

1 **IN ATTENDANCE:**

2 **DIANA CALDWELL, FPSC Division of Appeals.**

3 **CHARLIE BECK, Office of Public Counsel.**

4 **MICHAEL GROSS, Office of the Attorney General.**

5 **RICK MOSES, Division of Communications.**

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P R O C E E D I N G S

(Hearing convened at 6:45 p.m.)

CHAIRMAN JOHNSON: Ladies and gentlemen, I'm going to go ahead and call the hearing to order this evening. Counsel, could you please read the notice?

MS. CALDWELL: Yes. Pursuant to the notice under Section 120.54, Florida Statutes, the Florida Public Service Commission will hold a rule development workshop at this time and place to consider amendments to rules relating to customer preferences for its local, local toll and toll provider.

CHAIRMAN JOHNSON: We'll take appearances.

MS. CALDWELL: Diana Caldwell, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

MR. BECK: Charlie Beck, Office of Public Counsel, Claude Pepper Building, Tallahassee.

MR. GROSS: Michael Gross, Office of the Attorney General, Collins Building, Tallahassee.

CHAIRMAN JOHNSON: My name is Julia Johnson. I'm the Chairman of the Florida Public Service Commission, and I'll be chairing this hearing tonight. To my left is Commissioner Susan Clark. To my far right is Commissioner Joe Garcia, and my immediate right is Commissioner Terry Deason.

1 I do want to announce that Attorney General
2 Butterworth did want to attend this hearing tonight,
3 but unfortunately he is still -- or fortunately, I
4 think, for the citizens of the state of Florida, he is
5 in the process of mediating the tobacco attorneys'
6 fees issue, and they will probably be working well
7 into the night. Of course his representatives are
8 here, and they have been very, very active in this
9 process in providing input along with Public Counsel.

10 The purpose of this workshop, or this
11 hearing tonight, is really to hear from you.
12 Slamming, which is the changing of one's long distance
13 or local service without their permission, is
14 something that is prohibited by the Commission. And
15 we have current rules that are designed to protect
16 customers and give us the ability to impose fines and
17 penalties against companies that engage in such
18 practices, but over the years the problem has become
19 worse and worse.

20 For instance, in the early '90s, I think
21 1991, we had 30 slamming complaints. Last year we had
22 over 3,000. Despite our fines, despite our process,
23 there still appears to be a growing problem. This
24 process is designed to help us strengthen our rules.

25 We do want to hear from you, your ideas,

1 your suggestions, your complaints, and we're going
2 to -- at the appropriate moment I'll swear you all in,
3 because your comments, your statements, will be made a
4 part of the official record, and we can use your
5 suggestions and your comments when we make our final
6 decision and rely upon those as part of our evidence
7 and our proof in this case.

8 What we have provided for you outside is
9 numerous pamphlets and numerous documents that are
10 designed to help inform you on different ways in which
11 you can protect yourself against slamming.

12 One of the pamphlets -- and we actually have
13 an application for those who don't want to receive
14 calls from telemarketers. Oftentimes we hear that
15 people come home from work and they sit down to have
16 dinner, and the first thing that happens is the
17 telephone rings and it's someone trying to get them to
18 change their local service or their long distance
19 service. And this program that's offered by the
20 Department of Agriculture is a "no solicitation"
21 program, and it will prevent telemarketers from
22 calling you, by putting your name on a list that is
23 monitored by the Department of Agriculture.

24 There's also other items or other issues and
25 other ways to address the problem. One is to order a

1 PIC freeze, and we'll talk a little more about that,
2 and I think there's some information on the table
3 that's designed to address that.

4 Really, we are here to hear from you. So if
5 you have questions of us, please feel free to ask, and
6 the Commissioners and the Staff and the AG's Office
7 and the Public Counsel will address your questions.

8 I did want to make you aware that your
9 comments and your testimony is being transmitted
10 across the state via the Internet. It is a process
11 that we've set up so that others across the state can
12 learn from your experiences and can learn from the
13 questions that you ask. So when you come up, make
14 sure you speak into the microphone and speak clearly
15 so that we can record all of your comments and so that
16 others can hear.

17 If you, after this hearing, would also like
18 to participate in that process, in our special report
19 there is information on our web page, and if you have
20 a computer at home or at work or at the library, you
21 can dial into our web page and there is a site that
22 will allow you to listen in on our other public
23 workshops.

24 Additionally, we've changed our web site in
25 such a way that if you have a slamming complaint, to

1 help expedite the process you can file that complaint
2 via the Internet, and we will respond accordingly.

3 Again, the Commission, our goal and our
4 objective is to improve the process. We understand
5 that we and the Legislature and Congress have all
6 stated that there are a lot of benefits from
7 competition, but one of the things that we are seeing
8 is that there's also a lot of confusion.

9 We are positioning ourselves to better
10 respond to that confusion and to help you sort through
11 the information as we transition from monopolies to
12 competitive providers.

13 So with that, I'm going to allow Staff to
14 give you an outline of the proposals that Staff is
15 presenting to the Commission. Again, these are the
16 proposed rules, and they are set up and designed to
17 provide even greater protection to the customers.

18 After Staff makes their presentation, I will
19 at that time ask those that would like to testify to
20 stand and I'll swear you in.

21 With that, Staff?

22 **MR. MOSES:** Thank you. My name is Rick
23 Moses with Commission staff, and the summary I'm about
24 to go over can be found in that blue handout. I think
25 it's on the back, in case you need to review it.

1 The proposed amendments will do the
2 following: They will apply to all companies providing
3 local telephone service, local toll, also known as
4 intraLATA, and your long distance service.

5 They will require additional information to
6 be printed on the bill, and that information includes
7 the name of the company, the type of service that
8 company is going to provide, and a toll free service
9 number for each of the providers. You will see up to
10 three different providers on your telephone bill; one
11 for local, one for intraLATA, and one for your long
12 distance service, if that's how you want to choose to
13 do it.

14 It will require the customer's
15 authorization, and it will limit the ways in which a
16 preferred company may be changed. The change may only
17 be made if the company has a signed letter of
18 authorization that contains sufficient information to
19 verify that the consumer is authorizing the change or
20 that the company has received a customer-initiated
21 called, has obtained the consumer's consent to have
22 the conversation recorded, has recorded the consent
23 and recorded the telephone number from which the
24 consumer is calling; or an independent unaffiliated
25 firm has verified the consumer's request; or that the

1 company has received a consumer's change request and
2 responds by mailing an information package which
3 explains the changes, verifies information, and
4 requires a signed statement acknowledging the change.

5 A company may not combine a letter of
6 authorization with any inducement on the same
7 document. Some of you are familiar with the AT&T
8 checks that you get that you sign the back of that,
9 you get \$100 if you send it in. That no longer will
10 be allowed under these rules. It will also eliminate
11 sweepstakes entries, which some of you may be familiar
12 with.

13 Any time a company is soliciting in writing
14 or by the telephone, the inducement may not be
15 misleading or deceptive.

16 If a person is slammed, the charges for the
17 change and all charges billed on behalf of the
18 unauthorized carrier for the first 90 days must be
19 credited to the consumer. Upon notification by the
20 consumer, the consumer must be switched back to their
21 choice of the original provider or the provider of
22 your choice. And that concludes the summary of the
23 rules.

24 **CHAIRMAN JOHNSON:** Ladies and gentlemen,
25 that was a summary. But if you did not receive the

1 actual text of that bulletin, Mr. Reid can hand you
2 that document. We did have that provided there at the
3 entryway.

4 There are several Staff members that are
5 here also to assist you. I know that during the
6 course of our testimony there may be issues or
7 outstanding complaints that you would like for the
8 Commission to address, and we brought along quite a
9 few Staff members to assist in that process.

10 Rick Moses was the gentleman that just gave
11 you the summary of the rule. Dick Durbin is also
12 available to provide you assistance. Carmen Pena,
13 she's the lady in the red suit -- probably most of
14 them are still standing outside. There she is.
15 Ms. Pena is also here to assist.

16 Terry Reid; Blanca Bayo is up front here,
17 and she will be in charge of the Internet process, and
18 she can also entertain any questions that you might
19 have; and Ruthe Potami, she's our court reporter, so I
20 ask when you do come up to testify, if you could speak
21 slowly so that she can take good notes and keep good
22 records; and, also, after we've gone for about an hour
23 or two, we will need to give her a break and allow her
24 to take about a five-minute break before she begins
25 taking the information once again.

1 So with that, are there any other
2 preliminary matters before I swear in the witnesses?
3 Those that would like to testify, if you could stand
4 and raise your right hand.

5 (Witnesses collectively sworn.)

6 **CHAIRMAN JOHNSON:** Ladies and gentlemen,
7 oftentimes in this kind of forum there are time
8 restrictions placed upon the customers, or the
9 participants. We try not to do that here at the
10 Public Service Commission, but we are mindful that
11 there are lots of people who would like to testify
12 tonight, and we'd like to hear from each and every one
13 of you; but if you could be mindful that some of your
14 neighbors would like to get home before 10:00 or
15 10:30, if you could keep your comments short, that
16 would be appreciated. By your neighbors, of course.
17 We'll stay here all night if you like.

18 So with that in mind, I'm going to allow
19 Public Counsel to call the first witness.

20 **MR. BECK:** Thank you, Chairman Johnson. The
21 first witness is Howard Furman.

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HOWARD FURMAN

1
2 appeared as a witness and, swearing to tell the truth,
3 testified as follows:

DIRECT STATEMENT

4
5 **WITNESS FURMAN:** Good evening. Howard
6 Furman, 1200 South Pine Island Road, Suite 220,
7 Plantation, Florida, practicing attorney.

8 First of all, I'd like to thank you all for
9 being here tonight. I think this is terrific. I
10 really mean that. I've had a problem. Apparently
11 everybody else has or is about to or will or knows
12 someone who has.

13 I do not know how I was targeted to get your
14 mailing. I presume somehow it was passed along to you
15 that I had filed a complaint and, in fact, I did file
16 a complaint with the FCC.

17 My story started in the spring of '96 and it
18 was resolved early this summer, and it was after a
19 great deal of frustration starting with me just simply
20 transferring my lines to MCI where I preferred, and
21 then sometime thereafter during the summer started to
22 receive bills from a company I did not know, which was
23 Integrated Teleservices; trying to contact them,
24 getting their phone lines, their answering machine
25 saying they will get back --

1 **COMMISSIONER GARCIA:** From Integrated --

2 **WITNESS FURMAN:** Integrated Teleservices.

3 **COMMISSIONER GARCIA:** Thank you.

4 **WITNESS FURMAN:** And I'd be more than
5 willing to inject this. I'd be more than willing to
6 participate in anything you have and provide you any
7 documentation that I have in my files.

8 I attempted to reach them several times. No
9 response. I then wrote them. You know, frustration.
10 I contact the Southern Bell, MCI, not knowing really
11 who was responsible for what took place.

12 I later wrote them a second letter, which
13 came sometime in late December. I received a phone
14 call from some representatives who informed me that if
15 I want to resolve my problem, I had to deal with them,
16 which I told them that was not really the case and I'd
17 let my federal government help me.

18 And then they told me or -- in language
19 which was quite clear to me, they asked me how I would
20 like to have a letter sent to Dun & Bradstreet
21 regarding my credit, and I said did they understand
22 what slamming was. The gentleman just really scoffed
23 it off and, in fact, followed a complaint with
24 Dun & Bradstreet. I have not finished with what I'm
25 doing with them.

1 However, following that and some inquiry and
2 some ridiculous responses from them, they elected to
3 opt to not charge me. They waived my \$500, which was
4 all that was involved.

5 What's interesting to note is that they
6 indicated to me that they had all sorts of
7 authorizations, which I'm sure they always indicate,
8 and they provided some verbal proof of what that was.
9 But what was most interesting is I have approximately
10 30 or so lines, and of course they only changed one;
11 and that would be absurd for that to be the case, and
12 I'm sure that they were -- they were trapped with
13 that.

14 I think part of the problem in the entire
15 situation is that there's so much confusion. In fact,
16 I had a company -- I believe they represented
17 themselves as Telesave -- that called me at one point,
18 and whenever I spoke to one person, they would tell me
19 something that suggested they worked for some
20 independent company, some third party, that it wasn't
21 their responsibility, it was someone else's, but when
22 I asked other questions they hemmed and hawed about
23 it.

24 I believe that the letter that I received
25 with the Dun & Bradstreet heading wasn't, in fact,

1 from Dun & Bradstreet, but was from Dun & Bradstreet
2 Receivable Management Services, which may have been a
3 letterhead that they were using attempting to collect
4 on the bills; and I'm not really comfortable in saying
5 that's what it is or what it isn't, because I'm not
6 sure what it was or what it wasn't.

7 The responses obviously are poor. I do have
8 names of individuals, at least names that were given
9 to me. Whether they are truly individuals that work
10 for these companies, I'm not sure, and I can provide
11 you with that.

12 I think some of the recommendations that you
13 give or that you propose are fine. And I would
14 apologize in advance if I am negligent in not knowing
15 some of your benefits that are available through the
16 PSC, and things that -- remedies that I have available
17 through the State of Florida. I chose to go through
18 the federal government.

19 However, I think part of the problem is
20 understanding that the remedies that appear to be
21 available are not significant to the individual. I
22 mean, for me \$500, I can tell you I probably spent 40
23 or 50 hours of time. I just wasn't going to let go,
24 and I'm not going to let go at this point. And for
25 most people, whether they be an attorney or somebody

1 who is working a 9:00 to 5:00 shift busting as hard as
2 they can to make it, for them to have to waste their
3 time trying to call upon somebody who's sending a bill
4 that they don't have to pay is an onerous burden. The
5 penalties, I think, should be a lot more severe.

6 There is a question in my mind as to what
7 remedy I have, even with the federal government. I
8 can proceed, but as I understand as an attorney, what
9 are my damages? And my damages may not be so clear,
10 and when muddied by the testimony of someone on the
11 other side, become even more vague; and I'm not sure
12 that the remedies that would be appropriate would be
13 really meted out.

14 Specifically, I spent a lot of time. I was
15 lucky because I had everything waived. But I don't
16 know if I hadn't been so aggressive and taken notes,
17 which I did do, whether or not my credit would have
18 been slandered, and whether my name would have been
19 slandered, and whether or not I would have the ability
20 to do certain things that I still do have the ability
21 to do.

22 I think that these companies should be
23 responsible, and I think the individuals working for
24 them should also be responsible. And I would suggest
25 that the penalties, whatever penalties you can impose,

1 also pass not just to the companies just in terms of
2 fines to them, and not only be penalties that might be
3 provided back to the general public who are damaged,
4 but also perhaps imposing further penalties against
5 the individuals that participate. I can't imagine
6 that they don't know what they're doing.

7 I think that the process should be
8 simplified. I think that there should be clearer
9 disclosures required as to what companies are
10 involved; not having names so similar, not so freely
11 throwing out names. And I think that perhaps in
12 writing they should be specifying if they do have or
13 don't have sub-agents. I'm sure that you're aware of
14 that practice. I'm sure you must be working in that
15 direction.

16 In short, I think that everybody else here
17 probably feels the same way. It's reprehensible.
18 They should be held responsible and held accountable.
19 I think that we should stiffen -- and I'm not one who
20 likes a lot of laws and regulation. I'm sort of
21 adverse to that.

22 Having said that, recognizing there are
23 quite a few people here, I'm open for any questions
24 you like. You can feel free to call me at any time.

25 COMMISSIONER GARCIA: I wanted to ask you a

1 few questions. First of all, you've never spoken to
2 anyone at the Commission here in Florida?

3 **WITNESS FURMAN:** No.

4 **COMMISSIONER GARCIA:** I'd appreciate it if
5 before you leave if you leave your information --
6 Mr. Durbin is right back there. He's the gentleman
7 back there. And give him your information so that we
8 can open a file on this, on your case, so that we have
9 a record of -- you know, Ms. Caldwell was kind enough
10 to point out that -- I don't know if you saw in our
11 blue packet --

12 **WITNESS FURMAN:** Yes, I did notice --

13 **COMMISSIONER GARCIA:** -- Integrated
14 Teleservices. We've fined -- we've got a proposed
15 fine of \$100,000, and they're one of the top ten
16 offenders of slamming in the state. So clearly we're
17 hopefully going to be taking action.

18 Let me ask you about what you thought --
19 what would you think a way that we could do more
20 proper disclosure on agency? As you well surmise, it
21 is a problem that we run into all the time that AT&T
22 is the provider of the service, but in the end there's
23 a reseller who is giving you the service.

24 How do you think -- or do you have a
25 suggestion on how we can sort of get better

1 information on them or make that more available to the
2 consumer?

3 **WITNESS FURMAN:** Well, I think some are
4 available to the PSAs. I think that's -- clearly you
5 can make that available in the general public, and I
6 think inside there should be inserts in the billing
7 that goes to every individual. And perhaps you can
8 publish on a regular basis in the local newspapers a
9 report of what is going on and requesting any
10 information or for further complaints to contact you.

11 I think maybe being a little bit more
12 available or having it broadcast a little bit might be
13 of help. I know there's limits as to what you can do.

14 **COMMISSIONER GARCIA:** Let me -- finally, how
15 is the FCC in treating them? Are they responsive
16 or --

17 **WITNESS FURMAN:** I went through the informal
18 complaint process. It is -- I like things done
19 spontaneous -- instantaneously, so anything short of
20 instantaneous to me or longer than instantaneously
21 would be very slow. It took me about six months for
22 resolution, and I guess in the speed and the pace of
23 federal government, perhaps that might --

24 **COMMISSIONER GARCIA:** That was a miracle. I
25 heard for FCC that was pretty quick.

1 **WITNESS FURMAN:** Well, I was on top of that,
2 and I think it was kind of clear. I don't think they
3 had a way out. So to the extent that they responded
4 to my informal complaint, which was the least
5 expensive complaint that you could proceed with, it
6 sort of worked.

7 **COMMISSIONER GARCIA:** Mr. Furman, I know
8 it's going to be a little bit of an inconvenience. If
9 you could just take a few minutes with Mr. Durbin
10 before you leave just to have him get all your
11 information so we can get that, also, and have that
12 before us at the Commission.

13 **WITNESS FURMAN:** Delighted to do so, and
14 thank you very much.

15 **CHAIRMAN JOHNSON:** Mr. Furman, how did you
16 know to contact the FCC? Did one of the companies
17 refer you to the FCC, or was it just familiarity --

18 **WITNESS FURMAN:** It was familiarity.

19 **CHAIRMAN JOHNSON:** One of the things that
20 we're very sympathetic to and we're trying to figure
21 out a better way to remedy is finding a way so that
22 customers and consumers know that we're available.

23 We had some folks testify in Pensacola that
24 went through the FCC informal process, and when they
25 weren't satisfied, they wanted to go through the

1 formal process, and it would cost them \$127 or so.

2 Generally our process is quicker and it
3 doesn't cost you anything. But we are working on
4 trying to develop ways to inform the customers of
5 Florida that we are available and we are here to try
6 and assist, also.

7 I know you said you had an opportunity to
8 read our proposed rules and you felt that the
9 penalties were not strict enough. A little
10 background: We have the statutory and legislative
11 authority to impose monetary sanctions, but we don't
12 have the authority to impose any criminal sanctions.
13 But we are working very closely with the AG's office,
14 because currently, when the law was written it did,
15 indeed, give the Commission sole authority over
16 regulated utilities, telecommunications companies that
17 were monopolies, and it was kind of under that
18 monopoly regime. But now that we're opening markets,
19 we're trying to determine is that enough or whether or
20 not some of those activities that were traditionally
21 seen as regulatory, or they're becoming more
22 competitive market issues, whether or not the AG's
23 office can impose criminal sanctions. So we are
24 looking at different ways to go back to individuals as
25 well as the companies.

1 **WITNESS FURMAN:** Well, that's nice to hear
2 and I hope you're successful. Thank you very much.
3 I'll be available at any time. Please contact me.

4 **CHAIRMAN JOHNSON:** I notice that -- excuse
5 me. I notice that Representative Dawson-White just
6 arrived, and I wanted to acknowledge her. I was in
7 her office a little earlier, and she is very concerned
8 about this issue in finding ways to protect the
9 consumers and the constituents. And, again, she's
10 here to hear your testimony and determine what can be
11 done through the Commission as well as through the
12 Legislature. I wanted to welcome and thank her.

13 **MR. BECK:** Next witness is J. Smith.

14 **WITNESS GLICK:** Are you choosing the names?
15 I'm Glick on the top of the list; first name on the
16 list.

17 **MR. BECK:** Did you fill out a yellow sheet?

18 **WITNESS GLICK:** No. You didn't give me one.

19 **CHAIRMAN JOHNSON:** Sir, if you could go
20 ahead and state your name and address. We didn't get
21 your name on a yellow slip.

22 **WITNESS GLICK:** I'll ask the Commission's
23 indulgence for not more than three minutes so I can
24 read the events that occurred.

25

JOSEPH M. GLICK

1
2 appeared as a witness and, swearing to tell the truth,
3 testified as follows:

DIRECT STATEMENT

4
5 **WITNESS GLICK:** My name is Joseph Glick,
6 G-L-I-C-K, and I live in Lauderhill. The saga of my
7 slamming began when I got my BellSouth telephone bill
8 early in May of this year. Perhaps it's because I'm
9 retired and single, I do not have much to do with my
10 time, and I'm quite meticulous about bills arriving at
11 my home. I read them. I have a book in which I note
12 every long distance call I make. It's surprising how
13 often I get billed for a call that was not made from
14 my phone. I quickly correct the error with BellSouth.

15 Looking over my main bill, I came to Page 8,
16 the last page following the AT&T charges. The page
17 was headed by large, black block letters spelling the
18 word "hold," H-O-L-D. I took that to mean I was not
19 to throw this page away for some reason but should, in
20 effect, hold it. I took the word "hold" literally.

21 The next lines listed Consumer Access as a
22 service provider, a service provider along with
23 BellSouth and AT&T. A third service provider would be
24 about as useful to me as a third crutch for a lame
25 man.

1 I was billed \$4.96 for an activation fee
2 followed by \$4.06 for a minimal use fee, and three
3 taxes amounting to a total of \$1.50, for a complete
4 bill of \$10.52. I typed in on the bottom of the page
5 "The bill on this page is fraudulent and will not be
6 paid. A letter of complaint against this company will
7 be filed with the Federal Communications Commission,"
8 and I signed my name.

9 I then called BellSouth, only to be told it
10 is required to include such companies with my bill.
11 Well, I told them it doesn't do much for their
12 credibility, but they say they're required to --

13 COMMISSIONER GARCIA: I'm sorry, Mr. Glick.
14 What did BellSouth tell you?

15 WITNESS GLICK: Pardon?

16 COMMISSIONER GARCIA: What did BellSouth say
17 to you or --

18 WITNESS GLICK: They said that they are
19 required to put a bill like this, that they receive
20 from me, into my bill.

21 COMMISSIONER GARCIA: Okay.

22 WITNESS GLICK: I called the FCC in
23 Washington after getting its toll free number and was
24 enlightened by what I learned. The party I spoke to
25 in Washington told me that such company names as Hold

1 and Consumer Access are mild compared to some.

2 One, according to the person I spoke to, is
3 called "I Don't Care". They call you and ask you if
4 you would like to change your long distance carrier,
5 and if you're ambivalent about it, what are you going
6 to say? "I don't care." Slam. Okay.

7 **COMMISSIONER GARCIA:** I'll have you know,
8 Mr. Glick, just so you know, that this Commission has
9 not approved the license for that company. They came
10 into our state and they tried to have that name, and
11 we did not approve it in Florida, although the company
12 is operating, I believe, in several states in the
13 south.

14 **WITNESS GLICK:** Well, then you're their
15 customer. If you don't look your bill over carefully,
16 you're being taken for a sucker.

17 I received a four-page letter from the FCC
18 explaining slamming. I also received letters from
19 Consumer Access and from Hold. I learned that this
20 company called Hold is also known as HBS, which they
21 claim stands for Hold Billing Services. Well, I can
22 think of something else that BS stands for.

23 I received full credit and continue to watch
24 for scams. I am not a mule. I have been scammed
25 before and probably will be again, but it won't be

1 because I'm not alert. So the only advice I can give
2 is caveat emptor, "let the buyer beware". If you
3 don't watch your bills -- you just can't watch
4 everything for us. Thank you very much.

5 **CHAIRMAN JOHNSON:** Thank you. Do you --

6 **COMMISSIONER GARCIA:** Mr. Glick, if I could
7 ask you some quick questions. Tell me what happened.

8 **WITNESS GLICK:** I can't hear well.

9 **COMMISSIONER GARCIA:** I'll speak into the
10 mike, so just stay right there and I'll try to speak
11 up.

12 The bill that you got, what happened finally
13 with the bill? Did BellSouth charge you for it or the
14 charges were removed and --

15 **WITNESS GLICK:** The charges were removed
16 and --

17 **COMMISSIONER GARCIA:** And Hold BS pulled
18 it's --

19 **WITNESS GLICK:** Yeah. They told me to just
20 pay the tax. I said, "You pay the tax." And I had no
21 more problem. I give them short shrift.

22 **COMMISSIONER GARCIA:** I have no doubt of
23 that, Mr. Glick.

24 **WITNESS GLICK:** That's the advantages of
25 senior age.

1 **COMMISSIONER GARCIA:** And when you spoke to
2 BellSouth, were they helpful in this problem at all?

3 **WITNESS GLICK:** Yes. They didn't care too
4 much, but they answered my questions --

5 **COMMISSIONER GARCIA:** And they let you run
6 over on the bill, and you paid just the normal bill?

7 **WITNESS GLICK:** I --

8 **COMMISSIONER GARCIA:** And they didn't give
9 you any problems?

10 **WITNESS GLICK:** That's right. I told them I
11 was going to deduct that amount, and I did, and
12 everything was --

13 **COMMISSIONER GARCIA:** Could you do us a
14 favor? Could you speak with Ms. Carmen Pena at the
15 back of the room and --

16 **WITNESS GLICK:** With who?

17 **COMMISSIONER GARCIA:** Ms. Carmen Pena, the
18 pretty lady in the red dress there in the back. And
19 speak to her before you leave --

20 **WITNESS GLICK:** Yes, I will.

21 **COMMISSIONER GARCIA:** And just so we can get
22 that information on that company in particular just so
23 we know -- we've got a record of them.

24 **WITNESS GLICK:** Very good. Thank you.

25 **CHAIRMAN JOHNSON:** Thank you, Mr. Glick.

1 **MR. BECK:** Thank you, Mr. Glick. J. Smith.

2

- - - - -

3

JERRY SMITH

4 appeared as a witness and, swearing to tell the truth,
5 testified as follows:

6

DIRECT STATEMENT

7

WITNESS SMITH: Name is Jerry Smith, 6351,
8 N. University Drive in Tamarac, and this is my wife is
9 Ethel.

10

As a matter of fact, two weeks ago today we
11 were slammed. How did I find out? I got a call from
12 my regular long distance company, which is --

13

MRS. SMITH: Sprint.

14

WITNESS SMITH: Sprint. And the gentleman
15 asked me "What is the reason that you are
16 discontinuing us?" I says, "Wait, wait, wait, wait.
17 What did you say now?" He repeated himself. I sat
18 down, and he repeated it. I says, "I did not leave
19 you." He says, "Well, we have you -- that you were
20 slammed --

21

MRS. SMITH: Switched over.

22

WITNESS SMITH: Switched over to AT&T. I
23 said, "I beg your pardon, sir." I says, "I never did
24 anything. I like that. My wife did not do that, and
25 I'd like to know how, what, who, when and why.

1 He started to explain to -- my wife was on
2 the other phone -- to both of us what the story was,
3 and it was effective two weeks ago today. I says --
4 and this was when?

5 MRS. SMITH: Two weeks --

6 WITNESS SMITH: And I says, "I'm still with
7 Sprint. I don't want anybody else." I says, "What
8 can I do?" He says, "You call AT&T --

9 MRS. SMITH: No; Southern Bell --

10 WITNESS SMITH: Southern Bell --

11 MRS. SMITH: You have to call BellSouth and
12 get your phone --

13 COMMISSIONER GARCIA: You need to speak into
14 the mike.

15 MRS. SMITH: You have to call BellSouth, who
16 is the carrier, and have them put a freeze on the
17 phone; then have them or you call whoever you --
18 whichever long distance company you had been switched
19 to, but they will tell you for sure.

20 So we called BellSouth, and they told us we
21 had been switched to AT&T. We never asked. How was
22 it done? Malfunction is what we were told --

23 WITNESS SMITH: Mechanical --

24 MRS. SMITH: Mechanical malfunction.

25 CHAIRMAN JOHNSON: BellSouth informed you

1 that was a mechanical --

2 MRS. SMITH: Yeah; said --

3 COMMISSIONER GARCIA: BellSouth or AT&T?

4 MRS. SMITH: BellSouth. So we called AT&T
5 to find out how they got it, and they says, "Well,
6 apparently it was a malfunction through somebody,
7 because we can't give you a name of who switched you."
8 I says, "Fine." I says, "I want to go back to my own
9 company. What do I do?"

10 "We will take your name off our list. You
11 call BellSouth back, tell them that you want to stay
12 with Sprint and you want a freeze on your -- I mean,
13 they were really nice about it -- you want to put a
14 freeze on your phone."

15 So we called BellSouth back, told them we
16 wanted to put a freeze on the phone, we're not
17 interested in switching. And the lady at BellSouth
18 told us, well, if we want to file a complaint, we can
19 call FCC; and she gave me an 800 number. Called them
20 the next morning, because by this time it was like
21 10:30, 11:00 at night. Called them the following
22 morning, and the man says, well, as long as we put the
23 freeze on, there's nothing they can do.

24 And that's it. Now, we knew nothing about
25 it. Representatives from Sprint had not called us at

1 8:30 at night saying -- telling us "We're sorry you're
2 leaving us."

3 **COMMISSIONER GARCIA:** Have you have gotten
4 the bill on it?

5 **MRS. SMITH:** We have not gotten --

6 **WITNESS SMITH:** Not as of -- I should be
7 getting it this week.

8 **COMMISSIONER GARCIA:** Why don't you speak
9 with one of our staffers before you leave because you
10 can --

11 **MRS. SMITH:** We did. We did. The lady at
12 BellSouth told us that when we get our bill if the
13 rate is not a Sprint rate on the long distance calls
14 that we made in that short period of time, we can call
15 and we can ask them to correct it and get some --

16 **WITNESS SMITH:** That's what we --

17 **MRS. SMITH:** -- credit or a new bill, and
18 that's where we left it. We haven't heard --

19 **WITNESS SMITH:** As of now --

20 **MRS. SMITH:** No bills or anything yet.

21 **COMMISSIONER GARCIA:** And you told them that
22 you wanted a freeze --

23 **MRS. SMITH:** We wanted to freeze on it. We
24 checked with Sprint today, in fact, before we came
25 here and they told us that --

1 **COMMISSIONER GARCIA:** You were back on --

2 **MRS. SMITH:** -- as of the 9th -- as of the
3 12th, we were back with them.

4 **WITNESS SMITH:** As of now, we received no
5 bills whatsoever.

6 **COMMISSIONER GARCIA:** You will.

7 **MRS. SMITH:** I'm sure.

8 **COMMISSIONER GARCIA:** But when you do, if
9 that bill is any --

10 **WITNESS SMITH:** Are we --

11 **COMMISSIONER GARCIA:** -- different than what
12 you got before, which is what the BellSouth --

13 **MRS. SMITH:** Right.

14 **COMMISSIONER GARCIA:** -- representative told
15 you, just let them know and they -- we will --

16 **MRS. SMITH:** They're supposed to change the
17 rate.

18 **COMMISSIONER GARCIA:** -- with the company,
19 and if not -- but, regardless, and let our Staff know
20 so we can open a file and make sure that it's taken
21 care of.

22 **MRS. SMITH:** Right. Thank you very much.

23 **WITNESS SMITH:** Thank you.

24 **CHAIRMAN JOHNSON:** Mr. and Mrs. Smith, when
25 you spoke with BellSouth, they informed you that you

1 could file a complaint with the FCC. Did they inform
2 you about the Public Service Commission --

3 MRS. SMITH: No.

4 WITNESS SMITH: No.

5 CHAIRMAN JOHNSON: -- the Florida --

6 MRS. SMITH: No.

7 CHAIRMAN JOHNSON: Just the FCC --

8 MRS. SMITH: Just the FCC and gave us --

9 WITNESS SMITH: The FCC.

10 MRS. SMITH: Gave me the 800 number for
11 them --

12 WITNESS SMITH: An 800 number for her to
13 call.

14 CHAIRMAN JOHNSON: That is one of the issues
15 we're going to try to address to make sure that
16 consumers know that we're available to help, too.

17 MRS. SMITH: If you're interested, you can
18 call them. I says, "Well, give me the phone number
19 and I'll call them." I mean, I was that upset.

20 COMMISSIONER DEASON: Usually by now
21 Chairman Johnson usually informs folks, but since she
22 hasn't, I will. There is an 800 number on the blue
23 sheet, at the Public Service Commission.

24 MRS. SMITH: Right. I have one of those.

25 COMMISSIONER DEASON: And that number is

1 available, and for those that are listening on the
2 Internet, that number is 1-800-342-3552.

3 **MRS. SMITH:** But the representative of
4 BellSouth just didn't mention anything. What she
5 says, "If you're interested in filing a complaint,"
6 Not "If you want to," or whatever, but "If you're
7 interested, this is the 800 number, call." And that
8 was it.

9 **COMMISSIONER GARCIA:** Just for my own
10 edification, how were they at the FCC? Were they
11 nice, or did they just basically say -- well, did they
12 resolve your problem --

13 **MRS. SMITH:** No, no, no. The man -- the
14 gentleman was very nice, but like he said, there is
15 nothing that they can do, it seems that we've resolved
16 it on our own. But I did ask him more questions.

17 What happens -- I understood what the three
18 telephone companies were telling me. I understand
19 what you're telling me, but what happens if you get an
20 old person that really doesn't --

21 **WITNESS SMITH:** Doesn't know.

22 **MRS. SMITH:** -- that doesn't understand
23 what's happening? He says, "Well, they're going to
24 look at the bill and go, oh, well, I got a new
25 telephone company, and pay it. You know, unless they

1 come to us, there's nothing that they can do."

2 WITNESS SMITH: Which is very wrong.

3 COMMISSIONER CLARK: Can I ask you, are you
4 familiar enough with Sprint's rates to know whether or
5 not you're going to be charged --

6 MRS. SMITH: Yes.

7 COMMISSIONER CLARK: You do?

8 MRS. SMITH: Yes.

9 COMMISSIONER CLARK: You'll be able to tell?

10 MRS. SMITH: Yes.

11 COMMISSIONER CLARK: Because I was going
12 to --

13 WITNESS SMITH: We have an exact amount per
14 se.

15 COMMISSIONER CLARK: Right. Because I was
16 going to suggest that if you need help in rating your
17 calls, that's something the Commission can do.

18 MRS. SMITH: No. He -- they -- we've been
19 paying the same thing for quite a while, so we're
20 pretty familiar with what the bill should be, and same
21 calls to the same people on a weekly basis.

22 CHAIRMAN JOHNSON: Any other questions for
23 the Smiths? Thank you for your testimony.

24 MRS. SMITH: Thank you.

25 MR. BECK: M. T. Anderson.

MYRTLE T. ANDERSON

1
2 appeared as a witness and, swearing to tell the truth,
3 testified as follows:

DIRECT STATEMENT

4
5 **WITNESS ANDERSON:** I've been a Florida
6 resident for over 30 years and I've been a realtor for
7 over 30 years. I have always been in business.

8 **CHAIRMAN JOHNSON:** I'm sorry to interrupt.
9 Could you state your address for the record?

10 **WITNESS ANDERSON:** 700 Bayshore Drive, and
11 that's area code (sic) 33304, and I've had the same
12 telephone the whole time.

13 **COMMISSIONER GARCIA:** I'm sorry. I'm a
14 little bit hard of hearing sometimes. Your full name?

15 **WITNESS ANDERSON:** Myrtle T. Anderson.

16 **COMMISSIONER GARCIA:** Thank you.

17 **WITNESS ANDERSON:** I got home from work
18 early in December of last year. There was a nice long
19 letter from AT&T and they said they were so sorry to
20 lose a customer like me because I had been with them
21 so long. I was sort of in a state of shock, because I
22 thought I was still there.

23 So I couldn't do anything that night, so in
24 between my busy days or something I thought I'd stay
25 with it. So I called them and they said, yes, that I

1 had been -- I had requested a transfer. And I said,
2 "I never requested it," and they said, "Oh, yes." And
3 I said, "Where am I," and they gave me the name of the
4 company called Intermedia Communication.

5 So I tried to get them on the phone, and I
6 spent a lot of hours trying to talk to someone other
7 than a machine or holding the phone or waiting or
8 something; and they said, yes, I was with them. And I
9 said, "Well, how did you get my name," and they said,
10 "We were authorized that you wanted to change by a
11 company called Hardware Systems."

12 I said, "Well, I'd like to talk to someone
13 there," and they said, "Well, we don't have the
14 number." So I spent many hours trying to find
15 Hardware Systems, new corporations or new companies,
16 and through the library and the telephone company or
17 whatever, you know, and could never find anything.

18 So I finally went back to this AT&T, and I
19 told them that I hadn't made very much progress, and
20 they said, "Well, do you want to come back to AT&T?"
21 I said, "Of course." So they said, "Well, they would
22 put me back with AT&T and they would put me back with
23 BellSouth," and they sent me \$100.

24 I said, "Well I don't think I need the
25 hundred dollars. I never left you." And they said

1 "Well, you've been very nice to report this, and we
2 appreciate it, so please cash the check for \$100,"
3 which I did. And at this point I was so annoyed with
4 all the time I spent on it, I wanted to report it to
5 somebody. So I did call the FTC (sic), and I spoke to
6 a very nice gentleman by the name of Doug Martin.

7 **CHAIRMAN JOHNSON:** You called the PSC?

8 **WITNESS ANDERSON:** Yeah, uh-huh. It took me
9 a while to get to him, but I do have the 800 number.
10 And he listened very carefully and took it all down
11 and he said, "Well, thank you very much for reporting
12 this, and it's information -- and I said, "Well, some
13 day I'd like to know how it happened and who these
14 people are that took my name."

15 And both AT&T and BellSouth said they would
16 put a freeze on my number so that no one would ever do
17 it again.

18 **COMMISSIONER GARCIA:** So you did put a
19 freeze?

20 **WITNESS ANDERSON:** Uh-huh. And so I'm not
21 really out any money. If there were any other
22 charges, it's not --

23 **COMMISSIONER GARCIA:** Was this --

24 **WITNESS ANDERSON:** Because I stayed with it
25 for about three or four weeks until I got changed

1 back.

2 **COMMISSIONER GARCIA:** The Commission has
3 never gotten back to you on why that happened?

4 **WITNESS ANDERSON:** No.

5 **COMMISSIONER GARCIA:** Okay. Before you
6 leave here, just check with one of our people by the
7 door just so that --

8 **WITNESS ANDERSON:** I made a special note,
9 and when I talked to him I said, "Please let me know
10 whatever happens. I'm just curious." So it's not --

11 **COMMISSIONER GARCIA:** Yes, but --

12 **WITNESS ANDERSON:** -- really a complaint --

13 **COMMISSIONER GARCIA:** -- since you probably
14 resolved your problem before it got --

15 **WITNESS ANDERSON:** I did. I stayed with it.
16 It took a lot of time, but I stayed with it.

17 **COMMISSIONER GARCIA:** Well, let's see if we
18 can get --

19 **WITNESS ANDERSON:** And I made \$100.

20 **COMMISSIONER GARCIA:** You're one of the few
21 that comes out ahead in this --

22 **WITNESS ANDERSON:** Right.

23 **CHAIRMAN JOHNSON:** Ma'am, the question for
24 you, you stated that they had switched you to
25 Intermedia.

1 **WITNESS ANDERSON:** Uh-huh.

2 **CHAIRMAN JOHNSON:** Now, were you ever
3 charged the Intermedia rates?

4 **WITNESS ANDERSON:** No. It happened too
5 fast. I stayed with it. I just -- I didn't let go.
6 I stayed with it the whole time. But all that
7 Intermedia told me, it was this other company called
8 Hardware Systems. I do not know who they are. I've
9 never talked to them. I couldn't find them anywhere.
10 But Intermedia they said got my name from Hardware.

11 **CHAIRMAN JOHNSON:** And they have switched
12 both your --

13 **WITNESS ANDERSON:** BellSouth --

14 **CHAIRMAN JOHNSON:** -- and your local --

15 **WITNESS ANDERSON:** Uh-huh.

16 **CHAIRMAN JOHNSON:** -- to Intermedia.

17 **WITNESS ANDERSON:** Uh-huh.

18 **CHAIRMAN JOHNSON:** But Intermedia did not
19 have a number for the agent that --

20 **WITNESS ANDERSON:** No.

21 **CHAIRMAN JOHNSON:** -- actually did the
22 switching?

23 **WITNESS ANDERSON:** No, no; huh-uh. If they
24 had it, they didn't give it to me. So my problem was
25 resolved very quickly, as far as I'm concerned. No

1 money lost, just money won.

2 **CHAIRMAN JOHNSON:** And your time --

3 **WITNESS ANDERSON:** My time is the most
4 important thing. Thank you.

5 **CHAIRMAN JOHNSON:** Again, if you could meet
6 with one of our Staff members, we'll try to continue
7 to pursue that, because we've been -- even though you
8 did an excellent job of resolving your own dispute, we
9 need to keep track of those companies and what they're
10 doing and --

11 **WITNESS ANDERSON:** I'd like to know who they
12 are.

13 **CHAIRMAN JOHNSON:** Exactly. Thank you,
14 Ms. Anderson.

15 **MR. BECK:** Lou Compton.

16 **COMMISSIONER GARCIA:** Before the gentleman
17 gets up here, I wanted to ask Staff, do we have any
18 requirement in terms of the reseller having
19 information that -- back to the bill provider, or the
20 billing company?

21 **MR. NOSES:** I'm not quite sure I understand
22 your question.

23 **COMMISSIONER GARCIA:** I'm not sure I stated
24 it very well. In this particular case you have
25 Intermedia Communications was her long distance

1 provider, and they stated Hardware Systems had been
2 the one that provided the name, but they didn't have
3 the name to Hardware Systems.

4 We have a requirement that there is some
5 kind of link so that we know who's providing them
6 these things?

7 MR. MOSES: No. What has happened to her is
8 that Intermedia probably used a contractor to do
9 telemarketing or whatever method they used to do the
10 switch -- (inaudible) --

11 CHAIRMAN JOHNSON: Mr. Moses, could you
12 speak directly into the microphone? We're having
13 problems hearing.

14 MR. MOSES: I'm sorry. What has probably
15 happened is that Intermedia contracted with a
16 telemarketer or some type of firm that actually
17 provided the information from the customer's number to
18 Intermedia, and then Intermedia used that device to
19 make the switch. But the Hardware company would not
20 be required to be certificated.

21 COMMISSIONER GARCIA: But in that case --
22 just so I guess I understand, everyone understands --
23 clearly, the slammer, though, is the one that's
24 certificated with us. So Intermedia would still be
25 guilty of slamming if the customer had not approved

1 that change.

2 **MR. NOSES:** That's correct. The
3 certificated company is responsible for anyone they
4 use to make the switch.

5

- - - - -

6

LOU COMPTON

7 appeared as a witness and, swearing to tell the truth,
8 testified as follows:

9

DIRECT STATEMENT

10

WITNESS COMPTON: Lou Compton, 1301 River
11 Reach, Fort Lauderdale, Florida, 33315.

12

I work full time five days a week, 8:00 to
13 5:00. When I get home around 5:30, 6:00 I'm not
14 interesting in opening junk mail and so forth. I want
15 to have dinner and relax. Normally I just throw the
16 junk mail away without even opening it.

17

Sometimes, for some unknown reason,
18 something catches my eye and I open one or another.
19 Fortunately, I caught one that I opened and it said --
20 I'm reading: "Congratulations. You have registered to
21 win a grand prize, a new BMW, \$30,000." When I get
22 that car I'll invite any of you for a free ride.

23

Next paragraph. "Your signature has
24 authorized us to change your long distance service for
25 the telephone number listed above." And they have my

1 phone number listed above. It will be transferred to
2 Amerinet Services Corporation."

3 Now, I didn't know this until a day or so
4 after. There's a well-known Ameritech Company that's
5 a Fortune 500 reputable big company. This is
6 Amerinet, a very close -- fraudulent.

7 Further on, "If you have any questions or
8 would like to confirm, deny or cancel your selection,
9 please call us at 1-888-256-8381. Your long distance
10 service will be switched to Amerinet Services if we do
11 not hear from you within five days."

12 Frequently mail sits around and you don't
13 get to it within five days. I was a little surprised
14 at this. I'm thinking -- this letter is dated
15 September 5. It is not signed. "Sincerely." There's
16 no signature, but there's a typed name down here,
17 "Your -- no, not your. "New Consumer Activities." I
18 was a little suspicious, no signature. Usually even
19 facsimiles are on a letter. I'm guessing that I
20 received this on September 10, because I work for
21 Broward County and happened to be aware that they have
22 a consumer affairs division.

23 The next day, September 11, I called the
24 consumer affairs division, and they said, "This goes
25 on all the time and it's called slamming; we'll be

1 glad to accept your claim." I faxed all the
2 information to them.

3 When I got home that night, I decided I
4 better call BellSouth. And I called them and they
5 said, "Thanks for calling us. This goes on all the
6 time." And I asked, "Can someone change it?" And
7 they said, "Yes, they can and they do. However, since
8 you've reported it to us and you want to stay with us,
9 we will put a device -- I don't know; a stop or
10 something on it -- so that no one can interfere with
11 your line and this will not cost you anything. It is
12 done. We've done it."

13 After that I called the information at
14 BellSouth and asked them is this 888 number a toll
15 free number, because I know 800 numbers are toll free,
16 and she said yes. What I was worried about, is this
17 88 some trick costly thing that's going to cost me to
18 call them.

19 Well, I called the number and got an
20 answering machine that said if you want to cancel the
21 notice you received, dial so-and-so, punch number 1 or
22 2. I did, and gave them the information. I presume
23 it was cancelled.

24 The Broward County sent my complete file to
25 Susan Clark. So you have all this information in your

1 file. The thing that concerns me, "Your signature has
2 authorized us to change this service." I hope in your
3 investigation you will ask them to produce that
4 signature. I have no knowledge anywhere of ever
5 signing anything, be it a prize or whatnot.

6 **COMMISSIONER GARCIA:** On your billing
7 statement for October -- you must have gotten it by
8 now, or the September bill -- have you -- was Amerinet
9 included there as the --

10 **WITNESS COMPTON:** I didn't look, frankly. I
11 will. I will.

12 **COMMISSIONER GARCIA:** You should take a look
13 at it to make sure. Probably if the bill didn't have
14 much of a difference, I wouldn't have noticed either.
15 But you should look to make sure that they switched
16 you back.

17 **WITNESS COMPTON:** Okay.

18 **COMMISSIONER GARCIA:** And obviously if you
19 sent that to us, we've got it, or Ms. Clark has it in
20 her file.

21 **WITNESS COMPTON:** No, I did not forward any
22 phone bill to anyone, but I did forward a copy of this
23 letter and my brief explanation to the County, who
24 forwarded it to you. Thank you very much.

25 **CHAIRMAN JOHNSON:** Thank you Mr. Compton.

1 **MR. BECK:** Sharron Frady.

2 **COMMISSIONER GARCIA:** Before Ms. Frady walks
3 up here, we don't allow that type of negative
4 check-off change in the state, correct?

5 **MR. MOSES:** Currently under the rules, yes,
6 we do. It's a postcard that they can send out there
7 and they have to -- or excuse me. There's a 14-day
8 period has to lapse, and if they don't send the card
9 back with a negative option, then it gets changed.
10 And that's one of the proposed rules that we are
11 changing is switching that just in the reverse, that
12 they have to have that card back before they can
13 switch.

14 **CHAIRMAN JOHNSON:** Yes, ma'am.

15 **WITNESS FRADY:** My ordeal started last
16 summer.

17 **CHAIRMAN JOHNSON:** Would you give us your
18 full name again and your address, please?
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SHARRON PRADY

appeared as a witness and, swearing to tell the truth,
testified as follows:

DIRECT STATEMENT

WITNESS PRADY: My name is Sharon Prady. My
residence is at 600 Southwest 69th Way, Pembroke
Pines, 33 --

COMMISSIONER GARCIA: Spell your last name.

WITNESS PRADY: F-R-A-D-Y. Last summer I
noticed that my phone bills were very high, and I was
quite busy, so I just kind of made a mental note that
I was going to have to watch my bills, but I didn't
really look at them very carefully.

So a couple of months went by, and I started
really looking and noticed on the last page there was
a different company on top. Well, I didn't know it
was a company, but I saw USBI. So in September I
called BellSouth and I said, "What is USBI. Do you
have any idea why my bills have suddenly doubled?" I
now figured that my bills had doubled. And they said
well, I would have to call USBI and talk to them, and
I said, "Why is that?" Because that was my -- who is
billing me now.

I didn't really understand it, but I called
USBI, and they said they were merely a billing company

1 and that I had switched carriers. I knew nothing
2 about this.

3 There were quite a few phone calls back and
4 forth, and finally I was told that they were billing
5 for a company called Long Distance Services. I had no
6 idea who this was. But they said that they would get
7 a letter from Long Distance Services showing that I
8 had changed my service to this company.

9 So I waited several months, actually, and
10 when a letter didn't come, I called back, and didn't
11 really get any results, but BellSouth told me that I
12 should call the Public Service Commission. So after
13 doing that, I realized also that now there is a new
14 different name on my last page of my phone bill. I
15 didn't know what it meant. I didn't think it meant
16 anything, really, because it was so tiny I didn't
17 really pay any attention to it, and all it said was
18 "Phone Calls."

19 But, anyway, I believe it was the Public
20 Service Commission that I was talking to that told me
21 that that was a new company, that I now had a new
22 company.

23 **COMMISSIONER GARCIA:** So your slammer got
24 slammed.

25 **WITNESS FRADY:** Yes, I got double whammied.

1 And they said, "Well, you should call this company."
2 So I called the number that was on the page, and the
3 number did not work. I don't remember if it said it
4 was out of service or no longer working or what,
5 but --

6 **COMMISSIONER GARCIA:** And that number, you
7 got it from your bill?

8 **WITNESS FRADY:** Yes, uh-huh. I was becoming
9 quite frustrated, but finally the Public Service
10 Commission told me that I should write them a letter
11 and put in detail everything. So I wrote down --
12 actually had been six months that USBI had been
13 billing me, and I wrote down all the details. And
14 after that, I received -- it was about half of my long
15 distance charges back, and that was fair. That was
16 what I had been overcharged, actually.

17 In the meantime BellSouth got me somehow a
18 complete refund from Phone Calls, this company called
19 Phone Calls. I got 100% refund from them, because --
20 I don't really know why. All I know is nobody can
21 find them.

22 In fact, USBI wrote me a letter and said
23 that they had been unable to contact the company that
24 had been carrying me, so they couldn't even talk to
25 them about my bill.

1 But I am very thankful to the Public Service
2 Commission, because they did -- after I wrote to them,
3 it was very quick response and, you know, I got a
4 refund, and I was quite pleased about that. Though I
5 must say, it took nine months of really struggling
6 with a lot of phone calls and a lot of worrying and
7 wondering how could this happen to me. Because I
8 said, "I love AT&T. I would never change from AT&T."

9 So I don't know how it all happened, but I
10 think it's totally unfair to look at a page on your
11 bill and not understand it. You see this little tiny
12 word that says "Phone Calls" which doesn't mean a
13 thing to you.

14 **COMMISSIONER GARCIA:** Well, Ms. Frady, did
15 you get a freeze put on your phone so it doesn't
16 happen to you again?

17 **WITNESS FRADY:** Yes. Yes. Hopefully it
18 will never --

19 **COMMISSIONER GARCIA:** And did you stay with
20 either one of those companies, or you stayed -- or you
21 went with the --

22 **WITNESS FRADY:** I went back with AT&T who I
23 had before and I thought I had been with the whole
24 time.

25 **CHAIRMAN JOHNSON:** Ms. Frady, during this

1 process, the nine-month process, you continued to pay
2 the monthly bills?

3 **WITNESS FRADY:** No. BellSouth let me
4 hold -- withhold part of it, and every now and then I
5 would contact them. Then again they told me to keep
6 in touch with my progress on my troubles, and they
7 kept carrying that the whole time. So they were very
8 helpful.

9 **CHAIRMAN JOHNSON:** If you could still -- I
10 know it appears as if your dispute was resolved -- but
11 if you could again check with our Staff just to make
12 sure that -- I want to make sure that you did. I know
13 you said they refunded you half the money. But we
14 have a process whereby we can check that rating and
15 make sure you were refunded the amount that you should
16 have been refunded. Perhaps you've already done that,
17 and let's just double-check that.

18 **WITNESS FRADY:** That sounds good.

19 **CHAIRMAN JOHNSON:** Thank you, Ms. Frady.

20 **MR. BECK:** Jeff Barbanell.

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JEFF BARBANELL1
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appeared as a witness and, swearing to tell the truth,
testified as follows:

DIRECT STATEMENT

WITNESS BARBANELL: Hi. My name is Jeff
Barbanell. I live at 8511 Northwest 53rd Court, Coral
Springs.

CHAIRMAN JOHNSON: Could you spell that last
name?

WITNESS BARBANELL: Yes. "B," like in boy,
A-R, "B," like in boy, A-N-E-L-L.

CHAIRMAN JOHNSON: Sir, you're pretty tall.
I think perhaps you can pull that microphone up a bit.

(Microphone adjusted.)

WITNESS BARBANELL: Okay. My slamming
started when we received BellSouth's bill and noticed
that instead of AT&T, who we had recently switched to
from another carrier, it was now switched to a company
by the name of Preferred Carriers out of Texas. I
noticed that the charges were much higher than usual,
so I called up -- well, first of all I wanted to know
why I got Preferred Carrier.

So it was a phone number there. I called up
that phone number, and after waiting quite a long
time, finally spoke to someone, and they said that we

1 had been switched. Actually, my wife had called. And
2 they said I had authorized it. My wife said, "Well,
3 if that's the case, then please send us documentation
4 showing that my husband authorized." And they said,
5 "Well, just sign the card and send it back and we'll
6 make sure the signatures match."

7 At that point she said, "No, you send it to
8 us, and then we'll check it from there," which they
9 finally did. They sent back a forged signature
10 trying -- you know, whatever they thought my signature
11 probably looked like, which is one of the biggest
12 complaints -- I mean, you're talking about one of your
13 stipulations there to have a signed statement.

14 There still has to be checks and balances,
15 because they sent me back something that was
16 authorizing them to sign, which I have a copy of, and
17 of course it's not my signature. So I don't think
18 that would be --

19 COMMISSIONER GARCIA: Would solve --

20 WITNESS BARBANELL: That would not solve
21 the --

22 (Simultaneous conversation.)

23 COMMISSIONER GARCIA: -- probably right.

24 MR. BECK: Did they have your name and
25 address correct?

1 **WITNESS BARBANELL:** Actually, I don't think
2 there was any name or address, just a signature saying
3 if you authorize it, if I remember right. I have all
4 the documentation if anyone wants --

5 **COMMISSIONER GARCIA:** We'd like you to give
6 you name to one of our Staff, so they can call you up,
7 and maybe you could send it to us so that we can look
8 at that, because they should have all that
9 information.

10 **WITNESS BARBANELL:** That's no problem.
11 While this was all going, of course I spoke to
12 BellSouth and told them that I was definitely not
13 going to pay the bill. They said, "Well, you know,
14 you really have to pay this bill." I said, "Well, I'm
15 not paying this bill." I said, "As a matter of fact,
16 I'm going to take this a step further. I'm going to
17 call my State Attorney General, Bob Butterworth, who I
18 happen to know," and I said, "I'm going to elevate
19 this, because I don't think that -- well, she says,
20 "But the tariffs say that you have to pay what is
21 usual and customary." In other words, what my normal
22 carrier, in this case AT&T, would have charged me.

23 I said, "Well, then you're telling me that
24 these companies are allowed to steal but only steal
25 what's normal." And I say, "You know, we're keeping

1 them in business." You know, I feel that no one
2 should have to pay. It just happens that I ended up
3 being lucky, even though this thing continued six
4 months until I could finally get down to the issue
5 of --

6 **COMMISSIONER GARCIA:** What did BellSouth do?

7 **WITNESS BARBANELL:** BellSouth held the --

8 **COMMISSIONER GARCIA:** You just paid the
9 local?

10 **WITNESS BARBANELL:** I just paid my local and
11 kept on fighting back and forth with the company.

12 **CHAIRMAN JOHNSON:** Sir, not to interrupt
13 you, and I apologize.

14 **WITNESS BARBANELL:** Sure. Go ahead.

15 **CHAIRMAN JOHNSON:** Did BellSouth tell you
16 you only had to pay your local, or did they tell
17 you --

18 **WITNESS BARBANELL:** Well, initially they
19 told me I should pay -- you know, after the second
20 time, I think they told me I need to pay what was
21 normal and customary. Actually, to tell you the
22 truth, I think your -- your -- the Public Safety
23 Commission (sic) also said that.

24 **CHAIRMAN JOHNSON:** Said that you had to
25 pay --

1 **WITNESS BARBANELL:** What I normally would
2 have paid my long distance carrier. Because when I
3 called up Bob Butterworth's office, he said -- they
4 told me that he would not take care of that, and sent
5 me to your Commission; and your Commission said that
6 what generally --

7 **COMMISSIONER GARCIA:** What you would have
8 paid normally.

9 **WITNESS BARBANELL:** Right. In my case I was
10 lucky. This thing took me a lot of time. It lasted
11 six months' worth, but due to the fact I had just
12 switched to AT&T under one of their promotions, which
13 was 253 minutes a month, that gave me \$25 worth of
14 free calls, and in this case these particular bills,
15 which was three or four months' worth of bills, did
16 not go above the \$25. So, I mean, I had them either
17 way, you know. If I was going to pay my normal and
18 customary, my normal and customary was nothing in this
19 case. So, I mean, I was more fortunate.

20 But time spent, energy spent, et cetera, I
21 mean, this is ridiculous. Like people have said
22 before, you know, if you're not aware, you know,
23 you're just going to keep on spending. And the
24 elderly -- we have a lot of elderly here. We have a
25 lot of people that really don't look at things proper.

1 **COMMISSIONER GARCIA:** Did you have your line
2 frozen?

3 **WITNESS BARBANELL:** I had my lines frozen as
4 far as not being able to switch. As a matter of fact,
5 recently I did switch to a different carrier that --

6 **COMMISSIONER GARCIA:** You got a better --

7 **WITNESS BARBANELL:** Right. And because of
8 that, you know, we had to go through some changes. I
9 had to -- they had a company call me back asking if it
10 was okay, and --

11 **COMMISSIONER GARCIA:** Independent --

12 **WITNESS BARBANELL:** -- still that was --
13 that was not enough. So then I called up BellSouth
14 and told them, "Yes, I'm authorizing the switch." So
15 there was two little checks and --

16 **COMMISSIONER GARCIA:** When you called
17 BellSouth, how did that work? You called up and they
18 asked you for some other information? You didn't just
19 call up and say, "I'm Jeff, change my number." They
20 have must have asked you for your social security
21 number just to prove it was you?

22 **WITNESS BARBANELL:** Actually, I don't think
23 they did. They just said -- well, maybe they did.
24 Maybe they did --

25 **COMMISSIONER GARCIA:** Probably they've got

1 some verification --

2 **WITNESS BARBANELL:** It's what my call, you
3 know -- but, you know, it's really important that
4 something is done here.

5 **COMMISSIONER GARCIA:** By the way, I had a
6 conversation with BellSouth today, and they also
7 have -- and I guess this is for all the people who are
8 listening. We also -- we heard about this earlier
9 today, and I didn't know about this at the hearing
10 this morning.

11 You can ask them for a personal pin number,
12 an ID number, or give them a code word or password
13 that they will use to keep -- unless someone who asks
14 for a change has that, they will not change you; and
15 that's only between you and the -- and BellSouth.
16 They don't give that out, and today it was reported
17 that they would --

18 **WITNESS BARBANELL:** Well, that's very
19 interesting, because just this past weekend I had a
20 call from my new carrier saying that my calling card
21 from them has been used for international calls. They
22 all originated out of California and Washington state.

23 Now, this particular calling card I've never
24 even took out of my file in my drawer. In other
25 words, it came in the mail and went right in the file.

1 It was never used in an airport, never used at all,
2 and somebody has the number already.

3 **COMMISSIONER GARCIA:** But your company
4 didn't charge you for that?

5 **WITNESS BARBANELL:** No. I mean, I don't
6 know yet. I'm just saying, all these numbers, all
7 these PIN numbers, all these things, I mean, we're in
8 an age where technology beats us all. We're on the
9 Internet right now, and there's a lot of things that
10 happen through there. So, I mean, you guys got a
11 tough job, but there has to be some solution there.

12 **CHAIRMAN JOHNSON:** Staff, could you clarify?
13 The gentleman stated that when he talked to BellSouth
14 that he was -- and to the Commission, also, that he
15 was informed that he was required to pay what he
16 normally would have paid, even those long distance
17 charges?

18 **WITNESS BARBANELL:** They said it was tariff.
19 You know, if you think about it, who is really the
20 reseller of all the services is Ma Bell; and if we
21 don't pay those particular companies that possibly
22 have bought all this time from Ma Bell and Ma Bell,
23 then Ma Bell is not getting paid, and I think that's
24 why the tariff is in there.

25 **CHAIRMAN JOHNSON:** Mr. Moses, could you

1 explain that or clarify it?

2 **MR. MOSES:** What you are normally required
3 to do is you would pay for your regular charges for
4 your local service. That way your local service is
5 not interrupted. And you dispute the long distance
6 charges. Until those are resolved, you don't pay
7 those long distance charges, and that --

8 **WITNESS BARBANELL:** Well, I understand that,
9 but they had said that I was supposed to pay the long
10 distance charges to this slamming company that my --
11 let's say in this case AT&T, who was my long distance
12 carrier at the time, would have charged me. AT&T was
13 charging me 10 cents a minute. This guy wanted me to
14 pay 15 cents and --

15 **MR. MOSES:** There's another part of the rule
16 I was about to explain. The Commission rules require
17 that the carrier, the unauthorized carrier, must
18 rerate those calls at the exact, same rate that you
19 were charged by your preferred carrier, or your
20 previous carrier.

21 **WITNESS BARBANELL:** Well, what I'm saying is
22 we're telling this person or these companies that they
23 are allowed to steal, but only normal.

24 **MR. MOSES:** I understand.

25 **WITNESS BARBANELL:** And I think that's the

1 injustice here, and that's what's going to keep them
2 in business.

3 **CHAIRMAN JOHNSON:** I agree with you. But
4 let's clarify that during the pendency of a complaint,
5 he's not required to pay that, is he?

6 **MR. MOSES:** He is required under the current
7 rules to pay the long distance charges as they are
8 rerated to his previous carrier.

9 **CHAIRMAN JOHNSON:** How did you get -- oh,
10 the company rerated it for you.

11 **WITNESS BARBANELL:** As far as -- I told you,
12 I had \$25. I just had to prove it to them via my
13 promotion, via the past bill, showing them, indeed, I
14 was getting \$25 free. So I was lucky in that. But it
15 was just the time and the aggravation and everything
16 else that went along with it for five or six months.
17 So, I mean, I was fortunate in that way. But, I mean,
18 I think we're just giving them a license to steal.

19 **CHAIRMAN JOHNSON:** And under the new
20 proposed rule, you wouldn't be required to pay at
21 least -- right now the rule reads that when you've
22 been slammed, for the first 90 days, even if you use
23 the service, you aren't going to be required to pay
24 anything for those 90 days. That's part of the
25 proposal that we're going to consider.

1 BellSouth advising us that there was a higher than
2 usual long distance bill. We couldn't understand
3 this, as Sprint, our long distance carrier, bills us
4 direct. We have a freeze. We had a freeze, and we
5 were still slammed.

6 Now, our switchboard consists of four lines.
7 We were switched on one line, the first line. When I
8 contacted BellSouth, we were advised and assured that
9 we were not switched through their system, as we do
10 have a freeze, but within Sprint's system by a
11 reseller.

12 When checking this out we find that LDM OAN
13 systems contacted Sprint, they are the reseller, and
14 told them this particular line belonged to them. As I
15 said, we were only slammed on one line.

16 In November of '95, representatives from
17 LDM OAN walked in our office soliciting our businesses
18 for long distance service. On both occasions my
19 husband and business partner, Edward White, and myself
20 made it perfectly clear that we were not interested
21 and that we had a three-year contract with Sprint.

22 Croton Arms is an improved property by
23 Superior Small Lodgings and Greater Fort Lauderdale
24 Visitors and Convention Bureau. On behalf of the 102
25 approved properties, discounted rate with Sprint was

1 established with a three-year contract in the last
2 quarter of '94. Our contract became effective in
3 January '95. It makes no sense that we would then
4 turn around and switch one line only out of four lines
5 to LDM OAN who appears to be a reseller for our
6 carrier, Sprint, with higher rates.

7 **COMMISSIONER GARCIA:** You mean this company
8 actually came to you and tried to get your business,
9 and you said no, and they walked away with the
10 business anyway?

11 **WITNESS WHITE:** They took a business card,
12 okay --

13 **COMMISSIONER GARCIA:** And that was the
14 number that they had, so they took --

15 **WITNESS WHITE:** That's right. Now, when I
16 contacted LDM Systems who operates out of New York, we
17 received nothing but verbal abuse, rudeness and
18 refusal to identify themselves, the other person on
19 the line -- and we would -- they would not give us
20 their fax number. It took Sprint's representative
21 Laurie Sprint -- Laurie Pope, to trace the fax number
22 for this company through her office.

23 They negotiated with us to accept 20%
24 originally of the bill. I refused. We ended up
25 accepting 50% credit from LDM. This decision was

1 based on Laurie Pope's advice that this would be the
2 maximum Sprint has been able to get in credit from
3 resellers for their customers.

4 COMMISSIONER GARCIA: When did this happen
5 again?

6 WITNESS WHITE: This happened in July '96.

7 COMMISSIONER GARCIA: Well, I think before
8 you leave, you need to speak to our Staff on this
9 issue, because we sometimes can do a little bit better
10 than that when we rerate the calls.

11 WITNESS WHITE: I must say that today I
12 received a check from them for the balance. My
13 complaint --

14 COMMISSIONER GARCIA: So they lowered your
15 bill by 50% and then they sent you a check for the
16 balance?

17 WITNESS WHITE: Today I received that.
18 After my complaint, I --

19 COMMISSIONER GARCIA: So you had to pay
20 zero --

21 WITNESS WHITE: No. I paid the amount in
22 August '96.

23 COMMISSIONER GARCIA: Which --

24 WITNESS WHITE: Bill was -- at BellSouth was
25 extremely courteous to us, and they had worked with

1 us, and they agreed that they will not charge us any
2 interest for the amount that was questionable until
3 LDM sent a check made out to BellSouth.

4 Now, I filed my complaint with the
5 Commission on September 10th after reading an article
6 in the Sun. To be quite honest, I did not bother
7 fighting the complaint before as I thought it was
8 going to fall on deaf ears, just like the Insurance
9 Commission.

10 LDM OAN can send all the information
11 packages they want. No means no. They had no right
12 to switch us. Several times a week we receive faxes
13 and information packages together with telephone
14 solicitation from different long distance carriers and
15 resellers, including AT&T and MCI. This gives them no
16 right to switch us.

17 We have had the freeze with our local phone
18 company since 1994. This was done to protect us from
19 the underhandedness with the likes of LDM. Instead,
20 LDM went directly to Sprint, as I have in my letter
21 from the inside support supervisor's letter, and they
22 told Sprint that this number belonged to them.

23 Our complaint has merit and must be
24 dismissed. "No" means exactly that. LDM claims they
25 sent an information package. We have sent no cards

1 signed. It is not -- does not make any sense. LDM
2 did not act in good faith, and the Public Service
3 Commission must deal with them in order that you can
4 protect small businesses and the public from unethical
5 business practices like this.

6 I was contacted by an attorney for LDM in
7 September of '97. I was told that LDM OAN no longer
8 solicits telemarketing. Is this because LDM has been
9 dealing in good faith with the public, I ask? That's
10 all I have to say.

11 **CHAIRMAN JOHNSON:** Any questions?

12 **COMMISSIONER GARCIA:** You'll get with one of
13 our Staff before you leave?

14 **WITNESS WHITE:** I will. Thank you.

15 **CHAIRMAN JOHNSON:** You stated that you do
16 have a pending complaint before the Public Service
17 Commission?

18 **WITNESS WHITE:** Yes.

19 **CHAIRMAN JOHNSON:** Very good. Thank you.

20 **WITNESS WHITE:** Thank you.

21 **MR. BECK:** Maurice Tremblay.

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MAURICE TREMBLAY

1
2 appeared as a witness and, swearing to tell the truth,
3 testified as follows:

DIRECT STATEMENT

4
5 **WITNESS TREMBLAY:** My name is Maurice
6 Tremblay. I live at 1611 Mayo Street. Oh, I'm sorry.
7 T-R-E-M-B-L-A-Y. 1611 Mayo Street, Hollywood,
8 Florida.

9 To my knowledge, I've been slammed three
10 times in the past two years. The last time my wife
11 was in Iowa. I was working in Wyoming, and all of a
12 sudden our AT&T card does not work. All right. I've
13 learned one thing tonight. I'm not a very good
14 bookkeeper, because we do a lot of traveling in my
15 line of work, so I'm going to go back over my phone
16 bill records. But I think it's very -- it's dishonest
17 and it's stealing when they can change your carrier
18 without telling you.

19 One time we got a call from AT&T saying we
20 weren't happy with their services, now we were with
21 someone else. I mean, the horror stories I've heard
22 tonight are very similar to mine, and I would implore
23 you, practically beg you to pass some kind of law that
24 they cannot change your long distance carrier without
25 your consent and your knowledge.

1 It's -- we've noticed our bill increasing
2 sometimes, but like I say, I do a lot of traveling.
3 I'm gone for three or four months at a time, and my
4 wife says, you know, "Cut down the phone calls," and I
5 said, "Well, I'm not making any, just the normal
6 business ones." And she says, "Well, we've got a long
7 heck of a bill this month." So I'm going to go back
8 over these things and look over them and --

9 **COMMISSIONER GARCIA:** Let me just -- maybe
10 someone up here knows, but there's a number you can
11 call just to find out who your present carrier is.

12 **UNIDENTIFIED SPEAKER:** (700)-555-4141.

13 **COMMISSIONER GARCIA:** (700)-555-4141. You
14 call that number and it will tell you who your long
15 distance carrier is.

16 **WITNESS TREMBLAY:** Well, I'm going to do
17 that now. I mean, I was just slammed about a month
18 ago. I figured maybe they're picking on me because I
19 have astronomical phone bills.

20 **COMMISSIONER GARCIA:** Maybe they're making
21 your phone bills astronomical.

22 **WITNESS TREMBLAY:** I don't need their help.
23 Now, my question is, if I'm going to go through my
24 records that I have -- I'm not a very good bookkeeper,
25 unfortunately -- but if I find that I was slammed like

1 two years ago, is it too late to do something about
2 it?

3 **CHAIRMAN JOHNSON:** No, sir. No. If you can
4 show us those records, then we can try to make a
5 determination. And I would think that the local
6 company would still have some records, so they may be
7 able to assist you in getting those records.

8 And I see that BellSouth is saying that they
9 can help you. If you can't locate all of your phone
10 bills and your phone records, that they should have
11 that; and they will have the company of record that
12 was your long distance company.

13 And then if you could get with our Staff, we
14 can help review that and make a determination for you
15 if you were slammed, and then under the current rule,
16 what we would do is rerate it to what you should have
17 been charged if we can ever find out who your original
18 carrier is.

19 **WITNESS TREMBLAY:** Well, my original carrier
20 was Southern Bell. We never changed.

21 **CHAIRMAN JOHNSON:** For long distance?

22 **WITNESS TREMBLAY:** You know, really I don't
23 know. We've lived there for 26 years, same number; we
24 haven't changed anything.

25 **CHAIRMAN JOHNSON:** Oh, I see. Very well.

1 Then if you could meet with our Staff members and
2 they'll coordinate with BellSouth and try to see if we
3 can help figure this out, because you're saying you've
4 never changed your long distance.

5 **WITNESS TREMBLAY:** Never. We received
6 solicitation through the phone, through the mail, and
7 maybe because I never answered something in the mail,
8 why it's changed. I mean, just, you know, junk mail
9 in the circular file.

10 **COMMISSIONER GARCIA:** Mr. Tremblay, I'll
11 make a suggestion to you. If you do have a lot of
12 long distance calls -- I know I do because I live in
13 south Florida and my job is in Tallahassee -- you may
14 want to read some of those advertisements you get,
15 because you'll find that there's some very good deals
16 for those of us who have some very long -- I mean,
17 large long distance bills, and you may find for your
18 business alone it may provide some tremendous savings.

19 **WITNESS TREMBLAY:** Well, I'm going to,
20 because the last time that -- to my knowledge, that we
21 got slammed, I was working in Wyoming and my wife was
22 in Iowa.

23 **COMMISSIONER GARCIA:** Obviously you must had
24 have AT&T because your AT&T card stopped working and
25 it was probably based all through your phone, so AT&T

1 must have been your provider.

2 And I don't know what kind of service you
3 get from them, but you'll find that if you shop
4 around -- and I'm not saying that AT&T doesn't provide
5 great prices or does -- but if you shop around, you
6 may find that you may get some really good deals. You
7 may even get them to send you a check. Ms. Johnson --

8 **WITNESS TREMBLAY:** I like that very much,
9 especially the check part. All right. I'm just going
10 to look through my records, but I do -- but I think
11 some type of law or legislation to stop these
12 companies from doing this should happen, because I've
13 talked to other people, and it's happening. It's -- I
14 was surprised. I thought this place would be jammed
15 tonight.

16 **COMMISSIONER GARCIA:** I think we realize
17 that for every person that's here, there's probably a
18 lot more with a family and working and can't make it,
19 and there's a lot more entertainment here than some of
20 the smaller cities that we go to. So -- but
21 Commissioner Clark --

22 (Simultaneous conversation.)

23 **WITNESS TREMBLAY:** Thank you.

24 **CHAIRMAN JOHNSON:** Thank you, sir.

25 **MR. BECK:** Marsha Ann Ingegneri.

1 **UNIDENTIFIED SPEAKER:** She just left.

2 **MR. BECK:** Debbie Rose.

3 - - - - -

4 **DEBBIE ROSE**

5 appeared as a witness and, swearing to tell the truth,
6 testified as follows:

7 **DIRECT STATEMENT**

8 **WITNESS ROSE:** My name is Debbie Rose and I
9 live at 12 Whitehead Circle.

10 **CHAIRMAN JOHNSON:** Could you speak right
11 into the mike?

12 **WITNESS ROSE:** My name is Debbie Rose, and I
13 live at Whitehead Circle.

14 **COMMISSIONER GARCIA:** Ms. Rose, if you could
15 speak right into the mike so we can hear you.

16 **WITNESS ROSE:** The Friday of Memorial Day, I
17 received my bill in the mail, and I thought it was
18 extremely high, and my first thought was, oh, God --
19 (inaudible) --

20 **COMMISSIONER GARCIA:** Ms. Rose, you need to
21 slow down. We can't hear you. Just come right up to
22 the mike and speak right into it.

23 **WITNESS ROSE:** And I didn't even think
24 anything of it, and I just figured I really need to
25 stay off the phone. And as I was thinking that night,

1 I know that my Sprint after 7:00 is 10 cents a minute,
2 and I went downstairs -- it's like 12:00 midnight --
3 and I says, wait a minute. I'm seeing all these
4 20-cents calls; something is not right.

5 And at that time I called BellSouth, and
6 they explained to me that the slamming has been going
7 on. The guy was very nice. He put a freeze on my
8 bill, on my long distance company and told me they'd
9 change me back to Sprint, and they told me to call the
10 Public Service Commission on Monday. They also told
11 me to called Hold up. That's the company that --

12 COMMISSIONER GARCIA: Hold Up --

13 WITNESS ROSE: Hold. They told me to call
14 Hold up and talk to them.

15 (Simultaneous conversation.)

16 COMMISSIONER GARCIA: Very appropriate name.

17 WITNESS ROSE: Memorial Day they were
18 closed. So I finally got through to someone. I spoke
19 to the Public Service Commission, and they told me not
20 to worry about it, that this happens all the time and
21 that they'll take care of it and take my complaint,
22 and he told me to call up Hold and let them know that
23 I wasn't paying the bill.

24 So the following Tuesday, I called Hold, and
25 I spoke to some very nasty person, and she says to me,

1 "Well, we've got authorization to switch your phone
2 company." I says, "You don't have any authorization
3 from me. I never switched from Sprint. I don't have
4 any clue what you're talking about." She said, "Well,
5 we have your signature on file." I said, "You can't
6 have my signature on file." I said, "Where would you
7 get my signature from?"

8 She was extremely nasty. She says, "Well,
9 have you ever gone to any flea markets and filled out
10 any sweepstakes?" And I had forgotten a couple weeks
11 ago I went to the Miami Beach Convention Center. They
12 had their annual big flea market, and I filled out a
13 sweepstake. Never read the small print on the back of
14 that says, "your signature authorizes us to change
15 your company."

16 And I said to her, "Look, I will see you in
17 court before I pay this bill. I am not paying this
18 bill. I didn't authorize it and there's no way I'm
19 paying it." Well, needless to say she was very nasty.

20 Well, to make a -- to go back a little bit,
21 I did receive a letter saying before this had
22 happened, you've got five days to let us know; and I
23 think the first -- my initial thought was, there's no
24 way they're going to change my company without my
25 approval. And I never called, which obviously was my

1 fault, but I figured without my calling and approving
2 it, they're not going to do it.

3 So she had told me that she would send me a
4 copy of it. And I called back -- and I called back
5 and I spoke to -- I don't know who was manager and the
6 head -- and she was very nice and she said, "All
7 right, we'll reimburse you for everything outside your
8 phone company." And that's -- and until this day I'm
9 still getting reimbursed, because -- every two -- what
10 BellSouth did was they credited -- they didn't have me
11 pay the whole bill, and --

1 **COMMISSIONER GARCIA:** Right.

13 **WITNESS ROSE:** -- they just had me pay their
14 bill, and they were crediting me, and every time I see
15 a credit, I call her up again and I say, "Look, you
16 know, I'm not credited." And my last call to her was
17 a couple weeks ago. They still owe me about \$18 or
18 \$19.

19 **COMMISSIONER GARCIA:** But they did finally
20 take care of that. You said you spoke to our Staff.
21 Were they helpful?

22 **WITNESS ROSE:** Yes. He told me not to worry
23 about it, that I did not have to pay the bill, and
24 that it happens all the time; and he took my
25 complaint.

1 Now, I don't know if she -- at this point
2 finally -- because as of my last bill, they told me I
3 still owed them money.

4 **COMMISSIONER GARCIA:** As you leave, ask one
5 of our Staff to look up your file and see if we've
6 closed that case, because obviously you've resolved
7 your problem. You still have \$18 outstanding. Maybe
8 we can be helpful in getting that, but certainly if we
9 can close out the case, that would be to our
10 advantage, also.

11 **WITNESS ROSE:** Okay.

12 **CHAIRMAN JOHNSON:** Thank you very much.

13 **MR. BECK:** Robert La Forest.

14

- - - - -

15

ROBERT LA FOREST

16 appeared as a witness and, swearing to tell the truth,
17 testified as follows:

18

DIRECT STATEMENT

19

WITNESS LA FOREST: My name is Robert

20

La Forest, 2081 Northeast 56th Street, Fort

21

Lauderdale, Florida.

22

And I got slammed by a company called

23

Pantel, but the billing came from USBI, which stands

24

for U.S. Billing Incorporated; and it was for --

25

monthly service fee, \$4.99, special plan \$4.99, coming

1 to \$9.98 plus taxes, which was \$10.53.

2 Well, I called this number, 88 number, and I
3 told them, I went, "What's this?" I says, "I didn't
4 order this. "Well, we got your signature on a
5 letter." I says, "No, you don't." I says, "I did not
6 send a letter and I'm not going to pay the bill." I
7 says, "Send me a copy of the letter with my signature
8 on it." To this day I have not received it, and this
9 is billed 3/18 this year.

10 COMMISSIONER GARCIA: Did that company
11 continue to be your long distance company?

12 WITNESS LA FOREST: I called -- no. I
13 called AT&T to find out. I thought maybe through
14 them. They told me to call BellSouth. So I called
15 BellSouth and told them, and they told me -- I told
16 them, I says, "I ain't paying this." I says, "I did
17 not order it." And so the lady says, "We'll put you
18 on what they call PIC freeze." They says, "Nobody can
19 go and give you another bill like that."

20 So I says, "I want BellSouth/AT&T. "Okay.
21 That's all you'll get." I think they got it taken
22 care of, because the last couple bills I've had things
23 that's been credited.

24 COMMISSIONER GARCIA: And you're back --

25 WITNESS LA FOREST: Yeah.

1 **COMMISSIONER GARCIA:** -- with AT&T?

2 **WITNESS LA FOREST:** Yeah, but -- yeah,
3 I'm -- well, they didn't -- no, they -- well, this is
4 what I got. (indicating) My own private 800 number,
5 and what do I need an 800 number for? I'm retired
6 and --

7 **COMMISSIONER GARCIA:** Lets them use it to
8 call you up --

9 **WITNESS LA FOREST:** And I give that to my
10 friends --

11 **COMMISSIONER GARCIA:** -- or anything --

12 **WITNESS LA FOREST:** I give that to my
13 friends. They call me. I pay 25 cents a minute for
14 you to call me.

15 **COMMISSIONER GARCIA:** Got you.

16 **WITNESS LA FOREST:** I says, "No way." I
17 says, "If they want to call me, they can pay for it."

18 **COMMISSIONER GARCIA:** Now you no longer have
19 that service, correct?

20 **WITNESS LA FOREST:** As far as I know, no,
21 but --

22 **COMMISSIONER GARCIA:** You might not want to
23 let this drift around. You might get some calls --

24 **WITNESS LA FOREST:** My June bill comes -- my
25 June bill comes, and there's another slam. Access

1 Services it's called. Well --

2 COMMISSIONER GARCIA: What bill is this?

3 Your which bill?

4 WITNESS LA FOREST: Access Services, but I
5 already had this PIC freeze. I wasn't supposed to get
6 no more --

7 COMMISSIONER GARCIA: Got you.

8 WITNESS LA FOREST: -- of this stuff. So I
9 call them up, and the lady I talked to -- and says, "I
10 was on PIC freeze. I'm not supposed to get -- oh,
11 that don't mean a thing. I'm thinking, what? What
12 good is that PIC freeze? All I want is
13 BellSouth/AT&T.

14 So I call these people and tell them I did
15 not order. I want it cancelled. And my last bills it
16 hasn't been on, because -- because -- well, it was
17 on -- I paid my bill on the 5th of June. The 7th of
18 June I went on a three-and-a-half-month trip out west
19 just driving around, and so my brother was paying my
20 bills.

21 I told him, I says, "Just pay AT&T and
22 BellSouth. Anything else on there, forgot it." And
23 that's what he did. And so I'm hoping things are
24 straightened out, because like I told BellSouth, I'm
25 not paying a cent. I did not authorize it.

1 And the second one, well, after the second
2 slam, they come over and told me "Well, BellSouth paid
3 yours." And I wasn't thinking at the time, and later
4 I got to thinking, how can BellSouth -- I didn't
5 authorize it and BellSouth is paying these? I says,
6 "They should get stuck for it, then, not me."

7 **COMMISSIONER GARCIA:** BellSouth has billing
8 arrangements with a lot of these companies.

9 **WITNESS LA FOREST:** Well, I think it's a
10 scam on the public, and BellSouth shouldn't do that to
11 the people.

12 **COMMISSIONER GARCIA:** Well, they don't.
13 They can usually -- if they return it, they don't get
14 stuck for it.

15 **WITNESS LA FOREST:** Yeah, so --

16 **COMMISSIONER GARCIA:** But the one we want --
17 well, BellSouth can take care of themselves usually.

18 **WITNESS LA FOREST:** But like I say, I don't
19 want BellSouth coming out and saying, well, you owe us
20 this, because I told them I ain't gonna pay it.

21 **COMMISSIONER GARCIA:** Make sure you file a
22 complaint about that with our people so we have a
23 complaint on file about this happening.

24 **CHAIRMAN JOHNSON:** Mr. is it La Forest?

25 **WITNESS LA FOREST:** La Forest, yes.

1 **CHAIRMAN JOHNSON:** You stated that they
2 were, I guess it's Pantel Company, that they were
3 providing you with refunds?

4 **WITNESS LA FOREST:** Well, I've been getting
5 credits on some of my bills, and they sent me this --
6 I didn't know what it was even, and then they sent me
7 this bill. It came on the 11th of April, and that's
8 what was in it, my own 800 number. (Indicating)

9 **CHAIRMAN JOHNSON:** One of the things, that I
10 know that they are providing you with some type of
11 credits or refund, but if you meet with Staff --

12 **WITNESS LA FOREST:** Yeah. Well, I know from
13 my AT&T bills, you can see they've been credited like
14 five, twenty-six, five, twenty-six. (Indicating)

15 **CHAIRMAN JOHNSON:** We want to make sure
16 those are adequate and sufficient.

17 **WITNESS LA FOREST:** Because I don't want to
18 pay it. Like I say, I'm not going to pay it.

19 **COMMISSIONER GARCIA:** Well, make sure you
20 speak to our Staff so we have them in dispute in our
21 file and we can find out about that company. I don't
22 see them listed here as one of --

23 **WITNESS LA FOREST:** This is the one that --
24 this came in my --

25 **COMMISSIONER GARCIA:** Keep that 800

1 number --

2 **WITNESS LA FOREST:** Yeah this is my large
3 bill. That came in April, and now I notice that it's
4 not on there. (Handing documents to Commissioners.)

5 **COMMISSIONER GARCIA:** The only thing I'd be
6 worried about is -- I mean, if BellSouth told you
7 that's removed, just make sure --

8 **WITNESS LA FOREST:** BellSouth never told
9 me -- I told them, you know, they must have removed
10 it, because --

11 **COMMISSIONER GARCIA:** We'll see --

12 **WITNESS LA FOREST:** -- I told the company to
13 cancel it, and the other --

14 **COMMISSIONER GARCIA:** And they told you --

15 **WITNESS LA FOREST:** -- the other one -- the
16 other one, Consumer Access, I told them I want it
17 cancelled. They said, "Okay, we'll cancel it."

18 But the other one, I told them I didn't want
19 it, I want it cancelled, but they didn't say anything
20 like that.

21 **COMMISSIONER GARCIA:** Well, I'm just saying
22 it might be worse if someone has your 800 number out
23 there, so I --

24 **WITNESS LA FOREST:** No, no. Nobody has got
25 my -- they give you four of them. If you want more,

1 you send for them.

2 **COMMISSIONER GARCIA:** Susan Clark has a
3 photographic memory, so you never know. She's got --
4 (Simultaneous conversation.)

5 **WITNESS LA FOREST:** Okay. Thanks a lot.

6 **MR. GROSS:** Mr. La Forest, spell the name of
7 the first company that slammed you.

8 **WITNESS LA FOREST:** Pantel. P-A-N-T-E-L.
9 It's got the address and everything right there.

10 **COMMISSIONER GARCIA:** Mr. La Forest, please
11 see our Staff before you leave just so they can check
12 that out for you, and I'm sure Southern Bell would be
13 more than happy to speak to you, just to make sure;
14 because you don't want to have one of those services
15 out there and, you know, and say five or six months,
16 nothing's happening, now it suddenly comes alive --

17 **WITNESS LA FOREST:** Yeah, because --

18 **COMMISSIONER GARCIA:** -- just --

19 **WITNESS LA FOREST:** -- told me that
20 nobody -- with the PIC freeze that nobody would -- and
21 then I get a second slam. I'm going, "What's going
22 on." And then you talk to somebody else, well, that
23 ain't what PIC freeze is all about.

24 **COMMISSIONER GARCIA:** That's a good point.
25 Maybe I can address this to Staff, if we could find

1 out exactly how you get by a PIC freeze. Would you
2 know the answer to that?

3 MR. MOSES: I can explain. I believe what
4 has happened to you here, you're being billed for
5 ancillary services, not really a different long
6 distance carrier, and that's how they're getting
7 around the PIC freeze. You're being billed for
8 something like a voice mail or your 800 number service
9 or services other than a 1+ long distance.

10 WITNESS LA FOREST: There is nothing like
11 that. It's strictly AT&T and BellSouth, long --

12 MR. MOSES: What I'm explaining, though, is
13 the PIC freeze that you have on your line --

14 WITNESS LA FOREST: Yeah. Well, they told
15 me that that PIC freeze is -- nobody can come in and
16 bill --

17 MR. MOSES: Exact --

18 WITNESS LA FOREST: -- me for anything.

19 MR. MOSES: Not for --

20 COMMISSIONER GARCIA: It's for long
21 distance. It's a distinction --

22 WITNESS LA FOREST: Yeah --

23 MR. MOSES: Right.

24 COMMISSIONER GARCIA: -- that they're trying
25 to make. They didn't bill you for long distance; they

1 billed you for an 800 number. An 800 number is not
2 long distance. They're billing you for something
3 different.

4 But you know what? That's something that we
5 may look at, and obviously with the -- with the coming
6 of more and more competition and different services
7 being provided that are generally offered by Southern
8 Bell, we may need to look at something preventive in
9 that area also, because maybe you're just the tip of
10 the iceberg or the just foreshadowing of what may come
11 when other services are offered by other companies.

12 **WITNESS LA FOREST:** Yeah, because that's why
13 this summer when I was out I didn't use my card, AT&T
14 card, for long distance on account of that, because my
15 brother was taking care of it. So I called everybody
16 collect and told them I'd pay them later.

17 **MR. MOSES:** To give you another example of
18 what Commissioner Garcia is talking about, this
19 company that was previously mentioned, Consumer
20 Access, that the lady filled out the sweepstakes form
21 for, that company isn't switching long distance
22 service either. What they're doing is putting a
23 charge, monthly charge, for a calling card on the
24 bill, and they're not actually switching long distance
25 service, but there's like a \$5.00 a month minimum

1 charge on there, and that appears on your bill.

2 Very --

3 WITNESS LA FOREST: Well, I haven't used my
4 calling card I got yet, but I was going to use it --

5 MR. MOSES: That was just --

6 WITNESS LA FOREST: -- on my trip. I was
7 gone three and a half months, but I didn't want to use
8 it.

9 CHAIRMAN JOHNSON: Any other questions?
10 Thank you very much for your testimony, and the Staff
11 members are up in the corner there.

12 MR. BECK: Marty Jacobsen.

13 - - - - -

14 MARTY JACOBSEN

15 appeared as a witness and, swearing to tell the truth,
16 testified as follows:

17 DIRECT STATEMENT

18 WITNESS JACOBSEN: Hi. How you guys doing
19 today?

20 CHAIRMAN JOHNSON: Just fine.

21 COMMISSIONER GARCIA: You might want to lift
22 that up, Mr. Jacobsen.

23 WITNESS JACOBSEN: My name is Marty
24 Jacobsen. I live at 700 Northwest 89th Terrace in
25 Pembroke Pines, Florida. If the newspapers would have

1 done a better job about notifying about this, I would
2 have been dressed a little bit better.

3 Is this just specifically for slamming, or
4 can we address some other issues, too?

5 **CHAIRMAN JOHNSON:** I'll allow you to address
6 other issues.

7 **WITNESS JACOBSEN:** Okay. I'd like to start
8 out by saying I think BellSouth and what you guys are
9 doing are some of the best companies in the industry,
10 and what you guys do, you've got the best process of
11 all, the Public Service Commission.

12 I work physically in the industry, and deal
13 specifically with slamming, and that's just about all
14 day long, and you guys solve the complaints
15 wonderfully when it's something that you have
16 jurisdiction on.

17 But I found in Miami that you guys deny any
18 jurisdiction on interstate calls or international
19 calls, which I find hard to believe, because they
20 originate in Florida and they're taxed by Florida. So
21 I think you need to look at being able to help people
22 out in their international calls, too, when they get
23 slammed and --

24 **COMMISSIONER GARCIA:** Just so you know,
25 Mr. Jacobsen, I think -- that's been the case whenever

1 I've dealt with them, that even on international calls
2 our Staff takes a stab at it. Clearly we can only
3 take it so far, but as a general rule, they get solved
4 at the Commission when they come in, even when they're
5 international calls.

6 **WITNESS JACOBSEN:** About half the time,
7 yeah, and otherwise you guys will forward the
8 complaint to the FCC and notify the carrier that it's
9 being forwarded, and then they'll usually try to
10 resolve it.

11 What I heard a lot of people here saying
12 today is they got their long distance slammed, and I
13 think most of them just don't realize that they can
14 call BellSouth and have BellSouth fix it for them.
15 It's in their 40-day or 45-day process that they've
16 got to investigate it, and then they'll completely
17 reroute the calls, and it saves you the trouble of
18 having to get a hold of rude, obnoxious people at Hold
19 Billing and others.

20 My main purpose for coming here tonight,
21 though, was to find out what your position is on
22 slamming of local service, dial tone from BellSouth,
23 because I've had a bunch of customers that have had
24 that happen to them over the last month and have
25 called BellSouth and switched it back to BellSouth.

1 But do they have to pay that bill?

2 COMMISSIONER GARCIA: I'm sorry? I didn't
3 understand. Companies that are slammed because their
4 local service is removed from BellSouth?

5 WITNESS JACOBSEN: Right. Supra
6 Telecommunications Information Systems in Orlando.
7 It's a company that I --

8 COMMISSIONER GARCIA: You need to slow down
9 and enunciate a little bit.

10 WITNESS JACOBSEN: Supra Telecommunications.

11 COMMISSIONER GARCIA: Supra?

12 WITNESS JACOBSEN: Supra.

13 COMMISSIONER GARCIA: Supra.

14 WITNESS JACOBSEN: Supra.

15 COMMISSIONER GARCIA: I think we had one
16 complaint this morning.

17 MR. MOSES: The Commission has received 68
18 complaints so far on this company, which you will be
19 seeing a document before you soon.

20 WITNESS JACOBSEN: And I haven't filed any
21 of them on the ones that I got. I was just wondering
22 if the customer is actually responsible for that bill
23 or not.

24 MR. MOSES: Under the proposed rules, no
25 they would not be. Under the current rules, we don't

1 have anything in place on the ALECs, which is what
2 Supra is, and we're relying on the statute which
3 states that the Commission can intercede in any type
4 of situation where it's not in consumer practice, so
5 to speak -- that's terms from the statute -- but we do
6 have the authority, and we can do something about it.
7 As far as whether or not you have to pay the bill,
8 that's a gray area right now.

9 **COMMISSIONER GARCIA:** But that would be
10 within our jurisdiction.

11 **MR. MOSES:** Absolutely.

12 **WITNESS JACOBSEN:** Oh, yeah.

13 **COMMISSIONER GARCIA:** If you could have
14 those persons that you know that are having this
15 problem, call us. Clearly we'll take it up.
16 Obviously 68 complaints, and if he says that there's a
17 docket, that that will probably be before us --

18 **WITNESS JACOBSEN:** Yeah, but --

19 **CHAIRMAN JOHNSON:** But you raise a good
20 issue, because you're talking about the local portion
21 of the bill.

22 **WITNESS JACOBSEN:** Yeah, The dial tone.

23 **CHAIRMAN JOHNSON:** And generally we tell the
24 long distance that you have to pay the regulated
25 portion and maybe not the disputed portion. So that

1 is a good issue and a valid concern. I guess we're
2 just being faced with that issue now, so we're going
3 to have to make some determinations on that particular
4 issue, because, from a consumer standpoint, they
5 wouldn't want to then pay nothing -- they wouldn't
6 want to pay for the -- or perhaps they shouldn't have
7 to pay for that local portion when it was an
8 unauthorized change.

9 **WITNESS JACOBSEN:** Well, the kicker to it is
10 they give them no bill detail. They send them a face
11 page of a bill and say, this is what you owe, \$90 of
12 it is charges from some other company, who knows who,
13 with no call detailing. So you can't tell what's
14 happening.

15 Another thing that's happening a lot is the
16 intraLATA traffic. People are having their local long
17 distance slammed. AT&T is the worst at it, you know,
18 where they charge you 12 cents a minute to call from
19 Dade to Broward.

20 BellSouth would do the same thing for ten
21 and six. And do the long distance companies have a
22 duty to disclose to the customer that by switching
23 their long distance in the LATA to them, they're going
24 to increase their bill?

25 **COMMISSIONER GARCIA:** Today Commissioner

1 Deason pointed it out, and it's something that it is a
2 problem, because even our rule for changing the
3 intraLATA, in our order to the companies when we
4 allowed intraLATA competition, we did not allow
5 BellSouth -- and I'm sure someone will correct me if
6 I'm wrong -- to try to get back that customer.

7 In other words, when a customer called,
8 let's say that you were BellSouth and I called you to
9 change to AT&T. BellSouth was not allowed to say to
10 AT&T, "Hey, wait a minute. I can give you better
11 service at a cheaper rate." We didn't allow that.
12 They had to -- the change had to be automatic.

13 WITNESS JACOBSEN: Well, they're out --
14 (Simultaneous conversation.)

15 COMMISSIONER GARCIA: Well, no, but in terms
16 of the sales part of it, and whenever people had a
17 problem and BellSouth was barred from having -- from
18 soliciting or trying to market that customer to stay
19 with him -- and it may be a bigger problem than we had
20 anticipated -- what the Commission tried to do was to
21 open up the market. But I have had on a personal
22 level a lot of complaints in that area, intraLATA and
23 how much more expensive it is with the companies.

24 CHAIRMAN JOHNSON: I understood your
25 question to be does the companies trying to get you to

1 change your short-haul long distance, are they under
2 an obligation to disclose their rates and the
3 differences?

4 **WITNESS JACOBSEN:** Yeah, if they're going to
5 be charging them more for the short hauls and less for
6 the long ones.

7 **CHAIRMAN JOHNSON:** And, Staff, you would
8 respond to that and give him details on the rule. But
9 they are required to provide disclosure or else it's
10 confusing and misleading to the customer.

11 **WITNESS JACOBSEN:** And one other thing I'm
12 not sure if you guys are aware of is none of the long
13 distance companies will withdraw any bills from
14 collections even when there's a dispute with you guys,
15 and they're supposed to withdraw from collections if
16 there's a dispute with you or the FCC; and none of
17 them do it. And that's really all I have to say.

18 **CHAIRMAN JOHNSON:** Thank you for testifying.
19 If you could, I know you said you have some other
20 customers and people that you were working with,
21 particularly with that problem with the Supra Company.
22 If you could meet with our Staff, it appears that you
23 have a lot of inside knowledge on a lot of the issues,
24 and if they aren't directly before the Commission now,
25 we'll be seeing them very soon. It would be helpful

1 for us to kind of get ahead on those issues, and you
2 could be quite helpful that regard.

3 **WITNESS JACOBSEN:** Yeah, I'll give you my
4 card.

5 **CHAIRMAN JOHNSON:** Thank you.

6 **MR. BECK:** Gerard Adhira.

7 - - - - -

8 **GERARD ADHIRA**

9 appeared as a witness and, swearing to tell the truth,
10 testified as follows:

11 **DIRECT STATEMENT**

12 **WITNESS ADHIRA:** I'm very sorry. My English
13 is not very fluent because I'm French. My son is
14 there. He speaks very well English.

15 **CHAIRMAN JOHNSON:** If you could speak into
16 the microphone, she's going to be recording what you
17 say.

18 **WITNESS ADHIRA:** My name is Mr. Adhira,
19 A-D-H-I-R-A, Gerard. Okay. My English is not very
20 fluent. My son, he speak very good English. He say
21 for me something.

22 Okay. My regular carrier for long distance
23 is CTS -- CTS is this company from California -- since
24 June '97. Before is AT&T. The difference of the
25 price between this two carrier is very important. For

1 France CTS is 19 cents a minute, AT&T, \$1.75. It's
2 very, very important. Nine times more. Okay.

3 My story is very simple. I'm changed to CTS
4 in June '97. Everything is all right, was June, July,
5 August, and pay all bill from BellSouth. I'm received
6 a bill from BellSouth with CTS on the back, you know.

7 In September -- I don't know why -- I
8 receive one bill from AT&T by BellSouth. Is very
9 incredible. The first one, 25 September, two thousand
10 seven hundred five, fifty-five dollars, sixty-two
11 cents for one. In the 30, September I'm receive one
12 other bill for seven hundred fifty-four, fifty-four
13 dollars and seventy-seven cents.

14 **COMMISSIONER GARCIA:** You received a \$2,000
15 bill separately from your local bill, or that was part
16 of your --

17 **WITNESS ADHIRA:** No, no. This is from
18 BellSouth. 7 October I'm receive one third bill.
19 This is very, very terrible; five thousand six hundred
20 eight, eight, eighty, eighty-five, seven dollars.
21 Okay. Now, my line is cut from the 15 day. They cut
22 my line. I don't know why, because the bill is asking
23 my bill for the 29 September -- 29 October. I'm not
24 in 29 October. He cut my line ten day ago. .

25 **COMMISSIONER GARCIA:** Did you --

1 **CHAIRMAN JOHNSON:** Your line -- I'm sorry.

2 Your line was disconnected when?

3 **WITNESS ADHIRA:** Yes. From ten day ago.

4 **CHAIRMAN JOHNSON:** Even though the bill was
5 not due?

6 **WITNESS ADHIRA:** Yeah, because I'm pay -- I
7 have one bill here. He ask me \$754. I pay this bill.
8 I pay this bill.

9 **COMMISSIONER GARCIA:** You paid the one that
10 was \$2,000, right?

11 **WITNESS ADHIRA:** No, I don't pay the \$2,000,
12 because it's crazy, because it coming from --

13 **COMMISSIONER GARCIA:** AT&T.

14 **WITNESS ADHIRA:** -- AT&T. He ask me -- two
15 time he ask me the same price, you know. After --

16 **COMMISSIONER GARCIA:** Did you file a dispute
17 with AT&T, or --

18 **WITNESS ADHIRA:** Yeah, the form is different
19 too. You have one small form, one big form, one form
20 like this. (Indicating) I don't know. I mean -- I
21 mean, plenty -- plenty of bill.

22 **COMMISSIONER GARCIA:** Let me see that,
23 see --

24 (Simultaneous conversation.)

25 **WITNESS ADHIRA:** -- same date. Same date,

1 on the same date.

2 **COMMISSIONER GARCIA:** That last one that you
3 have is from AT&T Billing Services, not -- not from
4 Southern Bell.

5 **WITNESS ADHIRA:** Yeah, this is from
6 BellSouth -- this is not the phone bill -- it --

7 **COMMISSIONER GARCIA:** This is --
8 (Simultaneous conversation.)

9 **CHAIRMAN JOHNSON:** Sir, I know you're trying
10 to explain to the Commission, but the court reporter
11 can't hear your comments --

12 **WITNESS ADHIRA:** Okay.

13 **CHAIRMAN JOHNSON:** -- unless you speak
14 directly into the microphone.

15 **WITNESS ADHIRA:** Yeah. I'm sorry. Okay.

16 **COMMISSIONER GARCIA:** Let me just ask you,
17 the \$700, this one was --

18 **WITNESS ADHIRA:** They ask me \$700. I pay
19 \$700.

20 **COMMISSIONER GARCIA:** Correct, and you --

21 **WITNESS ADHIRA:** After I receive one new
22 bill for the -- you see, my carrier, my regular
23 carrier is CTS. I'm receive from CTS plenty bill, you
24 see. (Indicating) CTS, CTS. BellSouth is for
25 regular phone call, CTS for my long distance. Okay.

1 I'm will show you. See. CTS. (Indicating) You see,
2 this is CTS --

3 COMMISSIONER GARCIA: The one that you paid
4 in --

5 WITNESS ADHIRA: Okay. I have one very,
6 very funny bill. I show you something. One face
7 is --

8 COMMISSIONER GARCIA: Hang on --

9 WITNESS ADHIRA: One face is AT&T, one face
10 is CTS. Yeah, this bill is there, a bill --

11 COMMISSIONER GARCIA: Let me ask you, the
12 one that you paid, the \$754, was this CTS or AT&T?

13 WITNESS ADHIRA: BellSouth, BellSouth.

14 COMMISSIONER GARCIA: I know you paid
15 BellSouth, but --

16 WITNESS ADHIRA: I pay to BellSouth, you
17 see.

18 COMMISSIONER GARCIA: I know you paid
19 BellSouth, but --

20 WITNESS ADHIRA: You see this bill. One
21 face is AT&T, the other face is CTS, the same bill. I
22 never authorize AT&T switch my -- my line.

23 COMMISSIONER GARCIA: And you don't --

24 CHAIRMAN JOHNSON: Sir, there does appear to
25 be a problem here for you, and what we'd like for you

1 to do is to meet with our Staff member and we can get
2 a formal complaint filed. BellSouth members are here,
3 too, so we can see about getting your service turned
4 back on until we can resolve the dispute.

5 **WITNESS ADHIRA:** No -- I mean, because now I
6 receive one last letter just today.

7 **CHAIRMAN JOHNSON:** Yes, sir.

8 **WITNESS ADHIRA:** Just today; tell me if you
9 don't pay the \$5,000, I cut definitely your line.

10 **CHAIRMAN JOHNSON:** But you said they've
11 already --

12 **COMMISSIONER GARCIA:** They already cut you
13 off.

14 **CHAIRMAN JOHNSON:** They've already -- did
15 you say --

16 **WITNESS ADHIRA:** I don't --

17 **COMMISSIONER GARCIA:** But you --

18 **WITNESS ADHIRA:** I don't -- I don't have the
19 line now.

20 (Simultaneous conversation.)

21 **WITNESS ADHIRA:** No, I mean, now is tell me
22 I keep your number for few day; if you don't pay the
23 bill, I cut definitely your line.

24 **CHAIRMAN JOHNSON:** Well, we can stop that.

25 **WITNESS ADHIRA:** This is my business; is not

1 my personal number.

2 **CHAIRMAN JOHNSON:** Sir, we can stop that
3 process to make sure that you don't lose your business
4 number and that your service is turned back on so that
5 you can continue to operate business until the dispute
6 is resolved.

7 And I see some of the Bell company members
8 are here now, and they're willing to work with you.
9 Our Staff members are over here. They will take that,
10 too, so we can get you, first, your service up and
11 running as soon as possible, and make sure that that
12 number does not change, because it appears as if you
13 were changed -- your service was changed without your
14 permission to a service, as you said, that's about
15 nine times the rate.

16 **WITNESS ADHIRA:** Yeah. Plus the bill, he
17 asked me for the bill for the 29 October. Is not
18 29 October on there --

19 **COMMISSIONER GARCIA:** The company may have
20 some kind of policy which clicks on when you've got
21 such --

22 **WITNESS ADHIRA:** Because I -- I'm sorry;
23 just --

24 **COMMISSIONER GARCIA:** You need to get with
25 Staff, though.

1 **WITNESS ADHIRA:** Okay. Just something.
2 Because two time Mr. David Albert from BellSouth --
3 the number is 780-2187, extension 5918, call me two
4 times in my home for -- for to tell me to make one
5 arrangement with AT&T. He give me the phone number
6 from this guy, 1-800-457-9325, and told me to ask
7 Michael Barker from AT&T to make one -- to make one
8 adjustment for the same price for CTS, from the price
9 from CTS --

10 **COMMISSIONER GARCIA:** That's the one
11 you've --

12 (Simultaneous conversation.)

13 **WITNESS ADHIRA:** -- but he tell me this
14 number is false.

15 **COMMISSIONER GARCIA:** All right. Well,
16 don't worry --

17 (Simultaneous conversation.)

18 **WITNESS ADHIRA:** -- with AT&T.

19 **COMMISSIONER GARCIA:** All right. Speak with
20 Staff and the company. They're both waiting for you
21 over there, and maybe you can get them into a small
22 group there and we -- it may take a few --

23 **WITNESS ADHIRA:** Yeah, because --

24 (Simultaneous conversation.)

25 **WITNESS ADHIRA:** Just this -- the last time,

1 because the letter is -- that is 17 October. The mail
2 is 21. They give me six days for pay \$5,000, you
3 know.

4 **CHAIRMAN JOHNSON:** Well, we're here to help
5 you resolve that

6 **WITNESS ADHIRA:** Thank you.

7 **CHAIRMAN JOHNSON:** And a BellSouth member
8 and our Staff members are waiting to assist you.

9 **WITNESS ADHIRA:** Thank you --

10 **COMMISSIONER GARCIA:** I'm sure Mr. Poucher
11 will also participate there. He likes those big ones.

12 **MR. BECK:** Jane Traynor.

13 - - - - -

14 **JANE TRAYNOR**

15 appeared as a witness and, swearing to tell the truth,
16 testified as follows:

17 **DIRECT STATEMENT**

18 **WITNESS TRAYNOR:** My name is Jane Traynor,
19 374 Southwest 34th Avenue, Deerfield Beach.

20 We've been slammed twice. The first time
21 was last winter. I don't know the name of the
22 company. BellSouth handled the whole thing, and they
23 handled it beautifully. So I thought, okay, this is
24 great. They said they were going to put a freeze on
25 it. No problem.

1 I open up our BellSouth bill the other day,
2 and I have approximately ten long distance charges on
3 it from another company that they said that we
4 switched to, which is Wiltel. We did switch to a
5 lower rate within our same long distance company.

6 COMMISSIONER GARCIA: Which is?

7 WITNESS TRAYNOR: Worldcom and we have this
8 freeze on the switching now. You understand this.
9 But apparently Wiltel is still -- is part of Worldcom.
10 Now, the people from BellSouth were fabulous again.
11 They suggested I call you folks. They said that, you
12 know, these are the right people to speak to; you'll
13 get some action.

14 Okay. But I was too hot to call yesterday.
15 I thought I might be a little calmer. Everybody here
16 is very calm. I was screaming because of not the
17 price, not the money. I mean, it is always the money,
18 but it was the injustice. I was -- I felt like I had
19 been robbed again. And -- okay.

20 So BellSouth gave me their version of
21 Worldcom's customer service number. Did not match my
22 number. I called their number. It's another company
23 altogether. So I said, "What company are you?" They
24 said, "Well, who are you calling?" And was not
25 exactly cooperative.

1 So, okay. I'm supposed to be working, you
2 understand. I'm devoting two hours of this yesterday
3 to making all these phone calls. Okay. So I calmed
4 down a little bit more, okay. This is just typical of
5 bureaucracy, I'm thinking. No, this is wrong. Okay.
6 I meant, this is the way my mind is running yesterday.

7 So I finally get through to Worldcom on our
8 bill, because lo and behold, I get my Worldcom bill
9 yesterday and I called the customer service number.
10 Well, their computers are down. Okay. Finally they
11 called me back. It was about 5:00. And they
12 apologized, and they said that this was their billing
13 service or a billing company.

14 **COMMISSIONER GARCIA:** Wiltel was the billing
15 company who --

16 **WITNESS TRAYNOR:** Right; but they don't
17 have -- I said, "Well, how can you do this?" You
18 know, I mean, this is considered slamming. As soon as
19 I said slamming, "Oh, no, no, no, please. Oh, no.
20 Don't say anything like that." I mean, they were
21 really defensive. We're going to give you \$5 off
22 on -- see, they did -- BellSouth did charge me \$1.49
23 for switching to Wiltel, and -- so that Worldcom is
24 giving me \$5 off, and they're going to make
25 adjustments with BellSouth, because the rate that I

1 was charged by Wiltel is double than what I was paying
2 by Worldcom. Okay.

3 So today I'm pretty calm, and I call you
4 people, the 800 number; and the guy that answers the
5 phone is real -- you know, he's real laid back and
6 everything; and I thought, well, maybe this is how
7 he's supposed to be.

8 COMMISSIONER GARCIA: Well, it's
9 Tallahassee. You got to understand --

10 WITNESS TRAYNOR: I know. I go to
11 Tallahassee every December for work and I know how
12 they are. Not they, but I mean -- okay, so I talked
13 to the guy, and he's, "Oh, okay, you know," and that
14 was it. After --

15 COMMISSIONER GARCIA: He didn't take any of
16 the information that --

17 WITNESS BARBANELL: I gave him the names of
18 the companies involved, and I said, "Well, what's
19 going to happen next? "Well, I don't know." And this
20 is -- I said, "you're supposed to be helping me." He
21 says, "Well, you have to --

22 COMMISSIONER GARCIA: Did you get a name?

23 WITNESS TRAYNOR: Well, I did, but I'm not
24 going to report him. I mean, that's -- you know,
25 he -- I mean, he sounded like he kind of might have

1 been a new guy on the block or something. So, you
2 know, I just --

3 COMMISSIONER GARCIA: Will you at least
4 whisper it to us, just so we can speak to that
5 employee, just so that --

6 WITNESS TRAYNOR: It was male. He was male.

7 COMMISSIONER GARCIA: It may be that, you
8 know, the wheels of justice are turning at the
9 Commission to solve your problem and he was just calm
10 about it.

11 WITNESS BARBANELL: So I said, "Well, have
12 you had a lot of complaints from this company? "No,
13 no more than any other company." I says, "Well, who
14 gets the most complaints?" "Oh, they all get about
15 the same amount." I said, "Okay. So what's the next
16 step?" "Well, you get your money back, right?" And I
17 said, "Yeah," He says, "Well, that's all you need."
18 I said, "No. This is wrong. This whole thing is
19 wrong. Something needs to be done about it."

20 I must have talked to 20 people today.
21 Everybody has been slammed. They're not going to
22 bother coming here. What's going to happen? Nothing.
23 This is the feeling of people out there, and they're
24 people out there, too, just like we are. And you're
25 probably getting an eye opened just going around from

1 place to place.

2 And, yeah, there weren't that many people
3 here tonight, but there's a lot of people out there
4 who are getting slammed who don't know they're getting
5 slammed. My husband didn't know we were getting
6 slammed. "Oh, this doesn't look too bad this time."
7 I mean, because we have a lot of long distance calls
8 on our bills. It's nothing. I mean, it's just a way
9 of life. Our kids live further away, so, you know,
10 that's our life. So there's a lot of people out there
11 who do not know they are getting slammed.

12 **COMMISSIONER GARCIA:** Well, ma'am, let me
13 ask you. You don't have to give us his name, but just
14 tell us, your number and name to our Staff, so we can
15 file a complaint, and we will ferret out this
16 individual who did not respond, because we've had
17 pretty good -- and it might have been a new person
18 that was just coming on the line, because those phones
19 get really hot and it's --

20 **WITNESS TRAYNOR:** Well, there was an article
21 in the today's Sun Sentinel in the business section.
22 This is how I found out about the meeting, in the back
23 section of the business section. So I called the
24 columnist, and she called me back, and she was very,
25 very nice, and she was -- she encouraged me to come

1 tonight and to call. And I told her, I says, "Well, I
2 did call, but I didn't get any satisfaction." I said,
3 "I just wanted someone to say, 'it's okay, Jane, it's
4 going to get better.'"

5 But, you know, there was nothing. It was
6 like -- she says, "Well, you know they've hired a lot
7 of new people, and -- because there's a lot of
8 complaints, I guess. I mean, it doesn't justify what
9 he did. And he wasn't rude or anything like that, but
10 it just -- I just wanted him to say, "Yeah, we're out
11 there for you, you know; we're doing our job and we're
12 going to look into this really thoroughly." So who is
13 the worst culprit in this --

14 **COMMISSIONER GARCIA:** I think we've got it
15 listed here in the blue sheet, the top ten slammers,
16 beginning with Phone Calls, Inc. with 476 complaints.
17 Heartline Communications with 290, AT&T with an
18 astounding 280. Integrated Teleservices, 176, MCI --
19 there's a rep here if you want to discuss these with
20 MCI -- 145, LDM, 127, Excel Telecommunications, 89,
21 Discount Network Services, 77, Sprint, 73, and
22 Homeowners Long Distance has 72. Those are just our
23 top ten.

24 And then you'll notice on your sheet is a
25 list of fines that we've given. I don't think this is

1 the most recent list, because I think in the last
2 agenda conference we approved another 10 or 15 other
3 show causes; but this is a listing of some of our
4 larger -- our fines to date to some of these companies
5 who are slamming. And we apologize. We usually have
6 very good --

7 **WITNESS TRAYNOR:** Well, that's what --
8 that's what she said, too. She says, "Well, you know,
9 he just --

10 **COMMISSIONER GARCIA:** They're really tigers
11 down there. We really --

12 (Simultaneous conversation.)

13 **WITNESS TRAYNOR:** Okay. So they're fined.
14 Big deal. Who carries the cost of the fine, but the
15 consumer, right?

16 **COMMISSIONER GARCIA:** No, not necessarily,
17 ma'am; not necessarily, because they're in a
18 competitive market. And you'll find, if you and your
19 husband will shop around, you'll find that there's
20 some very good competitive prices. Today's long
21 distance service is cheaper than it's ever been.

22 **WITNESS TRAYNOR:** Oh, I know. We have a
23 wonderful rate --

24 **COMMISSIONER GARCIA:** Right. You're --

25 **WITNESS TRAYNOR:** I mean --

1 **COMMISSIONER GARCIA:** -- not -- in the end
2 you're not going to be -- we don't want you to be the
3 victim. That fine isn't going to end up in the
4 consumer. It may end up in the shareholder, and I'm
5 sure it's probably -- and then they try to figure some
6 other --

7 **WITNESS BARBANELL:** Angle.

8 **COMMISSIONER GARCIA:** -- way to -- angle to
9 get back -- maybe someone else's bill. What we want
10 to do is to avoid that. But you'll find that the --
11 the prices are very competitive, and if you shop
12 around, like you said, you can get some very good
13 rates.

14 By the way, I'll be manning the phones at
15 the Commission, I think, on Thursday of next week, if
16 you want to call. I've had a little bit of college
17 psychology, so I'll pat you on the back.

18 **WITNESS TRAYNOR:** Okay. Okay. People need
19 that a little bit. It's just frustrating. I know
20 there was something else and -- the one thing I don't
21 understand is what is this interLATA? Is that between
22 counties? Is that what it means, on the BellSouth
23 bill?

24 **COMMISSIONER GARCIA:** Yeah, that's within
25 the state long distance. That's not the long distance

1 outside of the state. InterLATA is in terms of when
2 you're talking between.

3 **UNIDENTIFIED SPEAKER:** Key West to
4 Sebastian.

5 **COMMISSIONER GARCIA:** Right. All the
6 counties. In other words, you're speaking between the
7 counties.

8 **WITNESS TRAYNOR:** Uh-huh.

9 **COMMISSIONER GARCIA:** Like this breaks it
10 down for you so you have the LATAs here and how it
11 works.

12 **WITNESS TRAYNOR:** Okay. Because these long
13 distance charges appeared on that -- under that
14 category, and we have our long distance billing
15 service. I mean, it lists other interLATA calls, but
16 not through the BellSouth.

17 **COMMISSIONER GARCIA:** Well, BellSouth is --

18 **COMMISSIONER CLARK:** Did you say inter --
19 I-N-T-E-R, or I-N-T-R-A?

20 **WITNESS TRAYNOR:** I-N-T-E-R-L-A-T-A. I have
21 a copy.

22 **COMMISSIONER CLARK:** Yes, let me see.

23 (Document handed to Commissioner Clark.) These are
24 the calls that BellSouth at this time cannot carry.

25 **WITNESS TRAYNOR:** Right. Okay. This PIC

1 freeze again. I just want to get this clarified. We
2 had it the first time and it didn't work, so what's
3 the recourse? Do we get a double PIC freeze? Is this
4 it, or --

5 **COMMISSIONER GARCIA:** You need to --

6 **WITNESS TRAYNOR:** Did it not work because it
7 was -- happened within the same long distance company?
8 Is that why?

9 **CHAIRMAN JOHNSON:** That's what we're
10 learning today.

11 **WITNESS TRAYNOR:** Okay.

12 **CHAIRMAN JOHNSON:** We're going to try to see
13 if there's a way to resolve that, too, but there seems
14 to be a loophole; and if it is within the same long
15 distance company, they can authorize those changes.

16 **WITNESS TRAYNOR:** Okay. Because it seems to
17 be there's at least three that I found within this one
18 company. Yes, they can give you a lower rate, but
19 then they've got all these little baby companies
20 inside it that are charging double and triple. That
21 seems to be what's a lot -- just from listening from
22 what other people said tonight. Okay.

23 **CHAIRMAN JOHNSON:** Well, we appreciate your
24 testimony. And, again, we are here to help you, and
25 we do need to know even if you've resolved your own

1 dispute or a company helped you resolve that dispute,
2 we need to know so that we can keep track so we can
3 help protect customers in general.

4 And as Commissioner Garcia said, he'll be on
5 the phone lines on Thursday, so just call him.

6 WITNESS TRAYNOR: It's his turn.

7 CHAIRMAN JOHNSON: Joe will take care of it.

8 WITNESS TRAYNOR: Thursday?

9 COMMISSIONER GARCIA: Thursday afternoon.

10 WITNESS TRAYNOR: What time?

11 COMMISSIONER GARCIA: 2:00 on I will be
12 manning the phones. I'll be listening for your call.

13 CHAIRMAN JOHNSON: Take care. We apologize
14 for that.

15 MR. BECK: Ms. Trainer is the last person
16 that signed up.

17 CHAIRMAN JOHNSON: It appears as if we have
18 exhausted our witness list. Again, we wanted to thank
19 you for coming out and testifying. Your comments,
20 your statements, and your concerns will be made a part
21 of the official record, and we can use those when we
22 make our final decisions.

23 And with that, unless there's someone else
24 who would like to testify who did not sign up, with
25 that, then we're adjourned.

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Thank you very much again.

(Thereupon, the hearing concluded at 8:50

p.m.)

- - - - -

1 STATE OF FLORIDA)
2 :
3 COUNTY OF LEON)

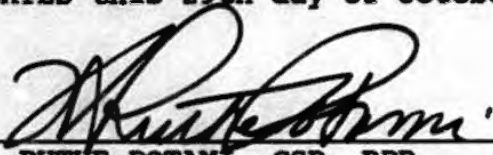
CERTIFICATE OF REPORTER

4 I, H. RUTHE POTAMI, CSR, RPR Official
5 Commission Reporter,

6 DO HEREBY CERTIFY that the Workshop in
7 Docket No. 970882-TI was heard by the Florida Public
8 Service Commission at the time and place herein
9 stated; it is further

10 CERTIFIED that I stenographically reported
11 the said proceedings; that the same has been
12 transcribed under my direct supervision; and that this
13 transcript, consisting of 118 pages, constitutes a
14 true transcription of my notes of said proceedings.

15 DATED this 29th day of October, 1997.

16 
17 _____
18 H. RUTHE POTAMI, CSR, RPR
19 Official Commission Reporter
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21
22
23
24
25