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FLORIDA PUBLIC SERVICE COMMISSION
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Tallahassee, Florida 32399-0850

M E M O R A N D U M

July 18, 1996

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (K. LEWIS) *KL*
DIVISION OF LEGAL SERVICES (EDMONDS) *SE MCB*
DIVISION OF CONSUMER AFFAIRS (PRUITT) *TP BSO*

RE: DOCKET NO. 960627-TI - HEARTLINE COMMUNICATIONS, INC. -
INITIATION OF SHOW CAUSE PROCEEDINGS FOR VIOLATION OF
RULE 25-4.118, F.A.C., INTEREXCHANGE CARRIER SELECTION

AGENDA: 07/30/96 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\960627B.RCM

CASE BACKGROUND

From January 1, 1994 through June 30, 1996, the Division of Consumer Affairs has received 273 complaints against Heartline Communications, Inc. (Heartline) concerning unauthorized carrier changes (slamming). Staff has observed a steady increase in the number of consumer complaints each year. For example, 11 valid complaints were filed against the company in 1994, followed by 77 valid complaints during calendar year 1995 (Attachment A). During the first six months of 1996, staff verified that 185 consumer complaints (Attachment B) filed against Heartline were valid (i.e. apparent violations of Rule 25-4.118, Florida Administrative Code).

Staff was disturbed that complaints continued to increase despite our notifying Heartline of each complaint and seeking corrective action. Consequently, on May 30, 1996, staff filed a recommendation that the company be ordered to show cause why it should not be fined or have its certificate cancelled for the

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apparent violations. This item was deferred from the June 11, 1996 agenda conference at the request of Heartline. Subsequently, Heartline submitted an offer of settlement (Attachment C). Staff's recommendation addresses the settlement offer.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement proposed by Heartline Communications, Inc. as resolution of the apparent violations of Rule 25-4.118, Florida Administrative Code?

STAFF RECOMMENDATION: No.

STAFF ANALYSIS: On June 28, 1996, Counsel for Heartline submitted an offer of settlement to staff (Attachment C). The settlement offer can be summarized as follows.

SUMMARY OF SETTLEMENT OFFER

- 1) Heartline does not admit any liability or wrongdoing.
- 2) Heartline is a small company with approximately 9124 Florida customers.
- 3) Heartline has primarily marketed its long distance services through independent marketing companies over which it has no direct control.
- 4) Heartline's review of complaints sent to it by the Commission indicates that with rare exception the LOAs were signed by the person authorized to sign them, by a member of the family, or by a friend.
- 5) Heartline acknowledges that additional complaints have been received since it began negotiations with the PSC staff on November 14, 1995.
- 6) Heartline's agent, TropicTel did not modify its marketing program to the satisfaction of the PSC staff.

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- 7) On June 26, 1996, Heartline notified each of its marketing firms that it is discontinuing the "box program" in Florida.
- 8) Heartline will pay \$25,000 to the Florida Public Service Commission with said monies to be forwarded to the Office of the State Treasurer for deposit in the General Revenue Fund.
- 9) Heartline will continue to pay for the conversion of any customers that complain back to the primary interexchange carrier from which the customer was transferred.

STAFF'S CONCERNS WITH SETTLEMENT OFFER

- 1) No opinion pending discovery.
- 2) No opinion pending discovery.
- 3) Staff believes Heartline is responsible for the actions of its marketing agent(s) when it accepts and submits LOAs obtained by those agents to LECs for the purpose of changing a customer's long distance carrier. Heartline has used the services of at least four marketing agents: Millennium Telecom, Straight Talk, Binning Enterprises, Inc., and Tropic Tel according to Heartline's response to consumer complaints. In addition, Heartline has received complaints when it marketed its services directly (Attachment D).
- 4) Staff notes that even if a member of the customer's family or a friend of the customer signed the LOA, it would not make the LOA valid as Rule 25-4.118, Florida Administrative Code, requires the authorization and signature of the customer and no one else.
- 5) Staff agrees.
- 6) Staff agrees.
- 7) Staff is in favor of discontinuing the box program but would like to know how Heartline now plans to market its services in Florida. How will Heartline ensure that the PIC changes it submits to the LEC for processing are valid in the future?

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- 8) Staff believes \$50,000 is a more appropriate penalty due to the number of complaints received, the company's failure to take corrective action in a timely manner, and the penalties paid by other long distance carriers for similar violations.
- 9) Staff agrees that Heartline should reimburse any customer that complains for the amount of any charge the LEC billed to change the customer's PIC back to his previous carrier. Staff believes Heartline should also clarify that it will reimburse the complaining customer for any charges he was billed by the LEC for making the unauthorized PIC change to Heartline as required by Rule 25-4.118(5), Florida Administrative Code. In addition, Heartline should clarify that it will reimburse any complaining customer for usage rates that are higher than those charged by the customer's previous carrier as required by Rule 25-4.118(5), Florida Administrative Code.

Therefore, staff does not believe the settlement offer (Attachment C) should be accepted as proposed.

ISSUE 2: Should Heartline Communications, Inc. be ordered to show cause why it should not be fined or have its certificate (No. 3494) cancelled pursuant to Section 364.285, Florida Statutes?

STAFF RECOMMENDATION: Yes.

STAFF ANALYSIS: Rule 25-4.118, Florida Administrative Code, provides in pertinent parts:

(1) The primary interexchange company (PIC) of a customer shall not be changed without the customer's authorization.

(3)(b) Such statement shall be clearly legible and printed in type at least as large as any other text on the page. If any such document is not used solely for the purpose of requesting a PIC change, then the document as a whole must not be misleading or deceptive. For purposes of this rule, the terms "misleading or deceptive" mean that, because

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of the style, format or content of the document, it would not be readily apparent to the person signing the document that the purpose of the signature was to authorize a PIC change, or it would be unclear to the customer who the new long distance service provider would be; that the customer's selection would apply only to the number listed and there could only be one long distance service provider for that number; or that the customer's local exchange company might charge a fee to switch service providers....

The majority of the complaints received against Heartline stem from the use of sweepstakes posters with letter of authorization (LOA) forms attached to enter various types of sweepstakes such as a Hawaiian vacation or to win a Mustang automobile. For example, of the 262 valid complaints filed during the past approximately 18 months, 243 have resulted from LOAs obtained through sweepstakes offers. On November 14, 1995, staff wrote Heartline regarding an LOA that was found in a Tallahassee restaurant (Attachment E). In staff's opinion, the LOA did not comply with Rule 25-4.118(2)(b) for two reasons. First, the text stating that the long distance service would be changed was not the same size as other text on the page. Second, the entire display being used to induce customers to fill out the LOA was misleading and deceptive in that it emphasized the sweepstakes entry over the long distance carrier change.

Heartline's response (Attachment D) stated that it was the underlying carrier providing long distance services to independent agents who in turn marketed their services to end users. Heartline stated that prior to January 1, 1995, it had done its own marketing but after that four different companies had marketed its services in Florida. From Heartline's response, it was apparent to staff that the company was simply contracting with a succession of marketing companies, none of which were marketing the services in accordance with Commission rules. Staff notified Heartline of its concerns on December 13, 1995 (Attachment F). Staff suggested that the company implement a procedure to correct the cause of the complaints.

On January 5, and 16, 1996, counsel for the marketing firm, Tropic Tel, responded to staff's letter (Attachment G). It was agreed that its promotional material would be modified to include the statement "Submission of official entry form can result in change in long distance service." It was staff's understanding

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Fines levied in past orders for similar violations range from \$2,000 to \$100,000. Staff believes that Heartline should be ordered to show cause why it should not be fined or have its certificate cancelled due to the repeated incidents of slamming reported to the Commission and the misleading manner in which its services were marketed. In the event the company is fined, the monies should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

ISSUE 3: Should this docket be closed?

STAFF RECOMMENDATION: No.

STAFF ANALYSIS: If Issue 1 is approved, this docket should remain open pending disposition of the show cause. Otherwise, this docket should be closed. In the event the company is fined, the monies should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

SPECIAL REQUEST REPORT
SLAMMING REPORT PRINTED ON: 07/15/96

UTILITY	COMPLAINANT	TYPE	RECD	J	T	CLOSE	STAFF	COUNTY	COMPLAINT NO:	SAVINGS	CODE	PHONE
HEARTLINE COMMUNICATIONS, I	MURNS, BERNARD	LS-13A	01/17/95	T	L	02/28/95	RM	BRO	0488579	1.95	11188	(305)-435-8784
HEARTLINE COMMUNICATIONS, I	DEITER, DENNIS	LS-13A	01/23/95	T	L	03/01/95	MLC	COLL	0497779	17.24	11188	(813)-352-0937
HEARTLINE COMMUNICATIONS, I	HOLLAND, STEPHEN (MRS)	LS-13A	01/24/95	T	L	02/23/95	JRD	DADE	0499199	36.04	11188	(305)-387-4962
HEARTLINE COMMUNICATIONS, I	LODISE, ROCCO	LS-13A	01/25/95	T	L	02/21/95	NEP	BRO	0501159	1.75	11188	(305)-926-1168
HEARTLINE COMMUNICATIONS, I	RAVELLI, JOSEPH	LS-13A	01/25/95	T	L	03/02/95	RM	COLL	0502889	0.60	11188	(813)-793-0624
HEARTLINE COMMUNICATIONS, I	MOORE, KATIE MAY	LS-13A	01/26/95	T	L	03/02/95	RM	DADE	0503689	6.92	11188	(305)-573-8398
HEARTLINE COMMUNICATIONS, I	HOLLEY, VALORIE	LS-13A	01/27/95	T	L	03/03/95	MLC	BAV	0504779	17.69	11188	(904)-785-6189
HEARTLINE COMMUNICATIONS, I	STEWERT, BOGDANO	LS-13A	02/06/95	T	L	05/11/95	LAR	HILL	0520809	53.91	11188	(813)-985-8884
HEARTLINE COMMUNICATIONS, I	ST. GEORGE COPTIC ORTHOC X CHURCH	LS-13C	02/06/95	T	L	03/10/95	MLC	VOL	0521059	0.00	11188	(904)-297-1122
HEARTLINE COMMUNICATIONS, I	DYKES, GARY	LS-13A	02/09/95	T	L	03/16/95	MLC	COLL	0528979	1.36	11188	(813)-566-1892
HEARTLINE COMMUNICATIONS, I	PICKETT, PATRICIA	LS-13A	02/24/95	T	T	03/31/95	JRD	OSG	0531269	31.84	11188	(407)-957-2059
HEARTLINE COMMUNICATIONS, I	SUAREZ, EDDIE	LS-13A	02/27/95	T	T	03/31/95	SAS	BRO	0533139	106.75	11188	(305)-437-1557
HEARTLINE COMMUNICATIONS, I	CHEW, WALTER E.	LS-13A	03/02/95	T	L	12/03/95	JRD	MAN	0560639	0.00	11188	(813)-795-7936
HEARTLINE COMMUNICATIONS, I	YOUNG, GARY	LS-13A	03/07/95	T	T	04/04/95	JRD	SUM	0566209	0.00	11188	(904)-568-1491
HEARTLINE COMMUNICATIONS, I	TAFFINDER, CHARLES	LS-13A	03/09/95	T	T	04/11/95	SAS	DADE	0571249	41.59	11188	(305)-887-2530
HEARTLINE COMMUNICATIONS, I	LOVETT, JEFFREY	LS-13A	03/15/95	T	T	03/27/95	NEP	DKA	0582229	64.23	11188	(904)-664-6533
HEARTLINE COMMUNICATIONS, I	ALLEN, WENDELL M.	LS-13A	03/15/95	T	T	04/04/95	JRD	PIN	0582239	5.00	11188	(813)-896-0036
HEARTLINE COMMUNICATIONS, I	LACOMBE, RICHARD	LS-13A	03/21/95	T	T	03/21/95	SMM	PAS	0592149	15.00	11188	(813)-942-1551
HEARTLINE COMMUNICATIONS, I	BYRER, WILLIAM H.	LS-13A	03/21/95	T	T	03/21/95	SMM	LEE	0592209	15.00	11188	(813)-947-1327
HEARTLINE COMMUNICATIONS, I	VANLAASBEK, ROSEMARY	LS-13A	03/21/95	T	T	03/20/95	SMM	LEON	0592239	11.98	11188	(904)-668-5249
HEARTLINE COMMUNICATIONS, I	SAUER, CHARLES	LS-13A	03/23/95	T	T	04/13/95	NEP	DADE	0595169	0.00	11188	(305)-691-3127
HEARTLINE COMMUNICATIONS, I	DUNLAP, CATHERINE	LS-13G	03/23/95	T	T	04/11/95	SMM	PIN	0596189	15.00	11188	(813)-323-0461
HEARTLINE COMMUNICATIONS, I	MILLER, MILDRED L.	LS-13A	03/27/95	T	T	04/06/95	NEP	BRO	0602899	6.92	11188	(305)-753-3467
HEARTLINE COMMUNICATIONS, I	BROWN, CLARENCE	LS-13A	03/28/95	T	T	04/14/95	SAS	COLL	0604049	5.00	11188	(813)-732-1967
HEARTLINE COMMUNICATIONS, I	EISENBERGER, SHARON	LS-13A	03/28/95	T	T	03/28/95	NEP	PLB	0604509	0.00	11188	(407)-966-3652
HEARTLINE COMMUNICATIONS, I	SCHREIBSTEIN, ROBERT	LS-13C	03/28/95	T	T	04/06/95	NEP	PIN	0604889	0.00	11188	(813)-725-2122
HEARTLINE COMMUNICATIONS, I	COELL, NANCY	LS-13E	04/05/95	T	T	05/01/93	SMM	LEE	0617239	20.53	11188	(813)-654-3776
HEARTLINE COMMUNICATIONS, I	SOURLIGI, CARMEN	LS-13C	04/05/95	T	T	04/15/95	JRD	DADE	0617309	15.00	11188	(305)-945-8821
HEARTLINE COMMUNICATIONS, I	BROWN, CLARENCE	LS-13E	04/07/95	T	L	07/17/95	KE5	COLL	0620659	23.73	11188	(813)-732-1967
HEARTLINE COMMUNICATIONS, I	FOUNTER, ROBERT	LS-13A	04/21/95	T	L	12/10/95	JRD	DADE	0636709	10.00	11188	(305)-324-7798
HEARTLINE COMMUNICATIONS, I	SHEERER, GARY (MRS)	LS-13F	04/24/95	T	L	07/05/95	NEP	VOL	0641159	0.00	11188	(904)-734-1046
HEARTLINE COMMUNICATIONS, I	LARZABL, JOSE G. (MRS)	LS-13A	04/27/95	T	T	12/05/95	JRD	HILL	0644609	0.00	11188	(813)-872-2678
HEARTLINE COMMUNICATIONS, I	BUSHMAN, CRAIG	LS-13A	04/28/95	T	T	12/05/95	JRD	MART	0646499	30.89	11188	(407)-221-1626
HEARTLINE COMMUNICATIONS, I	PETERS, DAVID (MRS. DIANA)	LS-13A	05/01/95	T	T	05/31/95	ERL	BRE	0654219	0.00	11188	(407)-253-1209
HEARTLINE COMMUNICATIONS, I	BROWN, JOHN	LS-13E	05/15/95	T	L	06/08/95	SAS	HILL	0672929	10.00	11188	(813)-684-3878
HEARTLINE COMMUNICATIONS, I	CHARLOTTE COUNTY SCHOOLS	LS-13A	05/24/95	T	L	06/27/95	SAS	CHA	0688389	0.00	11188	(813)-255-3937

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FLORIDA PUBLIC SERVICE COMMISSION
DIVISION OF CONSUMER AFFAIRS

SPECIAL REQUEST REPORT
SLAMMING REPORT PRINTED ON: 07/15/96

UTILITY	COMPLAINANT	TYPE	RCVD	J	T	CLOSE	STAFF	COUNTY	COMPLAINANT NO:	SAVINGS	CODE	PHONE
HEARTLINE COMMUNICATIONS, I	DELOACH, DANIEL	LS-13C	05/30/95	Y	L	06/27/95	SAS	DADE	069340P	18.95	11188	(305)-804-8280
HEARTLINE COMMUNICATIONS, I	LAPLACE, MART	LS-13H	06/15/95	Y	L	07/26/95	SAS	BRD	071620P	13.71	11188	(305)-983-3558
HEARTLINE COMMUNICATIONS, I	ROME, MILET	LS-13C	06/19/95	Y	L	07/26/95	SAS	DADE	071913P	11.86	11188	(305)-756-6369
HEARTLINE COMMUNICATIONS, I	ESPANA, EVELYN	LS-13A	06/20/95	Y	L	07/26/96	NRK	DADE	072296P	101.24	11188	(305)-756-0805
HEARTLINE COMMUNICATIONS, I	ESTES, CATHERINE	LS-13A	06/20/95	Y	L	08/21/95	NRK	DADE	072319P	46.16	11188	(407)-240-3076
HEARTLINE COMMUNICATIONS, I	SUAREZ, ALFONSO	LS-13A	06/21/95	Y	T	12/03/95	SAS	DADE	072471P	14.61	11188	(305)-822-6743
HEARTLINE COMMUNICATIONS, I	BORNE, JEAN	LS-13A	06/23/95	Y	L	08/01/95	SAS	LEE	072875P	10.00	11188	(813)-275-9702
HEARTLINE COMMUNICATIONS, I	BROWN, DOUGLAS	LS-13H	06/26/95	N	L	01/21/96	SAS	COLL	073137P	0.00	11188	(941)-592-5839
HEARTLINE COMMUNICATIONS, I	MCNEAL, GERTRUDE	LS-13C	06/29/95	Y	T	08/30/95	KMT	DADE	073765P	23.22	11188	(305)-634-2821
HEARTLINE COMMUNICATIONS, I	SINCH, HARDEEP (M.D.)	LS-13H	07/05/95	Y	T	12/05/95	JRD	HILL	074548P	0.00	11188	(813)-978-3626
HEARTLINE COMMUNICATIONS, I	WEISS, MITCHELL 5385	LS-13A	07/05/95	Y	T	10/23/95	SMM	DADE	074695P	11.59	11188	(305)-669-4832
HEARTLINE COMMUNICATIONS, I	SULLIVAN, DANIEL J. (MRS.)	LS-13A	07/05/95	Y	T	09/11/95	PJ1	DADE	074789P	82.64	11188	(305)-238-5330
HEARTLINE COMMUNICATIONS, I	SIMMS, WILLIAM D.	LS-13F	07/24/95	Y	T	12/03/95	SAS	PIH	078119P	0.00	11188	(813)-797-0745
HEARTLINE COMMUNICATIONS, I	WILSON, SAMUEL & BARBARA	LS-13A	07/26/95	Y	T	07/26/95	RUM	ORN	078621P	23.70	11188	(407)-877-7890
HEARTLINE COMMUNICATIONS, I	RODRIGUEZ, CONCEPCION	LS-13A	07/27/95	Y	T	11/27/95	SMM	DADE	078975P	13.84	11188	(305)-608-6458
HEARTLINE COMMUNICATIONS, I	TABLEY, OWEN	LS-13F	07/28/95	Y	L	10/23/95	SMM	VOL	079573P	0.00	11188	(904)-252-3378
HEARTLINE COMMUNICATIONS, I	SANTANA, TERESA	LS-13F	08/04/95	Y	T	10/25/95	KMT	BRF	081156P	0.00	11188	(407)-722-0527
HEARTLINE COMMUNICATIONS, I	SPEECE, ROBERT F.	LS-13F	08/04/95	Y	T	01/20/96	SMM	BRF	081285P	0.00	11188	(407)-636-5117
HEARTLINE COMMUNICATIONS, I	DUNCAN, SIMONE	LS-13A	08/08/95	Y	L	12/27/95	NEP	DADE	081697P	19.90	11188	(305)-596-7506
HEARTLINE COMMUNICATIONS, I	FOSTER, MIKE	LS-13A	08/21/95	Y	T	11/17/95	KMT	PIH	083693P	80.67	11188	(813)-442-1186
HEARTLINE COMMUNICATIONS, I	LYERLY, DAVID	LS-13H	08/22/95	Y	T	09/12/95	PJ1	BAY	083966P	8.54	11188	(904)-265-0713
HEARTLINE COMMUNICATIONS, I	WALLA, KENNETH (MRS.)	LS-13H	08/25/95	N	T	06/08/96	EDW	BRF	084573P	0.00	11188	(407)-459-1298
HEARTLINE COMMUNICATIONS, I	FRANCIS, KENNETH	LS-13F	09/07/95	Y	T	10/18/95	RUM	VOL	086129P	0.00	11188	(904)-427-4848
HEARTLINE COMMUNICATIONS, I	DINI, GREG	LS-13A	09/08/95	Y	T	11/27/95	SMM	SEM	086535P	32.51	11188	(407)-333-3394
HEARTLINE COMMUNICATIONS, I	SLUDER, THOMAS	LS-13A	09/13/95	N	T	09/28/95	EDW	HILL	087360P	20.79	11188	(813)-659-2555
HEARTLINE COMMUNICATIONS, I	ALEXANDER, LAURENCE H.	LS-13A	09/14/95	Y	L	10/03/95	JFP	OKA	087569P	10.00	11188	(904)-581-3836
HEARTLINE COMMUNICATIONS, I	DESIE JR., CLARENCE	LS-13A	09/15/95	N	T	05/31/96	EDW	BRD	087801P	0.00	11188	(904)-964-8763
HEARTLINE COMMUNICATIONS, I	MCGABB, STEVEN R.	LS-13A	09/20/95	Y	T	12/29/95	JRD	BRD	088374P	31.17	11188	(305)-491-3504
HEARTLINE COMMUNICATIONS, I	ISHAM, ELLEN S.	LS-13F	09/25/95	Y	L	12/10/95	RUM	DUV	089767P	0.00	11188	(904)-797-9348
HEARTLINE COMMUNICATIONS, I	BYLES, LUCEAIN	LS-13A	09/26/95	Y	T	11/27/95	RUM	DADE	090216P	135.71	11188	(305)-652-3732
HEARTLINE COMMUNICATIONS, I	VIOGA, MICHAEL	LS-13A	10/02/95	Y	L	10/25/95	KE5	BRD	090965P	17.14	11188	(305)-931-7134
HEARTLINE COMMUNICATIONS, I	TYLEN, IAN	LS-13A	10/11/95	Y	L	10/25/95	KE5	DADE	091932P	19.26	11188	(305)-451-7400
HEARTLINE COMMUNICATIONS, I	NEAL, ROBIN	LS-13A	10/16/95	Y	T	11/02/95	SAS	BRD	092347P	10.66	11188	(305)-785-2426
HEARTLINE COMMUNICATIONS, I	LOPEZ, JOSE	LS-13A	11/27/95	Y	T	04/11/96	SAS	PIB	096739P	118.96	11188	(407)-924-7841
HEARTLINE COMMUNICATIONS, I	GOOCH, SAMANTHA	LS-13A	11/27/95	Y	L	12/26/95	ARF	BAY	096801P	21.55	11188	(904)-871-6231
HEARTLINE COMMUNICATIONS, I	PERRY, CASSANDRA	LS-13A	11/29/95	Y	T	12/26/95	JRD	LEON	097041P	33.12	11188	(904)-385-7261

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FLORIDA PUBLIC SERVICE COMMISSION
DIVISION OF CONSUMER AFFAIRS

SPECIAL REQUEST REPORT
SLAMMING REPORT PRINTED ON: 07/15/96

UTILITY	COMPLAINANT	TYPE	REQD	J	T	CLOSE	STAFF	COUNTY	COMPLAINT NO.	SAVINGS	CODE	PHONE
HEARTLINE COMMUNICATIONS, I	CHAPMAN, R. NICHOLAS	LS-13E	12/03/95	N	T	12/10/95	RMH	CLAY	097452P	0.00	11188	(904)-284-1422
HEARTLINE COMMUNICATIONS, I	BLUMBERG, ALLEN	LS-13A	12/04/95	T	T	03/29/96	KES	BRO	097497P	6.68	11188	(305)-721-7543
HEARTLINE COMMUNICATIONS, I	DEARNA, HILARIO	LS-13A	12/12/95	T	T	02/29/96	ARF	DADE	100113P	5.21	11188	(305)-888-1861
HEARTLINE COMMUNICATIONS, I	HURTAK, LORA	LS-13C	12/14/95	T	T	01/20/96	JRD	DADE	100698P	14.56	11188	(305)-232-5176
HEARTLINE COMMUNICATIONS, I	SEARS, MAYDEN	LS-13A	12/14/95	T	T	03/30/96	RMH	ESC	100829P	13.27	11188	(904)-568-0769
HEARTLINE COMMUNICATIONS, I	RAINES, BOBBY	LS-13A	12/15/95	T	T	03/30/96	RMH	JCK	101393P	44.74	11188	(904)-482-6917
HEARTLINE COMMUNICATIONS, I	NOUTEN, SON N20C	LS-13A	12/18/95	T	L	04/25/96	JRD	SNR	102239P	21.92	11188	(904)-623-0754
HEARTLINE COMMUNICATIONS, I	PALOMO, EVA	LS-13A	12/27/95	T	T	04/11/96	JRD	HILL	103375P	0.00	11188	(813)-874-7257
HEARTLINE COMMUNICATIONS, I	MYERS, WESLEY	LS-13A	12/28/95	T	T	01/29/96	KMI	DADE	103487P	4.33	11188	(305)-652-1008
HEARTLINE COMMUNICATIONS, I	SCUDER, J.D.	LS-13A	12/29/95	T	T	02/29/96	KES	LEON	103649P	13.01	11188	(904)-656-1307

82 records printed

TOTAL FOR SWEEPSTAKES: 58
 TOTAL FOR TELEMARKING: 0
 TOTAL FOR NAME/ANI MATCH: 7
 TOTAL FOR KEYPUNCH ENTRY: 0
 TOTAL FOR RESSELLER-CERTIFIED: 4
 TOTAL FOR RESSELLER-UNCERTIFIED: 7
 TOTAL FOR MISLEADING LDM: 1
 FOR OTHER: 5

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UTILITY	COMPLAINANT	TYPE	RECVD	J	T	CLOSE	STAFF	COUNTY	COMPLAINT NO:	SAVINGS	CODE	PHONE
HEARTLINE COMMUNICATIONS, I	MANIKUM, CHANDRA	LS-13A	01/03/96	T		03/20/96	KMT	DADE	1039721	24.24	T1188	(305)-861-9024
HEARTLINE COMMUNICATIONS, I	TEITLER, DANIEL	LS-13A	01/10/96	T		03/14/96	SMM	PLB	1043261	2.98	T1188	(407)-968-7731
HEARTLINE COMMUNICATIONS, I	LUCIEN, NADIA	LS-13A	01/17/96	L		03/15/96	KMT	LEON	1057581	236.87	T1188	(904)-671-2650
HEARTLINE COMMUNICATIONS, I	TYNDALL, M.	LS-13A	01/18/96	T		01/31/96	DBM	MARI	1059471	26.78	T1188	(904)-732-2107
HEARTLINE COMMUNICATIONS, I	CONROY, KRISTIN	LS-13A	01/20/96	T		01/31/96	KMT	LEON	1067631	23.97	T1188	(904)-671-1812
HEARTLINE COMMUNICATIONS, I	HORWATH, STEPHEN	LS-13A	01/22/96	T		03/18/96	JRD	PLB	1067781	6.23	T1188	(407)-364-5763
HEARTLINE COMMUNICATIONS, I	BRISCOE, SIMON	LS-13A	01/22/96	T		03/18/96	SAS	PLB	1067861	77.80	T1188	(407)-798-3564
HEARTLINE COMMUNICATIONS, I	BAKER, EGGER	LS-13A	01/22/96	T		02/29/96	RWM	LEE	1068061	9.66	T1188	(941)-543-4525
HEARTLINE COMMUNICATIONS, I	GAVIN, TOM	LS-13A	01/22/96	L		04/18/96	SAS	LEE	1068661	42.11	T1188	(941)-437-1978
HEARTLINE COMMUNICATIONS, I	MAMMOLITI, FRED	LS-13A	01/24/96	T		03/15/96	SAS	BRO	1073991	8.94	T1188	(305)-829-1024
HEARTLINE COMMUNICATIONS, I	MARSHALL, JOHN	LS-13A	01/24/96	L		02/29/96	KES	LEON	1074531	55.02	T1188	(904)-893-4928
HEARTLINE COMMUNICATIONS, I	DODIN, LOIS P.	LS-13A	01/25/96	T		06/12/96	KMT	LEE	1076021	126.71	T1188	(941)-997-5466
HEARTLINE COMMUNICATIONS, I	TOWNSEND, ELIZABETH	LS-13A	01/25/96	T		03/15/96	KMT	PIN	1076311	23.72	T1188	(813)-321-8238
HEARTLINE COMMUNICATIONS, I	JACOB, EDWARD & DELORES	LS-13A	01/25/96	T		03/18/96	RWM	LEE	1076491	26.70	T1188	(941)-731-5927
HEARTLINE COMMUNICATIONS, I	CORIOLAN, JAQUELINE	LS-13A	01/25/96	T		02/10/96	DBM	DADE	1077331	0.00	T1188	(305)-681-0774
HEARTLINE COMMUNICATIONS, I	FIELDS, MARIE	LS-13A	01/26/96	T		03/15/96	JRD	STL	1079021	7.61	T1188	(407)-336-0521
HEARTLINE COMMUNICATIONS, I	WISHART, DAVE	LS-13A	01/26/96	T		03/30/96	JRD	LEON	1079061	17.64	T1188	(904)-574-0713
HEARTLINE COMMUNICATIONS, I	SILLI, BRUNO J.	LS-13A	01/26/96	T		03/14/96	KMT	PLB	1079431	1.49	T1188	(407)-683-7051
HEARTLINE COMMUNICATIONS, I	DALEY, MARISUE	LS-13A	01/30/96	L		02/29/96	DBM	LEON	1088811	97.38	T1188	(904)-386-7197
HEARTLINE COMMUNICATIONS, I	THOMPSON, JOSEPH	LS-13A	01/31/96	L		02/29/96	KMT	ESC	1091071	11.75	T1188	(904)-327-4354
HEARTLINE COMMUNICATIONS, I	PAUL MOORE INSURANCE SERVICES	LS-13A	01/31/96	L		04/18/96	JRD	LEON	1091091	19.06	T1188	(904)-668-1333
HEARTLINE COMMUNICATIONS, I	HERZBERGER, RONALD	LS-13A	01/31/96	T		02/29/96	JRD	MAN	1091111	9.68	T1188	(941)-758-3954
HEARTLINE COMMUNICATIONS, I	CALDERON, INES	LS-13A	01/31/96	L		03/20/96	RWM	DADE	1091271	12.53	T1188	(305)-661-1420
HEARTLINE COMMUNICATIONS, I	JACOBS, FALCON	LS-13A	02/01/96	L		04/16/96	JRD	PLB	1092491	0.00	T1188	(407)-689-8767
HEARTLINE COMMUNICATIONS, I	LASTER, SUZANNE	LS-13A	02/01/96	L		02/29/96	KMT	INR	1094211	4.35	T1188	(407)-659-5043
HEARTLINE COMMUNICATIONS, I	DOYLE, BARRY	LS-13A	02/02/96	L		02/29/96	SMM	BRO	1095291	30.17	T1188	(954)-761-9731
HEARTLINE COMMUNICATIONS, I	CAMACHO, JUAN	LS-13A	02/06/96	L		04/25/96	RWM	ORN	1100461	25.45	T1188	(407)-281-7184
HEARTLINE COMMUNICATIONS, I	KNIGHT, SHIRLEY	LS-13A	02/06/96	T		02/29/96	SMM	GAD	1100911	10.00	T1188	(904)-575-3420
HEARTLINE COMMUNICATIONS, I	GERACE, FRAN	LS-13A	02/07/96	L		03/12/96	SAS	DADE	1101451	19.86	T1188	(305)-883-7128
HEARTLINE COMMUNICATIONS, I	CROSS, JOYCE	LS-13A	02/07/96	L		03/14/96	SAS	LEE	1101981	26.20	T1188	(941)-481-8269
HEARTLINE COMMUNICATIONS, I	WAGNER, HORACE THOMAS	LS-13A	02/09/96	T		03/12/96	SAS	PLB	1105601	37.34	T1188	(407)-795-0775
HEARTLINE COMMUNICATIONS, I	FANN, WILLIAM F. (JR)	LS-13A	02/12/96	T		04/30/96	RWM	DADE	1108931	8.94	T1188	(305)-751-6013
HEARTLINE COMMUNICATIONS, I	STECHEER, DONNA	LS-13A	02/13/96	T		03/15/96	DBM	PIN	1109801	87.25	T1188	(813)-345-1264
HEARTLINE COMMUNICATIONS, I	POLLARD, LINDA	LS-13A	02/13/96	T		03/15/96	KMT	PLB	1111371	20.75	T1188	(407)-732-7355
HEARTLINE COMMUNICATIONS, I	THOMPSON, JOHN (MRS)	LS-13A	02/19/96	T		04/24/96	JRD	LEE	1122241	11.43	T1188	(941)-995-4398
HEARTLINE COMMUNICATIONS, I	NARDONE, TONY	LS-13A	02/20/96	T		02/29/96	SMM	LEE	1124701	79.43	T1188	(941)-772-9287

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UTILITY	COMPLAINANT	TYPE	RECVD	J	T	CLOSE	STAFF	COUNTY	COMPLAINT NO:	SAVINGS	CODE	PHONE
HEARTLINE COMMUNICATIONS, I	CUNNINGHAM, CAROL	LS-13A	02/22/96	T		03/15/96	DBM	LEON	1129081	26.93	T1188	(904)-877-3300
HEARTLINE COMMUNICATIONS, I	NARANJO, MARIA	LS-13A	02/22/96	T		03/15/96	SCA	DADE	1130151	42.22	T1188	(305)-387-1431
HEARTLINE COMMUNICATIONS, I	DERIVERA, JOSEPH	LS-13A	02/23/96	T		03/14/96	KES	PLB	1130711	10.54	T1188	(407)-734-7450
HEARTLINE COMMUNICATIONS, I	WARSHOFSKY, ISAAC	LS-13A	02/23/96	T		03/14/96	SAS	PLB	1131141	8.24	T1188	(407)-471-3359
HEARTLINE COMMUNICATIONS, I	ROSATI, PETER	LS-13A	02/23/96	T		03/12/96	SAS	LEE	1131341	38.20	T1188	(941)-542-4488
HEARTLINE COMMUNICATIONS, I	BUNTING, GRETA	LS-13A	02/23/96	L		03/26/96	KES	PIN	1131401	6.59	T1188	(813)-867-3476
HEARTLINE COMMUNICATIONS, I	JOHNS, LUCY	LS-13A	02/23/96	L		04/18/96	KES	DADE	1131631	28.73	T1188	(305)-758-9819
HEARTLINE COMMUNICATIONS, I	RAMSEY, GLORIA	LS-13A	02/26/96	T		03/14/96	JRD	PLB	1132011	17.53	T1188	(407)-498-4172
HEARTLINE COMMUNICATIONS, I	EATON, TINA	LS-13A	02/26/96	T		03/15/96	KES	ORN	1132711	8.95	T1188	(407)-273-5033
HEARTLINE COMMUNICATIONS, I	SZOKE, JEAN	LS-13A	02/26/96	T		03/20/96	JRD	DADE	1133461	8.97	T1188	(305)-477-2707
HEARTLINE COMMUNICATIONS, I	TESKE, CAROL	LS-13A	03/01/96	L		03/28/96	SCA	POLK	1147101	30.86	T1188	(941)-635-2106
HEARTLINE COMMUNICATIONS, I	MAXWELL, STANLEY	LS-13A	03/04/96	T		03/16/96	SCA	LEE	1150491	18.16	T1188	(941)-466-7916
HEARTLINE COMMUNICATIONS, I	FLANDERS, GRADY	LS-13A	03/05/96	T		03/30/96	KMT	BRO	1154051	9.34	T1188	(954)-730-3515
HEARTLINE COMMUNICATIONS, I	GIUPTO, GERALD	LS-13A	03/06/96	T		04/18/96	KMT	DUV	1155841	7.60	T1188	(904)-389-6608
HEARTLINE COMMUNICATIONS, I	GUY, JAMES (MRS)	LS-13A	03/07/96	T		04/18/96	JRD	DUV	1157331	32.11	T1188	(904)-768-5418
HEARTLINE COMMUNICATIONS, I	MATTHEWS, LISA	LS-13A	03/08/96	T		03/28/96	SAS	SNR	1159491	18.67	T1188	(904)-626-7650
HEARTLINE COMMUNICATIONS, I	SHERRY, HAROLD	LS-13A	03/09/96	T		04/18/96	JRD	BRO	1161571	6.27	T1188	(954)-433-2231
HEARTLINE COMMUNICATIONS, I	DRISCOLL, THOMAS	LS-13A	03/11/96	T		04/18/96	SAS	LEON	1161991	40.98	T1188	(904)-562-4318
HEARTLINE COMMUNICATIONS, I	MELENDEZ, SANDRA	LS-13A	03/11/96	T		05/22/96	RWM	PLB	1163791	28.31	T1188	(407)-641-0677
HEARTLINE COMMUNICATIONS, I	HEWITT, VIRGINIA	LS-13A	03/11/96	T		04/18/96	SCA	PLB	1164421	26.36	T1188	(407)-547-0567
HEARTLINE COMMUNICATIONS, I	ROBERTS, E. A. (MS.)	LS-13A	03/12/96	T		03/30/96	SMM	LEON	1166551	18.94	T1188	(904)-576-5608
HEARTLINE COMMUNICATIONS, I	PESSOA, FRANCO	LS-13A	03/15/96	T		04/18/96	SAS	BRO	1172721	124.63	T1188	(954)-564-8622
HEARTLINE COMMUNICATIONS, I	FULLERTON, CHRISTINE	LS-13A	03/15/96	T		04/18/96	SCA	BRO	1174071	9.98	T1188	(954)-748-7886
HEARTLINE COMMUNICATIONS, I	WHITE, ANNIE	LS-13A	03/16/96	T		03/16/96	NEP	LEON	1174411	10.00	T1188	(904)-878-5850
HEARTLINE COMMUNICATIONS, I	CHAU, ANTHONY	LS-13A	03/18/96	T		04/18/96	SAS	ORN	1175121	49.40	T1188	(407)-657-5638
HEARTLINE COMMUNICATIONS, I	VANN, ROBIN	LS-13A	03/18/96	T		04/16/96	SMM	PLB	1175741	4.09	T1188	(407)-278-5803
HEARTLINE COMMUNICATIONS, I	ADKINS, CHUCK	LS-13A	03/18/96	T		04/18/96	KES	LEON	1176001	13.63	T1188	(904)-656-2908
HEARTLINE COMMUNICATIONS, I	DAVIS, J. STANLEY	LS-13A	03/18/96	T		04/18/96	SAS	STJ	1176181	16.69	T1188	(904)-285-2253
HEARTLINE COMMUNICATIONS, I	ORLANDO, K. SANDRA	LS-13A	03/21/96	T		04/18/96	KMT	SAR	1181091	28.76	T1188	(941)-954-5838
HEARTLINE COMMUNICATIONS, I	ROJAS, VERGINIA	LS-13A	03/21/96	T		04/18/96	KMT	FLA	1181231	3.38	T1188	(904)-437-3260
HEARTLINE COMMUNICATIONS, I	DICKSON, JOYCE	LS-13A	03/21/96	T		04/25/96	KMT	DADE	1182731	9.98	T1188	(305)-688-8572
HEARTLINE COMMUNICATIONS, I	BAZAN, LUIS (MRS)	LS-13A	03/22/96	T		03/22/96	NEP	COLL	1183651	149.85	T1188	(941)-775-0325
HEARTLINE COMMUNICATIONS, I	VANARNAM, JOHN	LS-13A	03/25/96	T		04/18/96	SAS	PLB	1185531	34.80	T1188	(407)-433-4419
HEARTLINE COMMUNICATIONS, I	DOUGHERTY, FRANCIS	LS-13A	03/25/96	T		04/25/96	KMT	MAN	1186801	25.51	T1188	(941)-755-7541
HEARTLINE COMMUNICATIONS, I	CORINO, WILLIAM	LS-13A	03/26/96	T		04/18/96	SAS	HILL	1187981	12.45	T1188	(813)-840-0481
HEARTLINE COMMUNICATIONS, I	KAZAR, KIM	LS-13A	03/26/96	T		04/16/96	KES	PIN	1188351	10.53	T1188	(813)-392-2171

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UTILITY	COMPLAINANT	TYPE	RECVD	J	T	CLOSE	STAFF	COUNTY	COMPLAINT NO:	SAVINGS	CODE	PHONE
HEARTLINE COMMUNICATIONS, I	CLEMMONS, SARAH	LS-13A	03/27/96	T		04/18/96	JRD	LEON	1189501	11.37	11188	(904)-576-9771
HEARTLINE COMMUNICATIONS, I	GONYEA, GAYLON	LS-13A	03/27/96	T		04/18/96	RWM	LEE	1189841	15.49	11188	(941)-433-5863
HEARTLINE COMMUNICATIONS, I	BIRSA, MARIAN	LS-13A	03/27/96	T		04/16/96	SMM	COLL	1192991	41.68	11188	(941)-353-0721
HEARTLINE COMMUNICATIONS, I	RIXHAM, PAUL	LS-13A	03/29/96	T		04/25/96	KMT	PLB	1196721	8.94	11188	(407)-669-3723
HEARTLINE COMMUNICATIONS, I	GORDO, MAGGALY	LS-13A	03/29/96	T		04/25/96	KES	DADE	1197601	158.06	11188	(305)-823-5786
HEARTLINE COMMUNICATIONS, I	BOSSRAD, BARBARA	LS-13A	04/01/96	T		04/01/96	NEP	ESC	1199201	36.71	11188	(904)-457-2049
HEARTLINE COMMUNICATIONS, I	GALLARDO, ANITA	LS-13A	04/02/96	T		04/26/96	SCA	PLB	1200461	161.59	11188	(407)-924-9569
HEARTLINE COMMUNICATIONS, I	THOMAS, OPAL	LS-13A	04/02/96	T		04/26/96	KMT	PLB	1200921	86.76	11188	(407)-964-6408
HEARTLINE COMMUNICATIONS, I	MOON, DAVID	LS-13A	04/03/96	T		05/23/96	KES	INR	1202721	5.23	11188	(407)-589-8991
HEARTLINE COMMUNICATIONS, I	KEISER, WILLIAM (MRS)	LS-13A	04/03/96	T		04/25/96	JRD	JCK	1202791	68.63	11188	(904)-263-0374
HEARTLINE COMMUNICATIONS, I	BYRD, BILLY	LS-13A	04/03/96	T		04/25/96	SAS	HOL	1203841	55.31	11188	(904)-836-4891
HEARTLINE COMMUNICATIONS, I	DUVAL, JOHN	LS-13A	04/04/96	T		04/26/96	DBM	DUV	1205661	44.93	11188	(904)-730-8923
HEARTLINE COMMUNICATIONS, I	GOLDA, FEIBI	LS-13A	04/04/96	T		04/24/96	SCA	COLL	1205681	140.07	11188	(941)-643-0831
HEARTLINE COMMUNICATIONS, I	HEISEL, ROBERT	LS-13A	04/04/96	L		05/07/96	KES	PLB	1206561	5.32	11188	(407)-498-2799
HEARTLINE COMMUNICATIONS, I	SIMS, KIM	LS-13A	04/05/96	T		04/30/96	DBM	MAN	1207721	15.33	11188	(941)-756-7514
HEARTLINE COMMUNICATIONS, I	WALLACE, CARMEN D. AND BRUCE W.	LS-13A	04/08/96	T		04/25/96	SAS	PLB	1208291	23.21	11188	(407)-734-8609
HEARTLINE COMMUNICATIONS, I	DAVIS, TROY	LS-13A	04/08/96	L		05/28/96	KMT	LEON	1208891	14.40	11188	(904)-668-3528
HEARTLINE COMMUNICATIONS, I	SINGH, SAVITRI (MS.)	LS-13A	04/09/96	T		05/07/96	SMM	BRO	1210551	29.30	11188	
HEARTLINE COMMUNICATIONS, I	YORK, RICHARD	LS-13A	04/10/96	L		05/14/96	RWM	PIN	1211861	12.99	11188	(813)-328-1533
HEARTLINE COMMUNICATIONS, I	BAYER, C. REEVES	LS-13A	04/10/96	T		04/30/96	DGM	LEON	1211881	18.82	11188	(904)-422-1293
HEARTLINE COMMUNICATIONS, I	SALMON, ALBERT J.	LS-13A	04/10/96	L		05/07/96	KES	CHA	1212271	90.20	11188	(941)-624-4954
HEARTLINE COMMUNICATIONS, I	HU, YAO-DING	LS-13A	04/11/96	L		05/07/96	SMM	LEON	1214551	122.44	11188	(904)-422-3633
HEARTLINE COMMUNICATIONS, I	MCINTOSH, JESSIE	LS-13A	04/11/96	T		05/07/96	SMM	PIN	1215011	22.97	11188	(813)-894-5808
HEARTLINE COMMUNICATIONS, I	SANTIAGO, PEDRO	LS-13A	04/12/96	T		04/30/96	SCA	DADE	1216891	3.79	11188	(305)-822-5134
HEARTLINE COMMUNICATIONS, I	DELLAPIETRO, ELIZABETH	LS-13A	04/12/96	T		05/07/96	SAS	SAR	1217031	23.28	11188	(941)-423-0542
HEARTLINE COMMUNICATIONS, I	CRUZ, IRIS	LS-13A	04/15/96	L		05/07/96	SCA	ORN	1218811	37.47	11188	(407)-293-8542
HEARTLINE COMMUNICATIONS, I	HALL, DENNIS	LS-13A	04/15/96	L		05/07/96	KMT	WAL	1218861	30.14	11188	(904)-892-3918
HEARTLINE COMMUNICATIONS, I	COLEMAN, JULIA L.	LS-13A	04/15/96	T		04/25/96	RWM	PIN	1219541	21.81	11188	(813)-579-2547
HEARTLINE COMMUNICATIONS, I	HOUCK, TOMMY L.	LS-13A	04/15/96	T		04/18/96	RWM	GAD	1219551	2.98	11188	(904)-539-9729
HEARTLINE COMMUNICATIONS, I	DALTON, GRACIE	LS-13A	04/15/96	T		04/18/96	RWM	GIL	1219571	0.75	11188	(352)-472-4163
HEARTLINE COMMUNICATIONS, I	SOLER, JORGE	LS-13A	04/16/96	T		05/07/96	SCA	DADE	1220611	522.04	11188	(305)-868-3540
HEARTLINE COMMUNICATIONS, I	GREENHOUSE, RONALD	LS-13A	04/16/96	L		05/23/96	KES	BRO	1220801	2.98	11188	(954)-730-0663
HEARTLINE COMMUNICATIONS, I	VERNER, LAWRENCE	LS-13A	04/17/96	T		05/14/96	RWM	DUV	1221761	94.76	11188	(904)-725-4917
HEARTLINE COMMUNICATIONS, I	NASH, KEVIN	LS-13A	04/17/96	T		05/23/96	KMT	SAR	1222711	43.20	11188	(941)-423-1271
HEARTLINE COMMUNICATIONS, I	JACKSON, JACK	LS-13A	04/18/96	T		05/07/96	SCA	LEE	1223551	16.59	11188	(941)-454-6929
HEARTLINE COMMUNICATIONS, I	HINKLE, DAVID	LS-13A	04/18/96	T		05/09/96	NEW	DADE	1223631	19.63	11188	(305)-883-9833

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HEARTLINE COMMUNICATIONS, I	SHAW, DAVID	LS-13A	04/19/96	T	05/09/96	DBM	BRO		1226521	17.71	1188	(954)-722-8501
HEARTLINE COMMUNICATIONS, I	STEWART, CHARLES W.	LS-13A	04/22/96	T	05/23/96	DBM	SAR		1227931	22.12	1188	(941)-424-2769
HEARTLINE COMMUNICATIONS, I	CONNOLLY, RICHARD	LS-13A	04/22/96	T	05/14/96	RUM	COLL		1228491	31.68	1188	(941)-242-1923
HEARTLINE COMMUNICATIONS, I	BAKER, JESSIE	LS-13A	04/23/96	T	05/15/96	RUM	OKA		1229371	13.06	1188	(904)-624-5579
HEARTLINE COMMUNICATIONS, I	SELLIS, DOBOTA	LS-13A	04/24/96	T	05/15/96	SAS	LEE		1230491	25.62	1188	(941)-778-1929
HEARTLINE COMMUNICATIONS, I	PASCAL, CHARLES J.	LS-13A	04/25/96	T	05/14/96	SCA	ORN		1232361	5.00	1188	(407)-678-7911
HEARTLINE COMMUNICATIONS, I	MOSLEY, DANIEL & BARBARA	LS-13A	04/25/96	T	05/14/96	RUM	SNR		1232451	3.20	1188	(904)-626-7048
HEARTLINE COMMUNICATIONS, I	CLAY, PATRICIA	LS-13A	04/26/96	T	06/06/96	KES	POLK		1234471	35.37	1188	(941)-648-0324
HEARTLINE COMMUNICATIONS, I	WHEELER, LUCILLE M.	LS-13A	04/26/96	T	05/15/96	SAS	MAN		1234271	25.82	1188	(941)-741-8088
HEARTLINE COMMUNICATIONS, I	WILLIAMS, RONALD	LS-13A	04/26/96	T	05/24/96	DBM	BAT		1234831	2.98	1188	(904)-747-9291
HEARTLINE COMMUNICATIONS, I	GARRISON, WILLIAM	LS-13A	04/26/96	T	05/24/96	DBM	WASH		1234841	23.82	1188	(904)-535-9108
HEARTLINE COMMUNICATIONS, I	SALES, JOEMAR	LS-13A	04/29/96	T	05/23/96	RUM	PLB		1235751	148.43	1188	(407)-641-4722
HEARTLINE COMMUNICATIONS, I	WINTER, RUTH	LS-13A	04/29/96	T	06/19/96	SMM	PLB		1236131	39.64	1188	(407)-969-1024
HEARTLINE COMMUNICATIONS, I	ANDERSON, BILLY	LS-13A	04/29/96	T	05/23/96	RUM	BAY		1236171	18.75	1188	(904)-785-3910
HEARTLINE COMMUNICATIONS, I	JONES, PAUL W.	LS-13A	04/30/96	T	05/24/96	NEW	POLK		1237671	17.74	1188	(941)-688-1080
HEARTLINE COMMUNICATIONS, I	WAUGH, DONALD	LS-13A	04/30/96	T	05/24/96	SAS	DADE		1238041	7.33	1188	(305)-233-3004
HEARTLINE COMMUNICATIONS, I	SHEARER, SHAWN	LS-13A	04/30/96	T	05/28/96	KMT	DAW		1238061	7.26	1188	(904)-539-9363
HEARTLINE COMMUNICATIONS, I	MASTRACHIO, LOUIS	LS-13A	05/02/96	T	06/12/96	KMT	LEE		1242471	5.23	1188	(941)-549-3525
HEARTLINE COMMUNICATIONS, I	SMITH, CECELIA	LS-13A	05/03/96	T	05/24/96	SAS	ORN		1242541	0.00	1188	(407)-857-7452
HEARTLINE COMMUNICATIONS, I	FENDER, ROBERT	LS-13A	05/03/96	T	05/31/96	SAS	JCC		1242651	17.29	1188	(904)-482-2707
HEARTLINE COMMUNICATIONS, I	PECORONI, CHARLES W.	LS-13A	05/03/96	T	06/19/96	SMM	PLB		1243591	3.71	1188	(407)-439-1485
HEARTLINE COMMUNICATIONS, I	MOSCATO, SANDRA	LS-13A	05/03/96	T	06/06/96	KES	CHA		1243611	8.94	1188	(941)-743-5602
HEARTLINE COMMUNICATIONS, I	SEIBERT, GRECCO	LS-13A	05/03/96	T	05/28/96	KMT	PIN		1243631	14.24	1188	(813)-391-3373
HEARTLINE COMMUNICATIONS, I	BLAIR, JOHN	LS-13A	05/07/96	T	05/28/96	KMT	ORN		1245171	33.26	1188	(407)-290-0021
HEARTLINE COMMUNICATIONS, I	HALL, FRED	LS-13A	05/07/96	T	05/23/96	SAS	COLL		1245201	22.83	1188	(941)-657-4051
HEARTLINE COMMUNICATIONS, I	MOBLEY, WILLIE	LS-13A	05/07/96	T	05/23/96	SAS	ALA		1245271	22.09	1188	(352)-332-7194
HEARTLINE COMMUNICATIONS, I	PATEL, SUNIL	LS-13A	05/07/96	T	05/23/96	SAS	BAY		1245611	11.39	1188	(904)-763-9696
HEARTLINE COMMUNICATIONS, I	ECK, BOB	LS-13A	05/07/96	L	06/06/96	KES	CHA		1246221	14.99	1188	(941)-625-8163
HEARTLINE COMMUNICATIONS, I	MARCHANT, BETTIE E.	LS-13A	05/08/96	T	05/28/96	KMT	WASH		1248221	70.00	1188	(904)-638-9161
HEARTLINE COMMUNICATIONS, I	SERRANO, LUIS	LS-13A	05/10/96	T	05/28/96	JRD	HILL		1250041	8.26	1188	(813)-654-9540
HEARTLINE COMMUNICATIONS, I	STIEGL, BARB	LS-13A	05/13/96	T	05/28/96	JRD	SEM		1251341	102.00	1188	(407)-774-4651
HEARTLINE COMMUNICATIONS, I	DIRKS, ALAN & LAURA	LS-13A	05/14/96	T	05/28/96	JRD	MARI		1252831	36.91	1188	(352)-368-7789
HEARTLINE COMMUNICATIONS, I	DGR DISTRIBUTORS, INC.	LS-13A	05/14/96	T	05/31/96	SAS	COLL		1252911	10.58	1188	(941)-657-4601
HEARTLINE COMMUNICATIONS, I	SEREBE, DAVID	LS-13A	05/14/96	T	06/06/96	RUM	OKA		1254021	31.62	1188	(904)-678-0824
HEARTLINE COMMUNICATIONS, I	TUCK, WILLIAM A.	LS-13A	05/16/96	T	05/16/96	NEP	DAW		1256541	0.00	1188	(904)-539-5495
HEARTLINE COMMUNICATIONS, I	GUTOWSKI, GLENN AND SUSAN	LS-13A	05/16/96	T	06/06/96	DBM	VOL		1257301	18.60	1188	(904)-257-5395

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Attachment B

FLORIDA PUBLIC SERVICE COMMISSION
DIVISION OF CONSUMER AFFAIRS

SPECIAL REQUEST REPORT
SLAMMING REPORT PRINTED ON: 07/15/96

UTILITY	COMPLAINAN	TYPE	RECVD	J	T	CLOSE	STAFF	COUNTY	COMPLAINT NO:	SAVINGS	CODE	PHONE
HEARTLINE COMMUNICATIONS, I	MARCHESE, GEOFFREY	LS-13A	05/17/96	T		06/19/96	JRD	LEON	1257611	17.25	T1188	(904)-562-1034
HEARTLINE COMMUNICATIONS, I	MAPHS, WILLIAM	LS-13A	05/17/96	T		06/06/96	SAS	JCK	1258021	6.73	T1188	(904)-638-2989
HEARTLINE COMMUNICATIONS, I	LEEMAN, JACK	LS-13A	05/17/96	T		05/31/96	SAS	LEE	1258201	16.08	T1188	(941)-482-3820
HEARTLINE COMMUNICATIONS, I	CLEMENTS, ROBERT D.	LS-13A	05/20/96	T		06/07/96	KES	OXA	1259401	6.59	T1188	(904)-678-1659
HEARTLINE COMMUNICATIONS, I	ALEXANDER, CARL	LS-13A	05/20/96	T		06/12/96	DBM	GIL	1259571	53.81	T1188	(904)-935-3438
HEARTLINE COMMUNICATIONS, I	CREWS, LUANITA	LS-13A	05/20/96	T		06/07/96	KES	PLB	1259711	10.06	T1188	(407)-731-5410
HEARTLINE COMMUNICATIONS, I	WEST, MICHAEL	LS-13A	05/21/96	T		06/07/96	KES	LEE	1261321	11.72	T1188	(941)-939-1584
HEARTLINE COMMUNICATIONS, I	TOWNSEND, DEBORAH	LS-13A	05/21/96	T		06/07/96	SAS	COLL	1261791	108.49	T1188	(941)-594-2181
HEARTLINE COMMUNICATIONS, I	RIDENOUR, STEVE	LS-13A	05/21/96	T		06/07/96	KES	MAN	1262031	18.10	T1188	(941)-798-3135
HEARTLINE COMMUNICATIONS, I	MEDINA, MICHAEL	LS-13A	05/22/96	T		06/07/96	RWM	MAN	1263481	28.50	T1188	(941)-748-7748
HEARTLINE COMMUNICATIONS, I	STOKES, GARY	LS-13A	05/22/96	T		06/07/96	KES	SAR	1263881	63.44	T1188	(941)-497-5937
HEARTLINE COMMUNICATIONS, I	PORTER, ALVIN T.	LS-13A	05/24/96	T		06/21/96	RWM	PIN	1265721	13.46	T1188	(813)-898-8475
HEARTLINE COMMUNICATIONS, I	SHIMON, JAMES E.	LS-13A	05/28/96	T		06/12/96	JRD	LEE	1268321	3.13	T1188	(941)-947-5586
HEARTLINE COMMUNICATIONS, I	MURRAY, MARGARET	LS-13A	05/29/96	T		06/12/96	SMM	BRO	1268661	9.19	T1188	(954)-735-5605
HEARTLINE COMMUNICATIONS, I	FRUITT, VICKI	LS-13A	05/29/96	T		06/12/96	SMM	ORN	1270021	13.77	T1188	(407)-521-0321
HEARTLINE COMMUNICATIONS, I	HANNA, E & T	LS-13A	05/29/96	T		06/12/96	JRD	LEON	1270201	36.02	T1188	(904)-668-1859
HEARTLINE COMMUNICATIONS, I	ONGARO, JO ANN	LS-13A	05/30/96	T		06/12/96	JRD	COLL	1271211	26.74	T1188	(941)-591-4331
HEARTLINE COMMUNICATIONS, I	ZIMMER, DENNIS	LS-13A	05/31/96	T		06/21/96	RWM	OXA	1273891	54.72	T1188	(904)-678-6489
HEARTLINE COMMUNICATIONS, I	GOLGE, ALLAN	LS-13A	06/03/96	T		06/19/96	KES	BAY	1276721	14.92	T1188	(904)-230-9744
HEARTLINE COMMUNICATIONS, I	HACUNDA, COLLEEN MARSHALL	LS-13A	06/03/96	T		06/19/96	DBM	BRO	1277211	5.51	T1188	(954)-370-0791
HEARTLINE COMMUNICATIONS, I	COSTAS, TAMARA	LS-13A	06/03/96	T		06/12/96	KMT	PIN	1277371	26.51	T1188	(813)-327-8553
HEARTLINE COMMUNICATIONS, I	MARCHIONNI, JOSEPH	LS-13A	06/04/96	T		06/19/96	SAS	BRO	1278091	44.05	T1188	(954)-963-4877
HEARTLINE COMMUNICATIONS, I	GOMEZ, JOSE	LS-13A	06/04/96	T		06/21/96	SMM	POLK	1278201	71.85	T1188	(941)-665-2530
HEARTLINE COMMUNICATIONS, I	BAIR, GLENN	LS-13A	06/06/96	T		06/26/96	SAS	PLB	1281251	1.49	T1188	(561)-992-8820
HEARTLINE COMMUNICATIONS, I	MITCHELL, KAREN	LS-13A	06/06/96	T		06/26/96	SAS	BAY	1281481	10.43	T1188	(904)-874-9533
HEARTLINE COMMUNICATIONS, I	DE MARCO, MARIA	LS-13A	06/06/96	T		06/20/96	KES	SEM	1282681	34.25	T1188	(941)-592-5890
HEARTLINE COMMUNICATIONS, I	KOOLAKIAN, ROBERT	LS-13A	06/07/96	T		06/28/96	DBM	PIN	1283751	38.85	T1188	(813)-536-2981
HEARTLINE COMMUNICATIONS, I	DUKE, JUDY	LS-13A	06/07/96	T		06/19/96	KMT	HEND	1283781	35.89	T1188	(941)-675-6426
HEARTLINE COMMUNICATIONS, I	BRIDGES, PAULA	LS-13A	06/11/96	T		06/21/96	SMM	MAN	1285581	13.38	T1188	(941)-351-1013
HEARTLINE COMMUNICATIONS, I	FORBES, WILLIAM	LS-13A	06/11/96	T		06/20/96	KES	LEON	1286961	12.00	T1188	(904)-878-2558
HEARTLINE COMMUNICATIONS, I	DESCARDES, SYLVIE	LS-13A	06/11/96	T		06/26/96	KES	DADE	1287051	17.88	T1188	(305)-758-9922
HEARTLINE COMMUNICATIONS, I	PRESCOTT, HERMAN	LS-13A	06/11/96	T		06/26/96	KES	HILL	1287411	8.68	T1188	(813)-978-9649
HEARTLINE COMMUNICATIONS, I	SELLITTO, GARY	LS-13A	06/14/96	L		06/26/96	SAS	MAN	1291371	41.68	T1188	(941)-751-6771
HEARTLINE COMMUNICATIONS, I	COASTAL FRANCHISING CORPORATION	LS-13A	06/17/96	T		06/27/96	KMT	SAR	1292161	36.97	T1188	(813)-921-6651
HEARTLINE COMMUNICATIONS, I	HANSON, JOE	LS-13A	06/17/96	T		07/12/96	KMT	BAY	1293391	10.22	T1188	(904)-235-4835
HEARTLINE COMMUNICATIONS, I	COX, MILDRED	LS-13A	06/18/96	T		07/12/96	RWM	ESC	1294271	4.16	T1188	(904)-456-3724

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FLORIDA PUBLIC SERVICE COMMISSION
DIVISION OF CONSUMER AFFAIRS

SPECIAL REQUEST REPORT
SLAMMING REPORT PRINTED ON: 07/15/96

UTILITY	COMPLAINANT	TYPE	RECD	J	T	CLOSE	STAFF	COUNTY	COMPLAINT NO.	SAVINGS	CODE	PHONE
HEARTLINE COMMUNICATIONS, I	SMITH, LAURENCE OR BILLY	LS-13A	06/19/96	-		07/12/96	OSM	MAF1	1297601	8.94	1188	(352) 237-3078
HEARTLINE COMMUNICATIONS, I	BRECKER, CHARLES (CR)	LS-13A	06/19/96	1		07/12/96	ARM	VOL	1298121	7.81	1188	(904) 253-1513
HEARTLINE COMMUNICATIONS, I	PARODI, ROCCO M.	LS-13A	06/19/96	1		07/12/96	OSM	LEE	1298481	22.42	1188	(941) 992-4819
HEARTLINE COMMUNICATIONS, I	ELLIS, TIM (MR5)	LS-13A	06/19/96	1		07/05/96	JRD	PLB	1298591	128.12	1188	(407) 964-8511
HEARTLINE COMMUNICATIONS, I	DAVIDSON, ANDREA	LS-13A	06/24/96	1*		07/12/96	SJM	SAR	1303501	50.58	1188	(941) 964-3338

185 records printed

TOTAL FOR SWEEPSTAKES: 185
 TOTAL FOR TELEMARKING: 0
 TOTAL FOR NAME/ANI MATCH: 0
 TOTAL FOR KEYBUNCH ENTRY: 0
 TOTAL FOR RESSELLER-UNCERTIFIED: 0
 TOTAL FOR MISLEADING LOA: 0
 TOTAL FOR 000 SERVICE CENTER: 0
 TOTAL FOR FORGERY: 0
 TOTAL FOR UNEXPLAINED ERROR: 0
 TOTAL FOR OTHER: 0

Jim Mattox
Attorney and Counselor

June 28, 1996

Mr. Scott Edmonds
Division of Legal Services
Public Service Commission
Capital Circle Office Center
2540 Shumand Oak Blvd
Tallahassee, FL 32399-0850

VIA FAX (904) 413-6231

Re Docket No. 960627-T1
Heartline Communications, Inc.

Dear Mr. Edmonds:

Without admitting liability or wrongdoing, Heartline Communications, Inc., would like to propose an informal resolution in the above-numbered and styled cause

Heartline is a small company with approximately 9124 Florida customers. We have primarily marketed our long distance services through independent marketing companies over which we have no direct control. We do not design their solicitation materials. We have required that the LOA's be in compliance with FCC guidelines and clearly sets out that the individual that signs the LOA is authorizing the PIC change

After a careful review of the complaints brought to our attention by the Commission, we have found that with rare exception the LOA's were signed by the person authorized to sign them, by a member of the family, or by a friend. In all probability, the LOA's were not read, or the individual did not remember signing them. The customers were not "slammed" under the traditional definition because permission was granted, nevertheless, we do not wish to contest the complaints. We are interested, as is the PSC, in stopping the complaints

When Heartline was contacted by PSC staff on November 14, 1995, we immediately responded in a cooperative spirit and got TropicTel, our principal marketing company, to enter into negotiations with PSC staff. It appeared that an agreeable solution had been reached. Additional actions would have been taken at that time had it be requested or required. We received no additional notice before this action was commenced. We acknowledge that additional complaints have been received and that TropicTel did not modify its marketing program to the satisfaction of PSC.

We have been told by both Rick Moses and Kathy Lewis that the PSC would ultimately prefer for Heartline to discontinue the sweepstakes/box program. Because we have no other substantial marketing activity in Florida, the discontinuance of the program will have a dramatic impact on our financial capability, nevertheless, we have notified each of our marketing firms that we are discontinuing the box program in Florida. These notices were given June 25, 1996. We must give 30 days notice under our contracts, however we expect the actual termination to be more rapid

Because of our full cooperation in this matter and the impact that this change of marketing will have on our small company, we ask that this matter be resolved on an informal basis by allowing us to pay \$25,000.00 into the Florida Treasurer's Office for the benefit of the general fund. We recognize that the PSC has incurred substantial investigative costs and attorneys fees in this matter. We also commit ourselves to continue paying the conversion of any customers that complain back to the PIC from which the customer was transferred. We are prepared to take these actions immediately.

We hope that you will accept this good faith proposal to settle this case.

Sincerely,

A handwritten signature in black ink that reads "Jim Mattox". The signature is written in a cursive style with a large, sweeping initial "J".

Jim Mattox

JM/cmb



RECEIVED
HEARTLINE COMMUNICATIONS, INC.

P.O. BOX 071008 / HOUSTON, TEXAS 77267-1008
(713) 308-1012 / (800) 569-2200 / FAX (713) 308-1059
1995 DEC 12 AM 11:45

MAIL ROOM

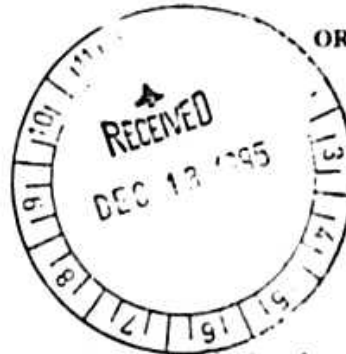
Attachment D

R/M

December 6, 1995

Mr. Rick Moses
Eng. Supervisor, Bureau of Service Evaluation
State of Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

VIA FACSIMILE
ORIGINAL TO FOLLOW



Dear Mr. Moses:

This letter is in response to your letter of November 14, 1995 to Heartline Communications, Inc.

Heartline currently acts as a certified underlying carrier in the State of Florida providing long distance services to independent agents who in turn sell and market to end users.

Please let me explain the current relationship between Heartline and the independent companies associated with the Florida Public Service Commission complaints:

Tropic Tel is the only independent company for which Heartline provides a certified carrier service that offers long distance through a sweepstakes in the State of Florida. Most of these prior complaints were associated with the efforts of Heartline and other independent companies for whom Heartline acted as a certified carrier.

1. Heartline - Prior to January 1, 1995, Heartline acted in a sales and marketing capacity offering long distance service in conjunction with an optional sweepstakes offering. Heartline totally ceased all direct sales and marketing practices as of January 1, 1995.
2. Millennium Telecom - Prior to January 1, 1995, Millennium acted as an independent agent for Heartline. Heartline ceased accepting letters of authorization (LOA) from Millennium after January 1995.
3. Straight Talk - Prior to September 11, 1995, Straight Talk acted as an independent agent for Heartline. Heartline ceased accepting LOA's from Straight Talk as of September 1995.
4. Binning Enterprises - Prior to October 31, 1995, Binning acted as an independent agent for Heartline. Heartline ceased accepting electronically submitted telephone numbers for long distance conversion as of October 31, 1995.
5. Tropic Tel - Tropic Tel became an independent agent of Heartline in June 1995. LOA's are provided to Heartline for review and data entry submission to the local exchange carrier for conversion of long distance service. As of September 11, 1995 Heartline ceased accepting LOA's that were not in compliance with the FCC's order CC Docket No. 94-129. The LOA that Tropic Tel uses was designed in conjunction with Heartline to ensure compliance with the FCC requirements.

Attachments 4 D

Rick Moses
Florida Public Service Commission
December 6, 1995
Page 2

Heartline did not design the marketing display for Tropic Tel; but we believe that the Florida Commission's Rule 25-4.118 (2)(b), F.A.C. regarding text would have to be as large as the very biggest wording on the box. Clearly the headlines must be considered separately, and the LOA must be considered a separate document. The statement that the LOA will result in the person's long distance service being switched must be of at least as large as any other text on the page is being complied with in that the Tropic Tel LOA is utilized for solely to request a PIC change. Our interpretation of the print size required for the portion of the LOA that states "I am at least 18 years of age..." etc., is in compliance because the heading "Official Form" and instruction portion "Please Print - Fill Out Completely" are not part of the "text" that the regulation speaks to. Again, this is our interpretation. If this LOA is not in compliance, we want to work with the Commission to bring it into compliance. We believe that the display clearly states that the consumer has the opportunity to enter a contest as well as changing his/her long distance service. The LOA document is a separate and severable document from this display. Although we believe the display is totally clear, we will ask Tropic Tel on their next printing of the display to add additional language that would remove any doubt concerning the purpose of the display.

Enclosed for your review is a breakdown of all complaints received in our office from January 1, 1995 to date, listing the associated independent companies. All responses have been completed except as indicated. It is Heartline's policy that if we are notified that a telephone number has been changed improperly or by mistake we will rectify it immediately, credit the PIC charges and rerate all calls to the preferred carrier, if applicable.

We want to assure the Commission that we will continue that policy even if the complainant does not contact the Commission. Our company simply needs to be notified and we will make a change. We want to be good corporate citizens in Florida. We have over 12,000 current satisfied customers. The number of complaints is relatively small and arise when an individual improperly signs up for another or the LOA is simply not read.

We sincerely hope that the Commission will not find it necessary to take additional action regarding this matter. Please feel free to call upon me at 1-800-569-7119 for any questions that you may have.

Sincerely,
HEARTLINE COMMUNICATIONS, INC.



Ron Darnell
Executive Vice President

/s/

enclosure

Attachment D

FL PSC COMPLAINTS
RECEIVED
01/01/95 TO 11/29/95

DATE RECEIVED	AGENT	COMPLAINANT'S NAME	CASE #
1/19/95	Heartline Communications, Inc	HURNS, BERNARD	048857P
1/26/95	Heartline Communications, Inc	MOORE, KATIE MAY	050368P
2/06/95	Heartline Communications, Inc	SIEWERT, BOGDANO	052080P
2/06/95	Heartline Communications, Inc	ST. GEORGE COPTIC CHURCH	052105P
2/09/95	Heartline Communications, Inc	DYKES, GARY	052897P
2/22/95	Heartline Communications, Inc	EISENBERGER, SHARON	060450P
2/24/95	Heartline Communications, Inc	PICKETT, PATRICIA	055126P
2/27/95	Heartline Communications, Inc	SUAREZ, EDDIE	055313P
3/07/95	Heartline Communications, Inc	YOUNG, GARY	056620P
3/16/95	Heartline Communications, Inc	ALLEN, WENDELL M	058223P
3/16/95	Heartline Communications, Inc	BYRER, WILLIAM	059220P
3/16/95	Heartline Communications, Inc	LACOMBE, LORI	059214P
3/16/95	Heartline Communications, Inc	LOVETT, JEFFREY	058222P
3/16/95	Heartline Communications, Inc	VANGAASBECK, ROSEMARY	059223P
3/20/95	Heartline Communications, Inc	TORRES, SILVIA	046736P
3/23/95	Heartline Communications, Inc	SAWYER, CHARLES	059516P
3/24/95	Heartline Communications, Inc	DUNAWAY, CATHERINE	059618P
3/28/95	Heartline Communications, Inc	SCHREIBSTEIN, ROBERT	060488P
4/05/95	Heartline Communications, Inc	SOUIRIGI, CARMEN	061730P
4/06/95	Heartline Communications, Inc	ODELL, NANCY	061723P
4/26/95	Heartline Communications, Inc	FOURNIER, ROBERT	063670P
4/28/95	Heartline Communications, Inc	LARZABL, JOSE G. MRS	064460P
5/15/95	Heartline Communications, Inc	BROWN, JOHN	067292P
6/29/95	Heartline Communications, Inc	MCNEAL, GERTRUDE	073765P
7/06/95	Heartline Communications, Inc	SULLIVAN, DANIEL MRS	074788P
7/06/95	Heartline Communications, Inc	WEISS, MITCHELL	074695P
7/13/95	Heartline Communications, Inc	SINGH, HARDEEP	074548P
7/27/95	Heartline Communications, Inc	RODRIGUEZ, CONCEPCION	078975P
9/13/95	Heartline Communications, Inc	SLUDER, THOMAS	087360P
9/15/95	Heartline Communications, Inc	ESPANA, EVELYN	072296P
10/11/95	Heartline Communications, Inc	LYLEN, IAN	091932P
1/20/95	Millennium Telecom	LODISE, ROCCO	050115P
1/23/95	Millennium Telecom	DEITER, DENNIS	049777P
1/23/95	Millennium Telecom	HOLLAND, STEPHEN	049919P
1/25/95	Millennium Telecom	RAVELLI, JOSEPH	050288P
1/27/95	Millennium Telecom	HOLLEY, VALORIE	050477P
3/10/95	Millennium Telecom	TAFFINDER, CHARLES	057124P
3/28/95	Millennium Telecom	MILLER, MILDRED	060289P
3/30/95	Millennium Telecom	BROWN, CLARENCE	060404P
4/28/95	Millennium Telecom	BUSHMAN, CRAIG	064649P
5/01/95	Millennium Telecom	PETERS, DAVID	065-21P
5/22/95	Millennium Telecom	CHARLOTTE COUNTY SCHOOLS	068838P
6/09/95	Millennium Telecom	PHILLIPS, PRESTON	070861P
6/19/95	Millennium Telecom	ROWE, MYLET	071913P
6/20/95	Millennium Telecom	ESTES, CATHELINE	072319P
6/22/95	Millennium Telecom	SUAREZ, ALFONSO	072471P
7/05/95	Millennium Telecom	WILSON, SAMUEL AND BARBARA	078621P
7/17/95	Millennium Telecom	EPSTEIN, DAVID	076618P

FL PSC COMPLAINTS
RECEIVED
01/01/95 TO 11/29/95

DATE RECEIVED	AGENT	COMPLAINANT'S NAME	CASE #
8/17/95	Millennium Telecom	DUNCAN, SIMONE	081697P
8/23/95	Millennium Telecom	LYERLY, DAVID	083986P
8/29/95	Millennium Telecom	FOSTER, MICHAEL	083693P
10/02/95	Millennium Telecom	VIOLA, MICHAEL	090965P
10/17/95	Millennium Telecom	NEAL, ROBYN	092347P
.	Millennium Telecom	CHEW, WALTER	056063P
.	Millennium Telecom	DESUE, CLARENCE	087801P
6/26/95	Number is not in our system	BROWN, DOUGLAS	073137P
9/05/95	Number is not in our system	WALLA, KENNETH	084573P
9/25/95	Number is not in our system	ISHAM, ELLEN	089767P
5/30/95	Straight Talk	DELOACH, DANIEL	069340P
6/15/95	Straight Talk	LAPLACE, MARY	071620P
9/26/95	Straight Talk	BYLES, LUCEAIN	090216P
7/24/95	Binning Enterprises, Inc.	SIMMS, WILLIAM	078118P
7/28/95	Binning Enterprises, Inc.	TABLER, GWEN	079573P
8/04/95	Binning Enterprises, Inc.	SPEECE, ROBERT F.	081285P
8/05/95	Binning Enterprises, Inc.	SANTANA, TERESA	081156P
9/07/95	Binning Enterprises, Inc.	FRANCIS, KENNETH	056129P
.	Binning Enterprises, Inc.	SHEERER, GARY MRS	064115P
9/08/95	Tropic Tel	DINI, GREG	086535P
9/14/95	Tropic Tel	ALEXANDER LAWRENCE	087569P
9/21/95	Tropic Tel	M McNABB, STEVEN	088374P
11/27/95	Tropic Tel	LOPEZ, JOSE	096739P

*Cases closed, however, complaints not received prior to this inquiry. Currently in the process of research and response.

Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING
JOE GARCIA



DIVISION OF COMMUNICATIONS
WALTER D'HAESELEER
DIRECTOR
(904) 413-6600

Public Service Commission

November 14, 1995

Mr. Joseph R. Harrott
Heartline Communications, Inc.
P.O. Box 671008
Houston, TX 77267-1008

CERTIFIED

Dear Mr. Harrott:

Florida consumers have filed 79 complaints to date with this Commission in regard to unauthorized switching of their long distance service to Heartline Communications. This action raises considerable concern. Most of the complaints appear to stem from the use of sweepstakes posters with letter of authorization (LOA) forms attached to enter various types of sweepstakes such as a Hawaiian vacation or to win a Mustang car.

Enclosed is a copy of such an LOA that was found in a restaurant in Tallahassee. We have also observed several other locations using the same display and LOAs. As a certificated long distance company in Florida, you are required to comply with the Commission's rules. These rules were included in your certification package at the time of initial certification and your company signed an acknowledgment card that the rules were understood and all future rules would be followed. Please refer to Rule 25-4.118(2)(b), F.A.C. which requires that the text containing the statement that the LOA will result in the person's long distance service being switched be of at least as large as any other text on the page. Please explain how the enclosed LOA that we removed from one of your displays complies with this rule.

Furthermore, please review the same rule, next sentence, that requires that if the document is not to be used for the sole purpose of requesting a PIC change that the document, as a whole, must not be misleading or deceptive. By attaching your LOAs to a display that solely advertises a Hawaiian vacation or winning a Mustang, the whole document becomes misleading and deceptive. The consumer is easily misled into believing that he is entering a drawing to win something which is not the sole purpose of the LOA. Therefore, I request that you immediately discontinue or modify this practice to comply with the rules.

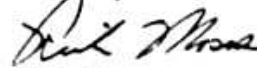
Please provide a response in writing explaining corrective action taken to comply with

November 14, 1995
Page 2

the Commission's rules, the date of when you have discontinued or modified using the sweepstakes method of obtaining LOAs in compliance with the rules, and a copy of your revised LOA that you will be using in the future by November 29, 1995.

If you have questions, please contact me at 904/413-6582.

Sincerely,



Rick Moses
Eng. Supv.
Bureau of Service Evaluation

c: N. Pruitt, CAF
c: T. Williams, CMU
Record # 1187

Attachment E

OFFICIAL FORM

TWT

LONG DISTANCE APPLICATION

PLEASE PRINT - FILL OUT COMPLETELY

AGE (REQUIRED)	
Under 18	_____
18 to 35	_____
36 & over	_____

DATE: _____

FULL NAME: _____

ADDRESS: _____

CITY: _____ STATE _____ ZIP _____

HOME PHONE (REQUIRED) (____|____|____) |____|____|____| - |____|____|____|
AREA CODE

SIGNATURE (REQUIRED) *α* _____

I am at least 18 years of age. I further understand that I may cancel at any time. I authorize Heartline Communications, Inc. (HCI), to act as my agent, and to convert the long distance service on my phone listed above from my current carrier to HCI. I understand that this LOA changes my carrier, and that I may designate only one carrier at a time for any 1 number. I understand that I will be billed through my local telephone company by HCI. I understand that my local phone company may assess a charge for my conversion to HCI. If this occurs, HCI will pay me back if I send a copy of my bill to: HCI, P.O. 671008 Houston, TX 77267

Commissioners:
SUSAN F. CLARK, CHAIRMAN
J. TERRY DEASON
JULIA L. JOHNSON
DIANE K. KIESLING
JOE GARCIA



DIVISION OF COMMUNICATIONS
WALTER D'HAESELEER
DIRECTOR
(904) 413-6600

Public Service Commission

December 13, 1995

Mr. Joseph R. Harrott
Heartline Communications, Inc.
P.O. Box 671008
Houston, TX 77267-1008

Dear Mr. Harrott:

Thank you for your response to my previous letter dated November 14, 1995. Mr. Darnell articulated that Heartline Communications, Inc. (HCI) has discontinued processing letters of authorization for several independent marketing agents when problems occurred. However, it appears that HCI simply eliminates its contractual agreements with its agents after harm has occurred to the Florida end users and does not have a policy in place to prevent these types of complaints from reoccurring with new agents.

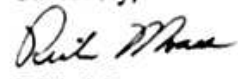
In regard to the displays used by Tropic Tel, it is still the Commission staff's position that the use of a sweepstakes billboard or display with LOAs attached is overall deceptive in nature and should not be used for the intent of switching a person's long distance service. Even if additional language is added to the display, unless the added language is at least as large as other text on the display, staff believes it is not in compliance with Rule 25-4.118, F.A.C. Because the LOAs are an integral part of the display we do not believe it should be considered a separate document for compliance with the rule. Your company is the certificated company providing the service and is responsible for the content of the display being used by Tropic Tel. Therefore, continuing to use the existing displays and waiting until the next printing of the displays for corrective action is not appropriate. This matter needs immediate attention.

Accordingly, please respond in writing by December 27, 1995 with an outlined procedural policy that HCI intends to implement that will correct the cause of the complaints of unauthorized switching of long distance service.

Mr. Joseph Harrott
Page 2

Furthermore, please provide an explanation of corrective action taken to ensure that the displays used by Tropic Tel are in compliance with the Commission's rules. If you have questions, please contact me at 904/413-6582.

Sincerely,



Rick Moses
Eng. Supv.
Bureau of Service Evaluation

c: N. Pruitt, CAF
Record #1187a

THE LUSTIGMAN FIRM
ATTORNEYS

60TH FLOOR
EMPIRE STATE BUILDING
NEW YORK, NY 10118-6098
TEL (212) 268-0797 • FAX (212) 268-1989



SHELDON S. LUSTIGMAN
ADMITTED NY & NJ

ANDREW B. LUSTIGMAN
ADMITTED NJ, DC & MD ONLY

**VIA FAX: (904) 413-6583
AND REGULAR MAIL**

January 5, 1996

Mr. Rick Moses
Eng. Supervisor
Bureau of Service Of Evaluation
State of Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RE: Heartline Communications, Inc./Tropic Tel

Dear Mr. Moses:

This is to confirm our conversation of today resolving the State of Florida Public Service Commission's concerns regarding the Heartline Communications, Inc./Tropic Tel Sweepstakes promotion. As I previously advised you, we are counsel to Tropic Tel, a marketer of Heartline Communication's long-distance services.

You agreed that the following would resolve the State of Florida's concerns with this promotion. Tropic Tel agrees to revise its box promotion to include the statement "Submission of official entry form can result in change in long distance service". This statement will be in a type size and font similar to the existing statement "See rules on side for entry information" and will be placed in proximity to the drop-in slot. Tropic Tel will promptly begin working to change the boxes that are distributed in Florida to include the disclaimer. This change will appear on all new boxes shipped to Florida and the company will use its best efforts to change all existing boxes in Florida within 90 days.

I appreciate your cooperation on this matter. Please let me know if you have any questions.

Sincerely,


ANDREW B. LUSTIGMAN

cc: Tropic Tel
Heartline Communications, Inc.

See Rules On Side For Entry Information
Submission Of Official Form Can Result In Change In Long Distance Svc.

Name ELLS, TIM (MRS)
Address 4575 WENHART ROAD

City/Zip LAKE WORTH 33463 County PLB
Account Number
Company Contact

Company HEARTLINE COMMUNICATIONS, INC
Attn: TRICIA MARONE 129859
Consumer's Telephone # (407)-964-8511
Can Be Reached
Note sweepstakes
Limited Response N

File # No. 1298J91
By JRD time 1:40 PM date 06/19/96
To EO time FAX date 06/19/96
Type S form Phone
Category
Infraction LS-13A
Closed by NEP Date 07/05/96
Reply Received T

Customer says her PIC was switched to Heartline without her authorization. She says she has asked Heartline several times to provide her with proof of authorization. Please provide the PSC with proof of authorization and issue appropriate credits.

- 7/1/96 Report and letter to customer with sweepstakes LOA.
- 7/2/96 Customer called and said her local service had been disconnected. I called BellSouth and told them that she had advised them that she would withhold payment of Heartline charges until the problem was resolved.dd
- 7/5 Closed by phone. Left message of credit and sweepstakes form.
- 7/5 Customer called and said thanks for follow-up and that his signature was forged.

CONSUMER REQUEST

FLORIDA PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL. 32399-0850
904-413-6100

PLEASE RETURN THIS FORM WITH REPORT OF ACTION TO:

Richard Durbin

DUE: 07/05/96

1-30-1

Attachment #


HEARTLINE COMMUNICATIONS, INC.

 P.O. BOX 53029 / HOUSTON / TX 77052-3029
 (713) 308-1012 / (800) 569-2200 / FAX (713) 308-1059

June 27, 1996

 Mrs. Tim Ellis
 4575 Wenhart Rd.
 Lake Worth, FL 33463

**RE: Florida Public Service Commission
 Request No.: 1298591
 Phone Number: 407-964-8511**

Dear Mrs. Ellis:

Heartline Communications, Inc. ("Heartline"), acknowledges the receipt of the above reference complaint on June 19, 1996.

Our investigations have discovered that your phone number was received from TropicTel, an independent agent for Heartline. For your records, we have included a copy of the letter of agency (LOA) on file for this account. Completion of this LOA constitutes a request to change the long distance provider, through an underlying carrier, for the number provided on the application

New customers are solicited by TropicTel using the "Official Form Long Distance Application" form in an advertising manner which includes various posters and solicitation material for long distance service and/or entry into a sweepstake. The posters include pads of long distance applications for the consumer to complete information including name, address, phone number and signature

 The application verified that the individual signing has the authority to make these changes. We believe the form clearly identifies the nature of the solicitation. We are liable to ensure that the information provided on an LOA is complete and in accordance with the standards set forth by the Federal Communications Commission (FCC). This LOA complies with the requirements indicated in the FCC's procedures in the Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, CC Docket No. 94-129, and Part 64, Subpart K, Section 64.1150 of the Commission's Rules and Regulations as amended (1995).

Our records indicate that your long distance service was changed on January 4, 1996. In your complaint, you allege this switch was unauthorized. The LOA was completed bearing the name Ralph Ellis, at the same address, who represented himself as the authorized party for changes in the long distance provider. Your long distance service was reinstated with the preferred carrier on March 4, 1996.

The following is a summary of the contact and/or correspondence with Heartline prior to receipt of this complaint:

Contact was made with Heartline's Customer Service Department on March 4, 1996 to advise us of a dispute in the authorization to change the long distance provider. The account was canceled within our database. Our procedures were explained, and a copy of the LOA and Heartline's procedures were faxed.

Credit was issued for service fees from January 1996 in the amount of \$5.96. The process was completed and this information was submitted to our billing agent on March 4, 1996. The credit appeared on the bill from the local telephone company within two (2) billing cycles.

Our records indicate the total long distance billing from Heartline was \$250.70. Pursuant to your inclusion of a preferred carrier in the complaint, an exact rate adjustment was calculated in the amount of \$125.14. Additional credit is issued for switching fees assessed by the local telephone company in the amount of \$2.98. Therefore, a total credit of \$128.12 will appear on the bill from the local telephone company within two (2) billing cycles.

We trust the foregoing satisfactorily answers any questions you may have in this regard. Should you require any additional information, please contact the undersigned at 800-569-7119.

Respectfully submitted,
HEARTLINE COMMUNICATIONS, INC.



Tricia Marone
Consumer Complaint Manager

enclosure

cc: Florida Public Service Commission

Attachment H

OFFICIAL FORM

TWT

LONG DISTANCE APPLICATION

PLEASE PRINT - FILL OUT COMPLETELY

AGE (REQUIRED)	
Under 18	<input type="checkbox"/>
18 to 35	<input checked="" type="checkbox"/>
36 & over	<input type="checkbox"/>

DATE: 12-8-95

FULL NAME: Ralph Ellis

ADDRESS: 4575 WENHART RD

CITY: L.W. STATE FLA ZIP 33463

HOME PHONE (REQUIRED) 407 191641-185111

SIGNATURE (REQUIRED) Ralph Ellis

I am at least 18 years of age. I further understand that I may cancel at any time. I authorize Heartline Communications, Inc. (HCI), to act as my agent, and to convert the long distance service on my phone listed above from my current carrier to HCI. I understand that this LOA changes my carrier, and that I may designate only one carrier at a time for any I number. I understand that I will be billed through my local telephone company by HCI. I understand that my local phone company may assess a charge for my conversion to HCI. If this occurs, HCI will pay me back if I send a copy of my bill to: HCI, P.O. 671008 Houston, TX 77267

Federal Communications Commission

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

In the Matter of)
) File No. ENF-95-18
Heartline Communications, Inc.)
) NAL/Acct. No. 516EF0007
Apparent Liability for Forfeiture)

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: June 20, 1996; Released: June 20, 1996

By the Commission:

I. INTRODUCTION

1. By this Notice of Apparent Liability for Forfeiture ("NAL"), we initiate enforcement action against Heartline Communications, Inc. (Heartline).¹ For the reasons discussed below, we find that Heartline apparently willfully or repeatedly violated Commission rules and orders² by changing the primary interexchange carriers ("PICs") designated by the complainants identified below without their authorization.³ Based upon our review of the facts and circumstances surrounding the violations, we find that Heartline is apparently liable for a forfeiture in the amount of two hundred thousand dollars (\$200,000).

1 Heartline, incorporated under the laws of the State of Texas, is a reseller of common carrier services and for the purposes of Commission regulation, is a common carrier subject to our jurisdiction under Title II of the Communications Act of 1934, as amended. Heartline's business address is: 1001 Fannin, #300, Houston, Texas 77002. Joseph R. Harrott is the president.

2 See 47 C.F.R. § 64.1100; Policies and Rules Concerning Long Distance Carriers, 7 FCC Rcd 1038 (1992) (*PIC Change Order*), reconsideration denied, 8 FCC Rcd 3215 (1993); Investigation of Access and Divestiture Related Tariffs, 101 FCC 2d 911 (1985) (*Allocation Order*), reconsideration denied, 102 FCC 2d 503 (1985) (*Reconsideration Order*); Investigation of Access and Divestiture Related Tariffs, Phase I, 101 FCC 2d 935 (1985) (*Waiver Order*).

3 The practice of changing a customer's PIC without the customer's authorization is commonly referred to as "slamming."

II. BACKGROUND

2. In its *Allocation Order* and subsequent *Reconsideration Order* and *Waiver Order*,⁴ the Commission set forth rules and procedures for implementing equal access⁵ and customer presubscription⁶ to an interexchange carrier ("IXC").⁷ The Commission's original allocation plan required IXCs to have on file a letter of agency ("LOA") signed by the customer before submitting PIC-change orders to the local exchange carrier ("LEC") on behalf of the customer.⁸ After considering claims by certain IXCs that this requirement would stifle competition because consumers would not be inclined to execute the LOAs even though they agreed to change their PIC, the Commission later modified the requirement to allow IXCs to initiate PIC changes if they had "instituted steps to obtain signed LOAs."⁹ In 1992, the Commission again revised its rules because it continued to receive complaints about unauthorized PIC changes.¹⁰ Specifically, while the Commission recognized the benefits of permitting a telephone-based industry to rely on telemarketing to solicit new business, it required IXCs to institute one of the following four confirmation procedures before submitting PIC-change orders generated by telemarketing: (1) obtain the consumer's written authorization; (2) obtain the consumer's electronic authorization by use of an 800 number; (3) have the consumer's oral authorization verified by an independent third party; or (4) send an information package, including a prepaid, returnable postcard, within three days of the consumer's request for a PIC change, and wait 14 days before submitting the consumer's order to the LEC, so that the consumer has sufficient time to return the postcard denying, cancelling, or confirming the change order.¹¹ Hence, the Commission's rules and orders

4 See *supra* note 2.

5 Equal access for interexchange carriers is that which is equal in type, quality and price to the access to local exchange facilities provided to AT&T and its affiliates. *United States v. American Tel. & Tel.*, 552 F. Supp. 131, 227 (D.D.C. 1982), *aff'd sub nom. Maryland v. United States*, 460 U.S. 1001 (1983) (*Modification of Final Judgment or MFJ*). "Equal access allows end users to access facilities of a designated [IXC] by dialing '1' only." *Allocation Order*, 101 FCC 2d at 911.

6 Presubscription is the process by which each customer selects one primary interexchange carrier ("PIC") from among several available carriers, for the customer's phone line(s). *Allocation Order*, 101 FCC 2d at 911, 928. Thus, when a customer dials "1" only, the customer accesses the primary IXC's services. An end user can also use other IXCs by dialing a five-digit access code (10XXX). *Id.* at 911.

7 Pursuant to the *MFJ*, the Bell Operating Companies were ordered to provide equal access to their customers by September 1986, where technically feasible. *Id.*

8 An LOA is a document, signed by the customer, that states that the customer has selected a particular carrier as that customer's primary long distance carrier. *Allocation Order*, 101 FCC 2d at 929.

9 *Waiver Order*, 101 FCC 2d at 942.

10 *PIC Change Order*, 7 FCC Rcd at 1038-39.

11 See 47 C.F.R. § 64.1100; *PIC Change Order*, 7 FCC Rcd at 1045.

currently require that IXCs either obtain a signed LOA or, in the case of telemarketing solicitations, complete one of the four telemarketing verification procedures before submitting PIC-change requests to LECs on behalf of consumers.

3. Because of its continued concern over unauthorized PIC changes, the Commission recently prescribed the general form and content of the LOA used to authorize a change in a customer's primary long distance carrier.¹² The Commission's recent rules prohibit the potentially deceptive or confusing practice of combining the LOA with promotional materials in the same document.¹³ The rules also prescribe the minimum contents of the LOA and require that the LOA be written in clear and unambiguous language.¹⁴ The rules prohibit all "negative option" LOAs¹⁵ and require that LOAs be completely translated if they employ more than one language.¹⁶

III. THE COMPLAINTS

4. This forfeiture action is based on the staff's investigation of five consumer complaints involving allegations of slamming by Heartline that were filed with the Commission between August 10 and September 21, 1995.¹⁷ Each of the complainants allege that Heartline converted their long distance service provider without their authorization through the apparent use of falsified or forged LOAs. In each case, the LOAs were apparently submitted to Heartline by one of its several sales and marketing agents. We describe each of the complaints and Heartline's responses to them below.

A. John C. Best

5. In July 1995, Millennium Telecom, an independent agent of Heartline, apparently sent Heartline an order to switch the PIC of John C. Best, of San Diego, California, from AT&T, his presubscribed long distance service provider, to Heartline.¹⁸ Heartline states that the PIC

12 Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers, 10 FCC Rcd 9560 (1995) (*LOA Order*), *reconsideration pending*.

13 *See id.* at 9573-75.

14 *See id.* at 9564-65.

15 *See id.* at 9565-66. "Negative option" LOAs require consumers to take some action to avoid having their long distance telephone service changed.

16 *See id.* at 9581.

17 Since January 1, 1993, the Commission has received numerous consumer complaints about Heartline's alleged slamming practices. Many of these complaints are under active investigation by the staff. Our action here is based solely on the five complaints specifically mentioned herein.

18 Letter from Kristal Rasch, Consumer Complaints Analyst for Heartline, to Kathie A. Kneff, Chief, Consumer Protection Branch (Dec. 26, 1995) (*Best Response*). Although Heartline states that it received Best's telephone number and LOA from Millennium Telecom, the LOA itself has no reference to Millennium Telecom. Instead, it authorizes Tropic Tel to act as the signor's agent to switch the long

change was submitted to Pacific Bell on July 11, 1995, apparently on the basis of Millennium Telecom's representation that it had obtained the necessary authorization.¹⁹ Upon learning of the switch, Best contacted Heartline by telephone on August 7, 1995 and denied authorizing any change to his PIC. In response, Heartline sent to Best a copy of the LOA upon which it had relied to request the PIC change.²⁰ Best examined the signature on the LOA, which was dated May 7, 1995, and determined that it was a forgery. He then sent a copy of his driver's license to Heartline as evidence that the signatures on the LOA and the driver's license did not match. On August 28, 1995, Best filed his complaint with the Commission, and included a copy of the allegedly forged LOA and a copy of his driver's license showing his signature as evidence to support his allegations.²¹ Best also noted in his complaint that his street address is misspelled on the LOA. The Common Carrier Bureau's Consumer Protection Branch²² served the complaint on Heartline and directed it to satisfy Best's complaint or explain why it was unable to do so.²³

B. Mohammad Farooq

6. In July 1995, Millennium Telefonica, also an independent agent of Heartline,²⁴ apparently sent Heartline an order to switch the PIC of Mohammad Farooq, of Glendale, California, from AT&T, his presubscribed long distance service provider, to Heartline.²⁵ Heartline states that it submitted the PIC change to Pacific Bell, apparently on the basis of Millennium Telefonica's representation that it had obtained the necessary authorization, and Farooq was switched from his preferred carrier to Heartline on July 17, 1995. Upon learning of the switch, Farooq contacted Heartline on August 18, 1995 and denied authorizing any change to his PIC. In response, Heartline sent to Farooq a copy of the LOA upon which Heartline had

distance provider for that number, and agrees that Tropic Tel may designate Heartline as the new preferred provider.

19 *Id.* Pacific Bell's records indicate that it received the order to switch from Allnet, and that USBI was the billing agent for Allnet. Letter from E. M. Saiz, Manager—Informal Appeals, Pacific Bell, to Suzanne Perrin, FCC (Dec. 29, 1995). On the telephone bill provided by Best, USBI appears to be billing for Heartline. Nowhere in Heartline's response to the Notice of Informal Complaint is there an explanation of the relationship between Heartline and Allnet or USBI.

20 Best Response.

21 See Attachment A.

22 Formerly known as the Informal Complaints and Public Inquiries Branch.

23 Notice of Informal Complaint, File No. IC-95-26130 (Dec. 1, 1995).

24 Although Millennium Telefonica and Millennium Telecom have similar names, nothing in the record indicates that they are the same company.

25 Letter from Kristal Rasch, Consumer Complaints Analyst for Heartline, to Kathie A. Kneff, Chief, Consumer Protection Branch (Dec. 13, 1995).

relied to request the PIC change. Farooq compared the signature on the LOA, which was dated May 7, 1995, with his signature on his California driver's license, and determined that the signature on the purported LOA was a forgery. On August 28, 1995, Farooq filed his complaint with the Commission, and included a copy of the allegedly forged LOA, a copy of his driver's license, and copies of his long distance phone bills from both AT&T and Heartline as evidence to support his allegations.²⁶ The Consumer Protection Branch served the complaint on Heartline and directed it to satisfy Farooq's complaint or explain why it was unable to do so.²⁷

C. Joyce H. Park

7. In or around July 1995, Tropic Tel, another independent agent of Heartline, apparently sent Heartline an order to switch the PIC of Joyce H. Park, of Northridge, California, from AT&T, her presubscribed long distance service provider, to Heartline. Heartline states that it submitted the PIC-change order on the basis of a representation from Tropic Tel that it had obtained the necessary authorization to switch Park, and she was switched from her preferred carrier on August 1, 1995.²⁸ Upon learning of the switch, Park contacted Heartline on August 8, 1995, and denied authorizing any change to her PIC. In response, Heartline sent to Park a copy of the LOA upon which it had relied to request the PIC change.²⁹ Park examined the signature on the LOA, which was dated July 13, 1995, and determined that the signature on the purported LOA was a forgery. Park filed her complaint, dated August 8, 1995, with the Commission, and included a copy of the allegedly forged LOA, a copy of her California driver's license, and copies of her long distance phone bills as evidence to support her allegations.³⁰ The Consumer Protection Branch served the complaint on Heartline and directed it to satisfy Park's complaint or explain why it was unable to do so.³¹

D. Natalie L. Finley

8. In or around June 1995, Tropic Tel apparently sent Heartline an order to switch the PIC of Natalie L. Finley, of La Mesa, California, from Sprint, Finley's presubscribed long distance service provider, to Heartline. Heartline submitted the PIC change to Pacific Bell, which

26 See Attachment B. Not the least of Farooq's concerns was, for example, the fact that although AT&T only charged him \$6.02 for a seven-minute call to Pakistan, Heartline charged him \$25.26 for virtually the same call, a 319% increase in rates.

27 Notice of Informal Complaint, File No. IC-95-26185 (Sep. 6, 1995).

28 Letter from Kristal Rasch, Consumer Complaints Analyst for Heartline, to Kathie A. Kneff, Chief, Consumer Protection Branch (Sep. 28, 1995) (Park Response).

29 *Id.*

30 See Attachment C.

31 Notice of Informal Complaint, File No. IC-95-23924 (Sep. 28, 1995).

switched Finley to Heartline on July 6, 1995. Finley contacted Heartline on August 17, 1995 and denied authorizing any change in her PIC. In response, Heartline sent to Finley a copy of the LOA upon which Heartline relied to make the switch. The copy of the LOA provided by Heartline was dated May 8, no year, and bore the name and purported signature of Torlorf Finley, whom Heartline believes to be Finley's husband. Upon comparing the signature on the LOA with Torlorf Finley's Alabama driver's license and Armed Forces ID card, Finley determined that the signature on the LOA was an apparent forgery. On September 18, 1995, Finley mailed her complaint to the Commission, and included a copy of the allegedly forged LOA and copies of Torlorf Finley's driver's license and military ID card as evidence to support her allegations.³² The Consumer Protection Branch served the complaint on Heartline and directed it to satisfy Finley's complaint or explain why it was unable to do so.³³

E. Colleen Carranza

9. In or around June 1995, Tropic Tel apparently sent Heartline another PIC-change order, this time to switch the PIC of Colleen Carranza, of San Diego, California, from her presubscribed long distance service provider to Heartline.³⁴ Heartline submitted the PIC change to Pacific Bell, which switched Carranza to Heartline on June 27, 1995. Carranza contacted Heartline on June 29, 1995 and denied authorizing any change in her PIC. In response, Heartline sent to Carranza a copy of the LOA, dated May 15, 1995, upon which Heartline relied to make the switch. Carranza states in her complaint to the Commission, dated August 2, 1995, that the signature on the LOA is not hers. The Consumer Protection Branch served the complaint on Heartline and directed it to satisfy Carranza's complaint or explain why it is unable to do so.³⁵

IV. HEARTLINE'S RESPONSES

10. In each case, Heartline responded to the Commission's Notice of Informal Complaint (NOIC) with what appears to be a form letter that had case-specific information inserted at various points.³⁶ In each of these letters, Heartline states that it used a marketing agent

32 See Attachment D. Finley also forwarded to the Commission copies of a letter sent to her by Heartline and the Commission's public notice regarding slamming. We are treating these materials as an informal complaint.

33 Notice of Informal Complaint, File No. IC-95-27506 (Sep. 21, 1995).

34 In her complaint, Carranza does not state which presubscribed carrier she previously used.

35 Notice of Informal Complaint, File No. IC-95-23870 (May 10, 1995).

36 The inserted information included names of the complainants; relevant dates, including the date of the allegedly unauthorized conversion; names of the marketing agents involved; and summaries of contacts or correspondence between Heartline and the complainants prior to service by the Commission of the informal complaint. See *supra* notes 18, 25, 29, 34, and 35.

to obtain the LOAs that it relied upon to switch the complainants' long distance service. Heartline explains in each case that the marketing agents solicited new customers by using an LOA that was combined with a sweepstakes entry form that asked for the entrant's name, address, telephone number, and signature.³⁷ Further, Heartline uniformly states that it has refunded usage charges billed to the complainants in excess of the rates charged by each complainant's preferred long distance carrier, that the LEC has refunded charges for switching long distance carriers, and that the complainants, except Farooq,³⁸ have been switched back to their carriers of choice. Heartline, however, neither denies that the signatures do not match those provided by the complainants nor disputes the complainants' allegations that the signatures on the LOAs are forgeries.

V. DISCUSSION

11. We have evaluated the information obtained as a result of the staff's investigation and based on the foregoing, we conclude that Heartline has apparently willfully or repeatedly violated the Commission's rules and orders regarding PIC-change requirements. We find Heartline's actions particularly egregious. It appears that Heartline submitted PIC-change requests to various LECs based on apparently forged or falsified LOAs from a variety of its sales agents that resulted in the unauthorized conversion of these five complainants' long distance telephone service from the complainants' preferred long distance carrier to Heartline. The statements and information provided by the complainants leave virtually no doubt that the LOAs were not executed by the complainants and that Heartline lacked the requisite authorization to request a PIC change to their long distance service. In addition to the apparent forged signatures, we note that three of the LOAs contain other discrepancies. Best's street address is misspelled and Carranza's address is completely incorrect. Moreover, Farooq's name is misspelled and the signature on the LOA is his full name, while his signature on his letter and his California drivers license is a stylized version of his last name only.

12. Heartline has provided no evidence or information to counter the complainants' claims that the LOAs were forged or their claims that they did not otherwise authorize the PIC changes. There is little similarity between the signatures provided by the complainants and their purported signatures on the LOAs. In any event, Heartline has not contested any of the claims that the signatures on the LOAs do not match those provided by the complainants. Under these circumstances, we conclude that Heartline's apparent actions were in willful or repeated violation

37 Heartline states that these LOA forms complied with the Commission's rules that were in effect at the time the forms were in use. Heartline further states that it no longer accepts such LOA forms in light of the fact that the Commission's rules governing LOA forms have since changed. See *supra* para. 3 and notes 18, 25, 29, 34, and 35.

38 Heartline states without elaboration that it did not have enough information to switch Farooq back to his preferred carrier and that he would have to contact the carrier directly. See *supra* note 25.

of the Commission's PIC-change rules and orders and that a substantial forfeiture penalty is appropriate.

13. We also note that with regard to PIC changes, the actions of Heartline's marketing agents do not relieve Heartline of its independent obligation to ensure compliance with our rules, nor do they otherwise mitigate Heartline's role in the apparent violations. The Communications Act deems the acts or omissions of an agent or other person acting for a common carrier to be the acts or omissions of the carrier itself.³⁹ Hence, the Act expressly prohibits a carrier from evading the requirements of the Act or the Commission's rules or orders by hiring someone else to engage in conduct that contravenes these requirements.

14. As a general matter, the unauthorized conversion of a customer's presubscribed long distance carrier continues to be a wide-spread problem in the industry.⁴⁰ We are particularly troubled by what appears to be a common practice by some IXC's of relying on unverified LOAs, which turn out to be falsified or forged, to effect changes in consumers' long distance service. The pervasiveness of the problem suggests that our current administration of the law has not produced sufficient deterrence to noncompliance and the carriers have little incentive to curtail practices that lead to consumer complaints. Furthermore, as a practical matter, the carriers' responses to alleged unauthorized conversion complaints rarely provide a detailed explanation or justifications of the carriers' actions. Therefore, to draw the industry's attention to the seriousness of the problem and to provide incentives to comply with the Commission's rules and orders, we intend to scrutinize consumer complaints and to take prompt enforcement action, including the imposition of substantial monetary fines, when the facts indicate that a carrier has failed to take the necessary steps to ensure that LOAs are valid and duly authorized. If carriers intend to rely on a LOA to request a PIC change, they will be responsible for ensuring its validity.

15. Section 503(b)(2)(B) of the Communications Act authorizes the Commission to assess a forfeiture of up to one hundred thousand dollars (\$100,000) for each violation or each day of a continuing violation up to a statutory maximum of one million dollars (\$1,000,000) for a single act or failure to act.⁴¹ In exercising such authority, the Commission is required to take into account "the nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."⁴² For purposes of determining an appropriate forfeiture penalty in this case, we regard the conversion of each of the five complainants' telephone line as a single,

39 47 U.S.C. § 217.

40 From September 1994 to September 1995, of the 32,598 informal complaints filed, 10,544 were for alleged unauthorized conversions of the customer's presubscribed long distance carrier.

41 47 U.S.C. § 503(b)(2)(B).

42 47 U.S.C. § 503(b)(2)(D).

separate violation. After weighing the circumstances surrounding each violation, we find that Heartline is apparently liable for a forfeiture of forty thousand dollars (\$40,000) for the unauthorized conversion of each of the five complainants' long distance service, resulting in a total forfeiture of two hundred thousand dollars (\$200,000). Heartline will have an opportunity to submit evidence and arguments in response to this NAL to show that no forfeiture should be imposed or that some lesser amount should be assessed.⁴³ In this regard, we note that the Commission has previously held that a licensee's gross revenues are the best indicator of its ability to pay a forfeiture and that use of gross revenues to determine a party's ability to pay is reasonable, appropriate, and a useful yardstick in helping analyze a company's financial condition for forfeiture purposes.⁴⁴ We will give full consideration to any financial information provided by Heartline before assessing a final forfeiture amount.

VI. CONCLUSIONS AND ORDERING CLAUSES

16. We have carefully reviewed the information obtained through our investigation and conclude that during the period of June, July, and August, 1995, Heartline apparently converted or caused a local exchange carrier to convert the five complainants' telephone lines without their authorization. We further conclude that Heartline thereby apparently willfully or repeatedly violated Commission rules governing primary interexchange carrier conversions, and that its conduct warrants a forfeiture in the amount of two hundred thousand dollars (\$200,000).

17. Accordingly, IT IS ORDERED, pursuant to Section 503(b) of Communications Act of 1934, as amended, 47 U.S.C. § 503(b), and Section 1.80 of the Commission's rules, 47 C.F.R. § 1.80, that Heartline Communications, Inc., IS HEREBY NOTIFIED of an Apparent Liability for Forfeiture in the amount of two hundred thousand dollars (\$200,000) for its willful or repeated violation of the Commission's PIC-change rules and orders, 47 C.F.R. § 64.1100; *PIC Change Order*, 7 FCC Rcd 1038 (1992); *Allocation Order*, 101 FCC 2d 911 (1985); *Waiver Order*, 101 FCC 2d 935 (1985).

18. IT IS FURTHER ORDERED, pursuant to Section 1.80 of the Commission's rules, 47 C.F.R. § 1.80, that within thirty days of the release of this NAL, Heartline SHALL PAY the

43 See 47 U.S.C. § 503(b)(4)(C); 47 C.F.R. § 1.80(f)(3).

44 *PJB Communications of Virginia*, 7 FCC Rcd 2088, 2089 (1992) (finding that forfeitures of \$5,000 and \$3,000 assessed against two jointly owned and operated paging companies were not excessive because the total forfeiture amount (\$8,000) represented approximately 2.02 percent of the companies' combined gross revenues of \$395,469); see also *David L. Hollingsworth d/b/a Worland Services*, 7 FCC Rcd 6640 (Com. Car. Bur. 1992) (\$6,000 forfeiture representing approximately 1.21 percent of licensee's 1991 gross revenues and approximately 1.34 percent of projected 1992 gross revenues not found to be excessive); *Afton Communications Corp.*, 7 FCC Rcd 6741 (Com. Car. Bur. 1992) (\$6,000 forfeiture representing approximately 3.91 percent of 1990 gross revenues and 2.75 percent of projected 1992 gross revenues not found to be excessive).

full amount of the proposed forfeiture⁴⁵ OR SHALL FILE a response showing why the proposed forfeiture should not be imposed or should be reduced.

19. IT IS FURTHER ORDERED that a copy of this Notice of Apparent Liability SHALL BE SENT by certified mail to Joseph R. Harrott, Heartline Communications, Inc., P.O. Box 53029, Houston, Texas 77052-3029.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary

45 The forfeiture amount must be paid by check or money order drawn to the order of the Federal Communications Commission. Reference should be made on Heartline's check or money order to "NAL/Acct. No. 516EF0007." Such remittances must be mailed to Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box. 73482, Chicago, Illinois 60673-7482.

Attachment A
 John C. Best
 File No. IC-95-26130

OFFICIAL ENTRY FORM

& LONG DISTANCE APPLICATION

PLEASE PRINT

FILL OUT COMPLETELY

AGE (REQUIRED)
Under 18 _____
19 to 35 <input checked="" type="checkbox"/>
36 & over _____

DATE: 5/7/95
 FULL NAME: John Best
 ADDRESS: 4510 Donaldson Dr
 CITY: San Diego STATE CA ZIP 92109
 HOME PHONE (REQUIRED) (619) 212121 - 1817619

SIGNATURE (REQUIRED) John C. Best

I understand that I am under no obligation to continue this agreement, and may cancel at any time. I am over 18 yrs. old & I am the person responsible for my phone listed above. I hereby authorize TropicTel to act as my agent for long distance conversion on my phone listed above. I may designate only one carrier at a time, and I agree that TropicTel, at its sole discretion, may designate Heartline Communications or another as my primary Long Distance Provider. I understand that I will be billed through my local telephone company by Heartline Communications. Should my local phone company assess a charge for my conversion, TropicTel will pay me back if I send a copy to: P.O. box 240729, Honolulu, HI 96824

CALIFORNIA
 DRIVER LICENSE CLASS: C
 EXPIRES 04-05-98

JOHN CHARLES BEST
 4510 DONALDSON DR
 SAN DIEGO CA 92109

SEX: M HAIR: [] EYES: []
 HT: [] WT: [] DOB: []



John C. Best

03/21/96 517 071 FD 1213

Attachment B-1
 Mohammad Farooq
 File No. IC-95-26185

SU TELEFONICA

SERVING HISPANIC FAMILIES THROUGHOUT THE WORLD

Millennium Telefonica Corporation

3435 Wilshire Blvd., Suite 2200, Los Angeles CA 90010

Telephone (213) 738-1200

Heartline Communications Customer Service (800) 493-4092

Letter of Agency



YES, I WANT TO START SAVING MONEY WITH SU TELEFONICA.

Please contact my local telephone company to arrange conversion of my long distance service. My signature below designates Millennium Telefonica Corporation to act as my agent for long distance service for the numbers below. I understand that Millennium Telefonica Corporation may designate Heartline Communication Incorporated as my long distance provider. I understand that I may have only one long distance provider, and that my current long distance company will be canceled. I understand that I will be billed by my local telephone company and I agree to pay for the services upon receipt of invoice. I further understand that this change in carrier only applies to the long distance portion of my service and will not change my local provider. I want the following telephone numbers to be converted by Millennium Telefonica Corporation. I am legally authorized to make this change, and I understand that there may be a small switching fee charged by my local telephone company to make this change.

To receive these savings, I designate Millennium Telefonica as my agent for Long Distance Service for the term of ONE (1) YEAR. I understand that I may only have one long distance provider and I designate Millennium to be my acting agent for the period of one year, effective on this date. I also understand that I may continue to use Millennium Telefonica service even after my term has expired.

Primary Home Telephone Number 818 542-1782

Additional Home Telephone Number ()

Full Name Mohammad Farooq

Address 1030 Winchester Av. "109"

City/State/Zip Glendale CA 91201

I understand that by signing this Letter of Agency, Millennium Telefonica Corporation will act as my agent for long distance service, and may designate Heartline Communications Incorporated as my long distance carrier. I also understand that I will have a monthly fee of \$2.92 as payment for the above discount plan, which provides me with thirty (30) second call rounding after the initial one (1) minute period. I hereby certify that I have the authority to sign this Letter of Agency.

Authorized Signature

Mohammad Farooq

Date 7/10/95

Representative

CESAR MENA

ID#

1000

Office

Verified by

Verif #

Attachment B-2

Mohammad Farooq

File No. IC-95-26185



Attachment C
Joyce H. Park
File No. IC-95-23924

WGN

OFFICIAL FORM

LONG-DISTANCE APPLICATION

PLEASE PRINT - FILL OUT COMPLETELY

AGE (REQUIRED)

Under 18

18 to 35

36 & over

DATE: 7/13/95

FULL NAME: Joyce H. Park

ADDRESS: 19550 Kilfinan St

CITY: Northridge STATE CA ZIP 91326

HOME PHONE (REQUIRED) (818) 316-1811 - 1141181

SIGNATURE (REQUIRED) [Signature]

I am at least 18 yrs. old & I am the person responsible for my phone listed above. I understand that I may cancel this agreement at any time, I hereby authorize TropicTel to act as my agent for this long distance conversion on my phone listed above. I may designate only one carrier at a time, and I agree that TropicTel, at it's sole discretion, may designate Winstar Gateway, Heartline Comm. or another as my primary Long Distance Provider. I understand that I will be billed through my local telephone company by Heartline Comm. or Winstar Gateway. Should my local phone company assess a charge for my conversion, TropicTel will pay me back if I send a copy of my bill to: 900 E. Karen #C-109, Las Vegas NV 89109

CALIFORNIA
DRIVER LICENSE

CLASS: C

JOYCE HAE JUNG PARK
19550 KILFINAN ST
NORTHRIDGE CA 91326

SEX: F HAIR: [redacted] EYES: [redacted]
HT: [redacted]

AGE 27

EXPIRES: 03/26/99

[Signature]

CERTIFICATE OF RENEWAL

Issued to

JOYCE HAE JUNG PARK
19550 KILFINAN ST
NORTHRIDGE CA 91326-4002

[Signature]
SIGNATURE

Valid only if signed and carried with Driver License

DL # [redacted] CLASS C

Expires on
Birthday in 1999

Fee PAID

DL # REV 2431

[Signature]
FRANK S. ZOLN, Director

Attachment D
 Natalie F. Finley
 File No. IC-95-27506

OFFICIAL ENTRY FORM

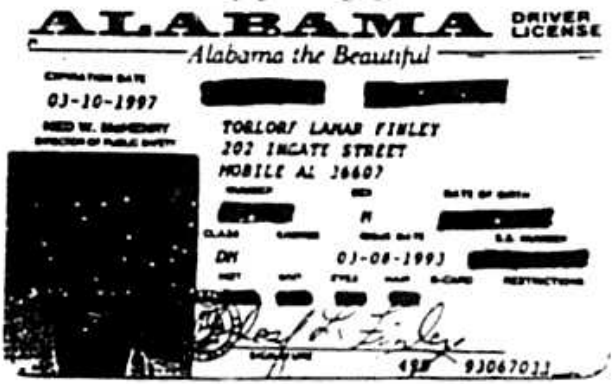
& LONG-DISTANCE APPLICATION

**PLEASE PRINT
 FILL OUT COMPLETELY**

AGE (REQUIRED)
 Under 18 _____
 19 to 35
 36 & over _____

DATE: May 8
 FULL NAME: Torlorf Finley
 ADDRESS: 4312 Tropic St #221
 CITY: ZANESIA STATE: CA ZIP: 91991
 HOME PHONE (REQUIRED) (CITY) (AREA CODE) 619 - 2341
 SIGNATURE (REQUIRED) Torlorf Finley

I understand that I am under no obligation to continue this agreement, and may cancel at any time. I am over 18 yrs old & I am the person responsible for my phone listed above. I hereby authorize TropicTel to act as my agent for long distance conversion on my phone listed above. I may designate only one carrier at a time, and I agree that TropicTel, at its sole discretion, may designate Heartline Communications or another as my primary Long Distance Provider. I understand that I will be billed through my local telephone company by Heartline Communications. Should my local phone company assess a charge for my conversion, TropicTel will pay me back if I send a copy to: P.O. box 240729, Honolulu, HI 96824



-48-

557570