restored on August 15, 1995, only to be interrupted on August 21, 1995, because Dr. Weilert breached his covenant to submit payment.

Dr. Weilert contacted Sprint's business office and indicated he was currently in transit to submit payment on the outstanding balance and asked that the service be restored. Dr. Weilert was instructed that in order to reestablish his service, he must pay the outstanding balance by cash, cashier's check or money order. If Dr. Weilert was intending on paying by personal check, he must have a form of picture identification. It was during this conversation, that Dr. Weilert was informed that the delinquent toll charges were billed through AT&T. Dr. Weilert explained he never requested the PIC be changed to AT&T. The Sprint representative informed Dr. Weilert he must contact AT&T at the 1-800 number provided to him in order to negotiate any credit adjustment with respect to AT&T charges.

Dr. Weilert attempted to pay the outstanding balance of \$573.86 by personal check without proper picture identification. Sprint contacted Dr. Weilert's bank in order to confirm whether funds were available to process the check and the bank verified that Dr. Weilert had insufficient funds in his account to cover the bill. Dr. Weilert was then advised by Sprint that service would not be restored until a \$573.86 cash payment was received. In addition, Sprint would request that all future payments on the account be submitted in the form of cash, cashier's check or money order. The Sprint representative attempted to return Dr. Weilert's personal check in exchange for the paid receipt, but Dr. Weilert refused to return the receipt. Dr. Weilert returned the afternoon of the 21st of

August demanding the Sprint representative contact his bank in order to confirm funds were now available. The representative advised Dr. Weilert that the payment must be made in cash in order to have his service restored. Dr. Weilert became irate and demanded his personal check be returned to him, however, Dr. Weilert refused to exchange his payment receipt for his check. Dr. Weilert left the building once again and returned approximately an hour later with a \$573.86 cash payment. Once payment was received, Dr. Weilert's service was restored the same day satisfying his June and July bills. Dr. Weilert's account then reflected an unpaid balance of \$904.67 on the August bill. It was during Dr. Weilert's last visit to the Naples business office on August 21, 1995, in which he verbally threatened the Sprint representative he had spoken with earlier that day. Sprint's security department was notified and a complaint was filed with the Sheriff's department.

Dr. Weilert's outstanding balance of \$904.67, was not received by Sprint on or before September 8, 1995, and, in accordance with Sprint's General Exchange Tariffs, Dr. Weilert's service was once again interrupted. The following day, September 9, 1995, a payment in the amount of \$190.00 was received by Sprint, leaving an unpaid balance of \$714.67 in AT&T direct dial toll charges. Dr. Weilert's service was restored on September 9, 1995, due to the fact that Dr. Weilert was in dispute of the \$714.67 toll charges.

On September 12, the service was interrupted at the direction of the Sprint Security Department. When Dr. Weilert inquired regarding the interruption, he was informed to submit a \$117.87 payment and service would be restored. A \$120.00 payment was received at approximately 3:44 PM that same day and service was restored. On or about September 12, 1995, Dr. Weilert contacted the FPSC.

Upon receipt of the customer's FPSC complaint, Ms. Grigiski, Sprint's Collections Manager, contacted Dr. Weilert to discuss his concerns. Dr. Weilert stated he did not wish to discuss the matter and informed her Sprint would be hearing from the FCC, FPSC, Federal Trade Commission and his attorney and terminated the call.

Ms. Grigiski contacted AT&T and was advised that they had no record of ever having been contacted by Dr. Weilert. Ms. Grigiski again called Dr. Weilert on September 13th to reiterate the information previously provided regarding the need for him to contact AT&T to discuss the PIC change and disputed tolls. Dr. Weilert again terminated the call.

Ms. Grigiski contacted AT&T on September 18th, 25th, and 29th and was advised Dr. Weilert had still not called them. After Ms. Grigiski spoke to the AT&T representative on the 18th of September, Ms. Grigiski mailed Dr. Weilert a certified letter, which was signed for and received by Dr. Weilert on September 20th, urging him to contact AT&T regarding the disputed toll billing.

On November 2, 1995, Sprint identified that the customer's PIC was programmed to MCI when the service was installed. However, in June AT&T apparently issued the LOA because they continued to bill the customer direct dialed calls but he was not listed in their data base.

There was never any response to Ms. Grigiski's correspondence of September 18th. However, Earl Thompson, Collection Manager, mailed Dr. Weilert the attached letter on or about November 3, 1995. In the letter, Dr. Weilert was advised that given the doctor had not denied placing and benefiting from the AT&T calls, Sprint had applied a 25% credit to the charges to off-set any discount MCI may have provided. A credit of \$22.49 for late payment fees for the months of September and October was also applied to his account. Credits totaling \$629.66 would appear on the customer's November 13 billing.

On December 1, 1995, Dr. Weilert moved his service location. Telephone number 941 262-0002 was disconnected and 941 694-0207 established at 13738 Ox Bow Rd., Fort Myers, Florida. Sprint was the selected interexchange carrier.

A subscription order from AT&T changed the PIC to AT&T on December 13, 1995.

On January 23, 1996, service was denied for non payment of the December bill of \$256.61. Payment of \$256.61 was received that same day and service was restored.

Service was disconnected on February 21, 1996 due to the non payment of the January bill of \$584.31. Customer paid 584.31 and had service restored. On that same date the customer selected Sprint as his PIC. Sprint informed Dr. Weilert to call AT&T to dispute the toll and get an adjustment.

Sprint verified with AT&T that there had been no contact regarding the tolls and no adjustments were pending on February 28th. That same date the customer was notified that there was still \$112.23 outstanding from the January bill. Customer was once again reminded to call AT&T to dispute the tolls. Service was suspended. Payment of \$112.23 was received February 28 and service was restored that day.

On February 28th, a registered letter was mailed to the customer explaining the need to either contact AT&T regarding the disputed tolls, pay the balance due, or face suspension of service.

A bad check notice was received by Sprint from Dr. Weilert's bank on March 7th. Service was suspended for payment with check for which there were insufficient funds in the account to pay. The customer requested service be restored and assured payment would be made by noon on March 8th. No payment was received as promised and service was again suspended. A cash payment of \$54.31 was made on March 11th and service was restored.

As follow up to the February 28 letter, Dr. Weilert's service was suspended on March 11 due to non payment and no action as required in the letter. Dr. Weilert entered the Ft. Myers customer service location that day and made loud and threatening remarks. He was escorted from the office by the Ft. Myers City Police.

On March 18th, the \$417.77 for AT&T tolls were set aside as a formal dispute. Customer was to pay Sprint \$217.63.

Service was suspended on March 21st, for non payment of the \$217.63 as previously agreed.

Sprint agreed to set \$113.59 temporarily aside to allow restoration of service for a payment of \$104.04. A cash payment of \$104.04 was made on March 26th, and service was restored.

AT&T notified Sprint to give a \$208.88 credit to Dr. Weilert. That amount plus \$26.79 in tax credits were applied to the account on March 29th.

Since that date, Dr. Weilert has not made payments on either his outstanding balance nor his current account balance. Service was suspended for non payment of his \$1,384.08 outstanding balance on May 2, 1996.

In response to Dr. Weilert's request for a formal hearing, disputed amounts of \$182.10 for AT&T and \$122.47 for Sprint were established and set aside. The remaining balance of \$1079.51 remains unpaid.

No payments were received subsequent to May 2, so in accordance with Sprint's lawfully filed tariffs and FPSC rules, Dr. Weilert's service was permanently disconnected for non payment of the outstanding balance on May 20, 1996.

Sprint has continued to cooperate with Dr. Weilert in an attempt to resolve all valid issues involving his account. Sprint contends that the allegations contained in Dr. Weilert's complaint, which can be identified, are unsubstantiated and without merit. Sprint has followed all Florida Public Service Commission rules and regulations and complied with any and all State statutes in the disposition of Dr. Weilert's account.

Sprint trusts the information supplied is sufficient for the Commission to understand the events associated with this case. Should there be additional questions, please contact P. J. Merkle at 407 889-6403.

November 3, 1995

Mr. Michael Weillert
1543 Park Meadows Drive
Unit 3
Fort Myers, Florida 33907-3612

Reference: 941-262-0002-247

Dear Mr. Weillert:

Please disregard the letter dated and mailed to you on November 2.

After the letter was sent to you it was surmised that when your service was established in March, the carrier was programmed in S/UTF's local serving central office switch as AT&T instead of MCI. However, the business office records reflected the carrier was MCI as it was the carrier designated on the original service order. Furthermore, AT&T apparently issued the letter of authorization to Sprint/United Telephone in June to change your carrier because they continued to bill you for direct dialed toll calls, yet your account was not listed in their database. AT&T's letter of authorization was most likely intended to correct the records and establish your account in their database.

Based on our most recent determination, the extenuating circumstances associated with the incident and the fact you did not deny placing and benefiting from the calls, Sprint/United Telephone has applied a 25% discount to the AT&T tolls you were billed in order to off set any discount MCI may have provided. The AT&T tolls from March through June totaled \$2,260.70 x 25% for a credit adjustment of \$565.17. Additionally, two service restoration charge of \$20 each appearing on the September 13 bill have been credited on November 3 and a \$22.49 credit (\$13.57 and \$8.92 late payment charges for September and October respectively) was applied to your account. Credits totaling \$627.66 (plus tax) will appear on your November 13 billing statement.

Please accept our apology for any inconvenience this situation may have caused. If you would like to discuss the matter further, please call me at (941)-452-1000.

Sincerely,

Earl Thompson
Manager - Collections

CL/lr