



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, FPSC Division of Communications.**

6 **DICK DURBIN, FPSC Division of Consumer Affairs**

7 **THELMA CRUMP, FPSC Division of Consumer Affairs**

8 **JENNIFER ERDMAN-BRIDGES, FPSC Division of Consumer**

9 **Affairs**

10 **SANDY SIMMONS, FPSC Division of Records & Reporting**

11 **NANCY SIMS, BellSouth**

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**P R O C E E D I N G S**

(Hearing convened at 6:35 p.m.)

**CHAIRMAN JOHNSON:** Good evening, ladies and gentlemen. I'm going to call the hearing to order at this time. Counsel, could you please read the notice.

**MS. CALDWELL:** 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 preference for his local, local toll and toll provider.

**CHAIRMAN JOHNSON:** Take appearances of the parties.

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

**CHAIRMAN JOHNSON:** Thank you.

**MR. BECK:** Charlie Beck, Office of the Public Counsel. Our office is separate from the Public Service Commission, and represents the interest of consumers before the Commission. Our address is the Claude Pepper Building.

**MR. GROSS:** Michael Gross. I'm an Assistant Attorney in Tallahassee with the Florida Attorney General's Office. We also jointly are interested in

1 protecting the consumers, along with the Public  
2 Service Commission and the Office of Public Counsel.  
3 Thank you.

4           **CHAIRMAN JOHNSON:** Good evening. My name is  
5 Julia Johnson. I'm the Chairperson for the Florida  
6 Public Service Commission, and seated to my right is  
7 Commissioner Joe Garcia. We will be the panel that  
8 will hear you tonight. Let me make one brief  
9 announcement.

10           Your testimony in this proceeding will be  
11 transmitted over the Internet. One of the things that  
12 we're doing in order to ensure that customers, not  
13 just here in Orlando but across our state, can  
14 participate, or at least listen in to these hearings  
15 as we have set up our Web Page. And if you have the  
16 blue sheet it will give you the site, if you'd like to  
17 listen in on any of the other hearings, for our home  
18 page. And from there you can, of course, if you have  
19 the necessary equipment on the computer, listen in to  
20 our other hearings.

21           **COMMISSIONER GARCIA:** Or listen to yourself.

22           **CHAIRMAN JOHNSON:** Or listen in to yourself.  
23 Because all of the hearings that have been recorded  
24 thus far are still available for you to listen into;  
25 the kind of complaints, the kind of issues, the kind

1 of suggestions the citizens have made across the state  
2 how we should and can deal with this issue.

3           Additionally, there's quite a bit of  
4 information out front, if you didn't get an  
5 opportunity when you were signing in to get those  
6 brochures and literature. It is available for you and  
7 your use.

8           The main purpose of this hearing is to hear  
9 from you, your concern, your complaints, your  
10 suggestions as to how we can improve upon our process.

11           At the appropriate time, Mr. Moses of the  
12 Commission Staff will give you an overview of the rule  
13 that has been proposed thus far.

14           The entire Commission will sit and review  
15 after we've received additional technical testimony  
16 from the companies, we will review the proposals and  
17 come up with a final rule.

18           At the end of this proceeding Ms. Caldwell  
19 will go over that schedule and let you know when, in  
20 fact, that will occur.

21           Also, before you testify I'll have all of  
22 the customers that would like to testify stand up and  
23 we'll have to swear you in. The reason we do that is  
24 because your comments will be made a part of our  
25 official record and we can rely upon those comments

1 when we have our final deliberations and make our  
2 final decision in this case.

3           Some of the information that we have out  
4 front will help you in the interim. I'm certain that  
5 a lot of customers will have complaints and concerns  
6 and issues they'd like to address tonight. And we  
7 provided some material that may be helpful for you in  
8 the interim, even before we get those rules passed or  
9 even after we get those rules passed; there are  
10 several consumer-oriented issues and documents that  
11 are available for you.

12           For instance, one avenue that is available  
13 if you don't want to -- or if you want to help prevent  
14 being slammed is the PIC freeze. That is a service  
15 that's offered by the local exchange companies that  
16 will allow you to basically freeze your current  
17 provider and not -- others won't be allowed to so  
18 easily change your service, fraudulently change your  
19 service as they appear to be doing now.

20           Other customers have complained about they  
21 just don't like the telemarketers. Don't like coming  
22 home at 6 o'clock and receiving telephone calls when  
23 they sit down for dinner. We have several  
24 applications from the Department of Agriculture in  
25 their No Solicitation Program. There's a small fee, a

1 \$10 fee to sign up for that program and I think  
2 there's a \$5 continuing fee. But for that particular  
3 fee, the Department of Agriculture will put your name  
4 on a list and a computer bank that will prevent  
5 telemarketers even from calling your home.

6 Those are just a few of the suggestions that  
7 we have, and some of the documents that are available  
8 for you. If you have questions or concerns, feel free  
9 to address those to the Commission tonight, or if you  
10 don't feel the need to testify, there is -- if you  
11 picked up the blue materials, there's a section where  
12 you can provide written comments, and if you'd like to  
13 give us those tonight, that's fine. If you'd like to  
14 mail them in, that's fine also.

15 We at the Commission are trying -- as we  
16 prepare ourselves for competition and help prepare the  
17 customers for competition, we're trying our best to  
18 open our process as much as we can and provide as much  
19 consumer information and consumer access as possible.

20 One of the other things available through  
21 our web site is electronic filings. If you'd like to  
22 file a complaint, you can either use our 1-800 number  
23 or use our Internet site for actually filing our  
24 complaint.

25 Also on our Web Page you can find out all



1 sorts of information about the companies, their phone  
2 numbers, their contact people, their tariff rates,  
3 that sort of information is available for you. If you  
4 don't have a computer then you can call our 1-800  
5 number and we will try to provide that for you, also.

6 I guess at this time it would be appropriate  
7 for Mr. Moses to go ahead and read the summary of the  
8 rule.

9 MR. MOSES: Thank you, Chairman Johnson.

10 The proposed amendments will do the  
11 following: They'll apply to all companies providing  
12 local telephone service, local toll service, which is  
13 also known as intraLATA service, and to your  
14 traditional long distance service.

15 It will require those companies to be  
16 certificated by the Public Service Commission. In  
17 addition, it will require information to be printed on  
18 the bill you have not seen in the past. It will  
19 require that the name of the company, the type of  
20 service that is being provided by that company and a  
21 toll free service number for each provider for those  
22 three types of services. It will require the  
23 consumer's authorization and limit the ways in which a  
24 preferred company may be changed. The only way a  
25 change may be made is if one of the following happens:

1 The company has a signed letter of agency that  
2 contains sufficient information to verify that the  
3 customer is authorizing the change, or the company has  
4 received a customer initiated call, has obtained the  
5 consumer's consent to have the conversation recorded,  
6 has recorded the consent and has recorded the  
7 telephone number that is to be changed. Or that a  
8 independent unaffiliated firm has verified the  
9 consumer's request, or that the company has received  
10 the consumer's request and responds by mailing an  
11 information package to the customer, which explains  
12 the changes, verifies the information and requires a  
13 signed statement acknowledging the change. A company  
14 may not combine the Letter of Agency with any type of  
15 inducement on the same document.

16           Some of you have seen sweepstakes entries  
17 that you end up signing that ends up with your long  
18 distance service being changed. That will be  
19 eliminated. Also, the checks that you receive for  
20 \$100 or \$60, you sign the back of them, that results  
21 in a change. Those will be eliminated.

22           When a company is soliciting a consumer in  
23 writing or by telephone, the inducement may not be  
24 misleading or deceptive. If a person is slammed,  
25 charges for the change and all charges billed on

1 behalf of the unauthorized provider for the first 90  
2 days must be credited to the consumer.

3           Upon notification by the consumer, the  
4 consumer must be switched back to his or her original  
5 provider or the provider of his or her choice.

6           That concludes a summary of the rules.

7           **CHAIRMAN JOHNSON:** Thank you. There are  
8 also several Commission Staff members here that are  
9 available to assist you.

10           Mr. Dick Durbin, the gentlemen here on this  
11 computer, actually has access to our Staff up in  
12 Tallahassee so that if you've already filed a  
13 complaint, we can access that complaint and give you  
14 any information as to the status of that complaint, or  
15 we can go ahead and file that complaint for you if  
16 you've not done so.

17           Of course, Mr. Moses just provided the  
18 summary for you. Diane introduced herself as our lead  
19 attorney on this particular case. Braulio Baez is the  
20 aide to Commissioner Garcia. He might have stepped  
21 out for a moment. Carmen Pena is with our consumer  
22 division. She's seated over here to the far left.  
23 Joy Kelly is the court reporter. She will be making  
24 sure that your comments are, indeed, made a part of  
25 our official record. Thelma Crump was the young lady

1 that greeted you out front. And Sandy Simmons is  
2 making sure that our Internet process and all of the  
3 technical information is available and working on  
4 line.

5 I don't think I left out any names. There  
6 are several company officials that are here to assist  
7 if you have any questions that you'd like directly --  
8 like to address directly to them, if you all could  
9 stand at this time.

10 (Witnesses collectively sworn.)

11 COMMISSIONER GARCIA: Do me a favor, so we  
12 can reflect it on the record I'll start this way. You  
13 know, what just come up to the mike and say which  
14 company you are with so that we can have it on the  
15 record you were here.

16 MS. WAY: Liz Way, AT&T.

17 MR. CRAVEN: Brian Craven with Sprint local  
18 telephone.

19 MS. THOMPSON: Gretchen Thompson, MCI.

20 MR. WATERS: Ray Waters, BCI.

21 MR. CAVALLERI: Bob Cavalleri, Applied  
22 Technology.

23 MR. LUCEY: Daniel Lucey, Dan's Appliance  
24 Service.

25 MR. ALLINGTON: Gary Allington representing

1 BellSouth.

2

3 MS. KUHNOW: Carol Kuhnnow with LCI

4 International.

5 COMMISSIONER GARCIA: Just to show -- those  
6 who are coming today, if you have a specific problem  
7 with any of these companies, obviously it might be  
8 helpful after you to speak to them -- clearly we're  
9 going to speak to them at the Commission when you  
10 testify. But if you have a problem that mentions any  
11 of these companies, this is as good a time as any to  
12 actually see one of them in person and to file your  
13 complaints. PHA no PHA in a, as it would be, it may  
14 help the process along.

15 CHAIRMAN JOHNSON: Thank you. And with  
16 that, if you'd like to provide us with comments today,  
17 if you could stand and raise your right hand, I'll go  
18 ahead and swear you in at this time.

19 (Witnesses collectively sworn.)

20 COMMISSIONER GARCIA: Just to identify,  
21 Mr. Earl Poucher, who is standing back there, is with  
22 the Office of Public Counsel, and he's obviously here  
23 to help also, and he's recording a lots of these cases  
24 specifically for Public Counsel's preparation of the  
25 rule hearing that we'll be having in Tallahassee.

1                   **CHAIRMAN JOHNSON:** Public Counsel. If you  
2 could call your first witness.

3                   **MR. BECK:** Thank you, Chairman Johnson.  
4 Robert Whitaker.

5                   **WITNESS WHITAKER:** Thanks for calling me.  
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1                                   **ROBERT W. WHITAKER**

2 was called as a witness on behalf of the Citizens of  
3 the State of Florida and, having been duly sworn,  
4 testified as follows:

5                                   **DIRECT STATEMENT**

6                   **CHAIRMAN JOHNSON:** Sir. I apologize --

7                   **WITNESS WHITAKER:** That's all right.

8                   **CHAIRMAN JOHNSON:** I forgot to state that  
9 you need to state your name and address for the record  
10 before you begin your testimony.

11                   **WITNESS WHITAKER:** My name is Robert  
12 Whitaker. I'm at 315 West Grant Street, Orlando.

13                                   And thanks for calling me first because I  
14 have been slammed four times. The fourth time I did  
15 just what I was supposed to do, and thanks to the  
16 Public Service Commission, just what he said  
17 happened -- would happen, happened. I got it in 30  
18 days. It continued for 60 more, and I got every penny  
19 back.

20                                   Would always get this call, "We are  
21 representing AT&T." I said, "Wait a minute. Are you  
22 AT&T?"

23                                   "Oh, yes, we're AT&T." It turned out it was  
24 some little holding company up here who leased some  
25 lines from AT&T. And they got me to switch. Well,

1 every time I would get the bill it would say mail to  
2 Joe Blow's place up to Minnesota, or New York, and I  
3 would immediately call AT&T, and say how did this  
4 happen? We even got to the point where I called  
5 BellSouth locally and -- oh, no, it can never happen  
6 again. Well, the fourth time it did it happened again  
7 because they were representing themselves as AT&T and  
8 so consequently it happened.

9 Well, when I got the bill, the first one, I  
10 contacted you folks, or the Public Service Commission.  
11 I got the information in the mail. I filled it out as  
12 directed. I sent it back to you. I got a phone call  
13 from Podunk Junction, with a CEO head of this  
14 corporation, apologizing and asking me to back off.  
15 And I told him where he could back off to.

16 To make a short story long, which I've  
17 already done, thank you folks -- they gave me back --  
18 took three payments. It was like about \$146, \$148  
19 total. So to you out there in the audience, these  
20 people did a good job for me. A#1; top drawer. I've  
21 not had another problem. It's been about a year and a  
22 half --

23 COMMISSIONER GARCIA: Did you do a PIC  
24 freeze with your line?

25 WITNESS WHITAKER: I'm sorry.



1           **COMMISSIONER GARCIA:** Did you have a PIC  
2 freeze installed on your line?

3           **WITNESS WHITAKER:** No.

4           **COMMISSIONER GARCIA:** You might want to do  
5 that. And you can speak with Mr. Durbin, but let me  
6 go ahead and explain.

7           You can call your local phone company, and  
8 if you're happy with the service you're getting from  
9 your present company you ask -- who is your local  
10 provider?

11           **WITNESS WHITAKER:** My local provider? AT&T.

12           **COMMISSIONER GARCIA:** And who is -- is it  
13 Southern Bell?

14           **WITNESS WHITAKER:** Southern Bell.

15           **CHAIRMAN JOHNSON:** Southern Bell.

16           **COMMISSIONER GARCIA:** In fact, you can  
17 probably tell Southern Bell right here. And give them  
18 your number and tell them that you want a PIC freeze  
19 on your line, and then that will never happen again.  
20 They can't change your line unless you --

21           **WITNESS WHITAKER:** I thought I did that  
22 before the fourth one happened. I thought I had done  
23 that. But, see, again, if I'm with AT&T and these  
24 people say they are AT&T -- do you understand? They  
25 can lie all they want to.

1           **COMMISSIONER GARCIA:** That's one of the  
2 reasons we have the Attorney General's office here.  
3 They are here because they wanted to be here, but one  
4 of the things that the Chairman Johnson has been  
5 trying to do is see if we could get some criminal  
6 sanctions involved here. Because the Commission can  
7 fine them, and can pull their certificate so they  
8 can't do business, but people who aren't reputable  
9 aren't going to respond to us all the time, so that's  
10 one of the reasons that we're very happy to have the  
11 Attorney General here, because we hope, when people  
12 lie there should be some kind of criminal penalty also  
13 involved.

14           **WITNESS WHITAKER:** Absolutely. But, again  
15 to all of you people, I followed rules and it worked.  
16 I got back the 90 days and that's all I was with them,  
17 was the 90 days. I got every penny back.

18           Thank you very much. And I haven't been  
19 slammed then. Evidently I'm on a list now. Now, they  
20 have called me, I have been called a couple of times  
21 but I have not been slammed since.

22           **MR. BECK:** Mr. Whitaker, what is the name of  
23 the company that slammed you?

24           **WITNESS WHITAKER:** That slammed me? I don't  
25 know. It was a little -- something like I say, one of

1 them was in Minnesota and one was in New York and one,  
2 I think, was in Louisiana.

3           **COMMISSIONER GARCIA:** Mr. Durbin, could you  
4 pull up his file so that we could give it to --

5           **MR. DURBIN:** Would that be under your name?

6           **WITNESS WHITAKER:** I believe it's under  
7 Whitaker Enterprises; that's the way my phone is  
8 listed, is either Robert W. Whitaker Construction or  
9 Whitaker Enterprises.

10           **COMMISSIONER GARCIA:** He'll get it to the  
11 Public Counsel's Office so they can have that  
12 information.

13           **MR. MOSES:** Commissioner Garcia, let me  
14 explain one other thing on this PIC freeze that people  
15 may not be aware of. On resellers of AT&T, they sell  
16 what they call a software defined network, which is  
17 like separate accounts in the AT&T billing system, and  
18 those are never submitted to the local exchange  
19 company, and that will result in a slam even though  
20 you have a PIC freeze on your line.

21           **WITNESS WHITAKER:** That's exactly how I got  
22 slammed four times. It was always somebody saying  
23 they were a subsidiary.

24           **COMMISSIONER GARCIA:** And how are we going  
25 to deal with that, Mr. Moses? How can we deal with

1 that?

2           **MR. MOSES:** We're changing the billing  
3 system to where AT&T no longer bills in their name,  
4 and they have already implemented their procedure that  
5 they are billing strictly in the name of the company  
6 that is responsible for the customers, so it will be  
7 reflected on the bill.

8           **CHAIRMAN JOHNSON:** Mr. Whitaker, I'm very  
9 pleased that we were able to assist you. But you did  
10 raise a concern that several customers have addressed,  
11 even when they sign up for what we call the PIC  
12 freeze, because of a situation similar to yours and  
13 they thought they were safe and it happens to them  
14 again. We are definitely trying to address that. We  
15 would glad we could assist you, but we're try to help  
16 others so you don't even have to bothered with that  
17 occurring.

18           **WITNESS WHITAKER:** I like the idea. I'm  
19 going to investigate that about putting my name on a  
20 list where they can't even call me. I'll pay the \$5,  
21 \$10, \$15.

22           **COMMISSIONER GARCIA:** BellSouth has  
23 something whereby you give them -- BellSouth as well  
24 as United, two major companies in this areas, Sprint  
25 under -- Sprint-United.

1 UNIDENTIFIED SPEAKER: Sprint-Florida.

2 COMMISSIONER GARCIA: They can give you a  
3 code to file and it's a code that they'll keep and  
4 you'll have.

5 So someone who calls to change your  
6 number -- sometimes they'll say no, he agreed, and  
7 they have a document. You can go further and say  
8 unless they've got this password, they're not allowed  
9 to change and they won't change you. So you can go a  
10 little bit farther without having to spend money.

11 WITNESS WHITAKER: If I can eliminate all  
12 the calls, though, did I understand that correctly?  
13 All solicitations? It's worth it.

14 MS. CALDWELL: Sir, that will be  
15 solicitations for -- you can still be solicited for  
16 nonprofit organizations. All these phone calls saying  
17 "buy this," they cannot call you.

18 WITNESS WHITAKER: You guys need to meet on  
19 that so quote/unquote "nonprofit" also.

20 COMMISSIONER GARCIA: Mr. Whitaker, I want  
21 to thank you for coming. Rarely does someone take the  
22 opportunity to come or the time to come and thank us.  
23 They usually come in here to complain, and that's what  
24 we're here for, but we appreciate you're taking the  
25 time and coming in here and letting us know we did the

1 job. We're very proud of our consumer affairs stuff  
2 and they are tigers when they get it right and I'm  
3 glad they got it right in your case.

4 **WITNESS WHITAKER:** I was very pleasantly  
5 surprised. Thank you very much.

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

7 **MR. BECK:** Let me apologize for  
8 mispronouncing the next person's name, because I'm  
9 sure I'm going to. Patrick Atchells on Edgewater  
10 Drive.

11 - - - - -

12 **PATRICK ATCHELLS**  
13 was called as a witness on behalf of the Citizens of  
14 the State of Florida and, having been duly sworn,  
15 testified as follows:

16 **DIRECT STATEMENT**

17 **WITNESS ATCHELLS:** Good evening. Please  
18 forgive me. I've never spoken in an American building  
19 before in my life and I've only been here five years.

20 My name is Patrick Atchells. My address is  
21 3545 Edgewater Drive. Good evening, Madam Chairman,  
22 and Commissioner.

23 **CHAIRMAN JOHNSON:** Sir, could you spell your  
24 last name for us?

25 **WITNESS ATCHELLS:** A-T-C-H-E-L-L-S.

1           **CHAIRMAN JOHNSON:** Thank you and welcome.

2           **WITNESS ATCHELLS:** Thank you. I don't know  
3 how to start this really, but we set up business five  
4 years ago in Orlando, and we were approached by the  
5 phone company. We chose AT&T. And business went on  
6 very well. And then a year ago we decided to switch  
7 our phone long distance service to MCI, for which we  
8 received excellent service.

9           And then we were called a few months later  
10 by MCI and said "Where have two of your phone lines  
11 gone to?" It wasn't two lines that went; it was four  
12 lines that went. I said, "I haven't got a clue.  
13 Where do you think they've gone?" They told us -- can  
14 I mention the name of the other company?

15           **COMMISSIONER GARCIA:** Absolutely.

16           **CHAIRMAN JOHNSON:** Please.

17           **WITNESS ATCHELLS:** They said you might like  
18 to dial 0-0, and I dialed it and I got Sprint. I said  
19 after a lot of phone calls -- excuse me, what are you  
20 people doing to our phone lines? These have been  
21 agreed rates and everything else, and what rates are  
22 you charging us per minute to Europe? They said 24  
23 cents or whatever it was. And we had agreed and  
24 negotiated 12 cents --

25           **COMMISSIONER GARCIA:** With MCI.

1           **CHAIRMAN JOHNSON:** With AT&T.

2           **WITNESS ATCHELLS:** With MCI.

3           **COMMISSIONER GARCIA:** Got MCI after AT&T.

4           **WITNESS ATCHELLS:** That's correct.

5           **COMMISSIONER GARCIA:** That switch was under  
6 an agreement. In other words, you had AT&T, you were  
7 pleased with the service.

8           **WITNESS ATCHELLS:** Then we changed.

9           **COMMISSIONER GARCIA:** MCI offered you the  
10 better -- (Simultaneous conversation)

11           **WITNESS ATCHELLS:** Then we found out that  
12 four of our phone lines have been taken away and we  
13 were rebilled by Sprint.

14           As far as I'm concerned, what are we doing  
15 in here? This is not -- this is a matter for a Court  
16 of Law. This is what I call, where I come from,  
17 theft. If this belonged to somebody else and I  
18 negotiated to buy it for 12 cents and somebody else --  
19 I stole it from somebody, that is an act of theft.  
20 And what Sprint did is nothing more than theft and  
21 follows in the line of who we call Dick Turpin, who  
22 you might call Billy the Kid. They are thieves. And  
23 that's exactly what Sprint has done, they have stolen  
24 phone lines from our company.

25           We are still something like \$200, \$300



1 short, and this has not been rectified. We were sent  
2 the bill by BellSouth and we said we're not paying it.  
3 They said, okay, we'll cut your phones off.

4 Well, I really don't understand it. You  
5 know, we negotiated with a company. Some two lines  
6 from the business were taken -- extra lines were taken  
7 and that's it.

8 **CHAIRMAN JOHNSON:** Sir, did BellSouth tell  
9 you that you had options? Did they tell you about the  
10 Public Service Commission or filing a complaint?

11 **WITNESS ATCHELLS:** We've done that and we  
12 called the Public Service Commission. Once again, as  
13 Mr. Whitaker said, the excellent treatment we received  
14 from the Public Service Commission in Tallahassee, and  
15 for which I wish to thank you very much, indeed, for  
16 the way it was dealt with, and in a serious fashion,  
17 and we thank you for that.

18 **CHAIRMAN JOHNSON:** But they still haven't  
19 refunded you everything that was due?

20 **WITNESS ATCHELLS:** That is correct.

21 **CHAIRMAN JOHNSON:** Is your complaint  
22 ongoing?

23 **WITNESS ATCHELLS:** Our complaint is ongoing.

24 **CHAIRMAN JOHNSON:** Oh, it is.

25 **WITNESS ATCHELLS:** Yes. It still hasn't

1 been cleared up. We're not paying the bill, we're  
2 paying the local charges or whatever it is. But it is  
3 a bit of a concern. We've now instructed our staff  
4 when someone calls up and asks who supplies your  
5 telephone service or whatever, the word is (Witness  
6 demonstrates not talking.)

7 Well, I'll say it where I come from, just  
8 stick your proposal where the sun don't shine. Okay.

9 COMMISSIONER GARCIA: Now, you have been --  
10 you said you were rerated, but you're still about \$300  
11 short. You said the negotiation is ongoing. By that  
12 you mean with us at the Commission, right? We're  
13 still dealing with you or --

14 WITNESS ATCHELLS: That is the case.

15 MR. BECK: Did Sprint ever tell you on what  
16 basis they switched your lines?

17 WITNESS ATCHELLS: No, they didn't. They  
18 made some -- saying that we authorized the change.  
19 Well, nobody in our office authorized the change at  
20 all to Sprint.

21 MR. BECK: Did they say whether they had a  
22 recording or something -- (Simultaneous conversation)

23 WITNESS ATCHELLS: Yes, they did.

24 MR. BECK: Did they ever produce that for  
25 you?

1           **WITNESS ATCHELLS:** No. They did not produce  
2 that at all.

3           **MR. BECK:** When did it occur?

4           **WITNESS ATCHELLS:** I don't know, about four  
5 months ago, something like that. But that's it. I  
6 was rather surprised by it, and that a company that  
7 calls themselves whatever could actually go out and do  
8 this.

9           **CHAIRMAN JOHNSON:** You raised a good point  
10 with respect to the criminality of the activities that  
11 are occurring.

12           The Public Service Commission, as I'm sure  
13 the Staff explained to you, we have authority, an  
14 economic regulatory kind of authority, we can impose  
15 fines and in the most severe cases we revoke the  
16 certificates. But the Attorney General's office has  
17 been very interested in working with us through these  
18 issues to determine how we can provide further  
19 deterrents.

20           Currently it does not appear as if the  
21 Attorney General -- that they have the authority to  
22 actually impose criminal sanctions. They are working  
23 through those issues and they are working in  
24 conjunction with us to determine and find better ways  
25 of enforcement. We have had some customers share the

1 same concerns that you've shared, even when they got  
2 your letter that was allegedly the authorization. It  
3 was a fraudulent signature. We have had customers  
4 testify that their service was changed. And they'd  
5 get a letter back and it would be a signature of a  
6 husband who was dead for ten years.

7 So there are some real horror stories. And  
8 we're all here, Public Counsel, the Attorney General  
9 and the Public Service Commission trying to find  
10 better ways to stop these offenses.

11 **WITNESS ATCHELLS:** As far as I'm concerned  
12 it's still an act of theft. There's nothing  
13 fashionable in theft, and I really don't know what  
14 we're doing sitting here besides finding out about the  
15 act of theft.

16 Someone stole something from us which we  
17 negotiated. Whoever runs the lines I don't care. But  
18 we negotiated with our time and everything else, and  
19 it is as far as I'm concerned a criminal act of theft.

20 **COMMISSIONER GARCIA:** Did you ever speak  
21 directly with Sprint on this?

22 **WITNESS ATCHELLS:** Yes, I did. I called  
23 them thieves. The girl on the phone, I said, "You  
24 know you're being employed by thieves?" I'm sorry,  
25 but I speak straight as I find it. If I've upset

1 anybody, I do apologize. Commissioner, Chairman.

2           **CHAIRMAN JOHNSON:** That's fine. You may  
3 want to meet with Mr. Gross of the Attorney General's  
4 Office because they do deal with the criminality and  
5 the criminal issues.

6           **COMMISSIONER GARCIA:** How much money was it  
7 overall that they overbilled you? I guess it was  
8 twice what you were used to pay?

9           **WITNESS ATCHELLS:** It was twice what we used  
10 to pay. And it was quite -- I'm sorry, but I have  
11 been here five years and I've only dealt with one  
12 phone company in my life. We had no choice in  
13 England.

14           **COMMISSIONER GARCIA:** I think they do now,  
15 though.

16           **WITNESS ATCHELLS:** Well, they do, but it's a  
17 rather poor second choice.

18           **COMMISSIONER GARCIA:** Now we won't say the  
19 names of the companies.

20           But part of the rule that we're working on  
21 is going to be that when that happens in your case --  
22 and you bring up the perfect case, it happened four  
23 months ago and I think we are going out to 90 days, if  
24 I'm not mistaken -- not only would you -- right now  
25 what we presently do is we simply rerate. If you were

1 paying 12 cents with the old company, they'd have to  
2 go and charge you the max that you would have paid  
3 under that system.

4           What we're considering in the rule is not  
5 only would you not have to pay what is over but you  
6 would have to pay nothing of those costs. In other  
7 words, you would be fully credited for the all of  
8 calls you made during that time.

9           So it's sort of an incentive to make sure  
10 they get it right the first time.

11           **MR. GROSS:** Mr. Atchells, I'm Michael Gross  
12 from the Attorney General's Office. I just want you  
13 to know that I've listened with a lot of interest to  
14 your concerns. And I just wanted to reaffirm what  
15 Chairman Johnson has already stated, that the Attorney  
16 General is evaluating several claims, and we will take  
17 a look the your claim in particular, with a view  
18 towards taking some severe enforcement action.

19           **WITNESS ATCHELLS:** Thank you.

20           **MR. BECK:** Mr. Atchells, right now the  
21 Public Service Commission has authority to fine a  
22 company for each slamming event \$25,000.  
23 Unfortunately, the consumer affairs can't do it. It  
24 has to come from them to the full Commission to do  
25 that. And we're taking a number of steps both

1 independently to make sure more of those cases go to  
2 the Commission. And we're also going to have some  
3 proposals to make sure more of those cases go to the  
4 Commission itself so sanctions can be imposed.

5           **WITNESS ATCHELLS:** What is your -- you're  
6 telling me this.

7           **MR. BECK:** Yes. Just so you know there is  
8 some power right now under existing law for the  
9 Commission to compose sanctions. They can fine them  
10 up to \$25 thousand for that.

11           **WITNESS ATCHELLS:** That's fine. I'm very  
12 sorry if I've upset anybody with my comments, but I  
13 just look at it completely different --

14           **CHAIRMAN JOHNSON:** The criminal aspects of  
15 it.

16           **WITNESS ATCHELLS:** I just felt there was a  
17 criminal aspect. I'm sorry if that's not the way. I  
18 really do apologize.

19           **CHAIRMAN JOHNSON:** No, that's fine.

20           **WITNESS ATCHELLS:** I had two lines. Dick  
21 Turpin did that years ago, but there we go. All  
22 right.

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

24           **WITNESS ATCHELLS:** Thank you.

25           **MR. BECK:** Howard Ledbetter.

1                                   **HOWARD LEDBETTER**

2 was called as a witness on behalf of the Citizens of  
3 the State of Florida and, having been duly sworn,  
4 testified as follows:

5                                   **DIRECT STATEMENT**

6                   **WITNESS LEDBETTER:** Good evening. I'm here  
7 on behalf of my company. Do you want my own personal  
8 address or the company address?

9                   **CHAIRMAN JOHNSON:** Whichever you prefer.

10                   **WITNESS LEDBETTER:** Okay. It's Howard  
11 Ledbetter, 1313 44th Street, Orlando 32839.

12                                   And I'm here to share my experience and what  
13 I've done and what I've investigated on ourselves  
14 being slammed.

15                                   We're a networking company in Orlando, 21  
16 phone lines, and satellite offices throughout the  
17 southeast. And about a year ago, through a billing  
18 system, we found out that -- I've got all of the  
19 names -- it was DNS out of Detroit Michigan had taken  
20 over some of our lines. And I personally called and  
21 they told me that it was authorized. And I said by  
22 who? And they said, "Well, we'll play the recording  
23 for you." They played the recording and it was one of  
24 our receptionists. The voice was exactly hers. The  
25 laugh was not. She's from New York and she has this



1 distinct laugh.

2           So we went ahead and called back again -- I  
3 did -- and we recorded their recording, plain old tape  
4 recorder. We sat and played it over and over and  
5 timed it, and the person who was talking to her on the  
6 phone and her answers back and forth were perfectly  
7 spaced. Nobody can talk like that.

8           And then I realized, being an engineering  
9 company, six months prior we were familiar with voice  
10 programs where you can use them, Microsoft sells them,  
11 and there's different types and you can actually take  
12 a voice print and duplicate it.

13           So I called up a friend and we talked to him  
14 and said, "Hey, how has that changed today?" And he  
15 said "Howard, it's really changed." He said "Some of  
16 the stuff out on the market today now, once you get  
17 your voice print, you talk in the microphone and you  
18 can change it." I haven't seen that, okay. But we  
19 ascertained that's how it was done.

20           And we went to the receptionist and talked  
21 to her and she did remember this person from DNS  
22 calling. She goes, "Yeah, four, five times over a  
23 period of two or three days." And we only speculated  
24 that getting information, getting her to say words.  
25 Can we prove it? No.

1           Three months after that, the vice president  
2 of the company received a phone call from a marketing  
3 group, and this person said, "Did you receive the 800  
4 telephone listing we sent you?" He said, "I did but I  
5 didn't order it." He said, "Yes you did. Do you want  
6 to hear your tape? Do you want to hear a recording of  
7 your voice?" And that's when it all snapped in place.  
8 And he said, "No thank you." And just hung up the  
9 phone and we never heard of them since.

10           Now, that's my experience with the recording  
11 side.

12           **COMMISSIONER GARCIA:** Let me get name, DNS?

13           **WITNESS LEDBETTER:** DNS.

14           **COMMISSIONER GARCIA:** They are from where?

15           **WITNESS LEDBETTER:** Detroit, Michigan. I'm  
16 sure you have them on your list somewhere.

17           **MR. MOSES:** The full name of the company is  
18 Discount Network Services.

19           **WITNESS LEDBETTER:** Exactly. At least it  
20 brought to light what was going on.

21           About three months ago we ran into  
22 something -- before I get out of that, we have a --  
23 we're with AT&T, but it's because we have a great AT&T  
24 rep. Every three months she's in our building, works  
25 with us, works with our plans; saves us bucks. It

1 works very well. This was over a year ago. She  
2 really helped us out. She wrote a letter stating if  
3 we were still with AT&T, this is what we would have  
4 saved. Of course, they told us "Well, we'll take you  
5 to court." And my investigation showed that normally  
6 when you do that in a court, the judge will say, "Hey,  
7 you had to have long distance service anyway." So we  
8 didn't want to get caught in that.

9           **COMMISSIONER GARCIA:** So when you called  
10 them up to get yourself switched off, they said "We're  
11 not switching you off because we have a tape."

12           **WITNESS LEDBETTER:** Oh, no, they didn't say  
13 that. I said who authorized you to do this?

14           **COMMISSIONER GARCIA:** Once that was done you  
15 changed back to AT&T, correct?

16           **WITNESS LEDBETTER:** Yes, but it was still on  
17 our -- the next month we still had them. Their  
18 reasoning behind that was as a follow-through because  
19 you have been making calls prior to you calling us up.

20           **CHAIRMAN JOHNSON:** You weren't refunded for  
21 the difference --

22           **WITNESS LEDBETTER:** Yes, we were. That's  
23 what I was getting at. The AT&T rep -- you weren't  
24 around then -- the AT&T rep stating what the  
25 difference in pricing was and what we lost. We sent

1 that with the difference of the bill ourselves  
2 directly to them and we've never heard from them since  
3 so they accepted it. Basically we broke out even that  
4 way.

5           Anyway, the last three months that have come  
6 by there's something new going on.

7           Are you familiar with Business Discount  
8 Plan? Not slamming us, but changing our billing to a  
9 different company. And this has happened twice to us  
10 already. And I don't know what to do about it. You  
11 can't put PIC freezes on that. I did put a PIC freeze  
12 on my line.

13           So again we got ahold of the AT&T rep and  
14 basically we worked out a system where our bills are  
15 tightly scrutinized now, but I don't know an answer.

16           **CHAIRMAN JOHNSON:** What did Business  
17 Discount Plan do to you?

18           **WITNESS LEDBETTER:** Switched our billing.

19           **CHAIRMAN JOHNSON:** They became your billing  
20 company?

21           **WITNESS LEDBETTER:** They were the billing  
22 company.

23           **CHAIRMAN JOHNSON:** Mr. Moses, how does that  
24 work?

25           **MR. MOSES:** The only way I know is they did

1 actually take over as being his carrier and they are  
2 billing through like United Billing or Zero Plus  
3 Dialing or something like that.

4           **COMMISSIONER GARCIA:** Do you still get a  
5 bill from United?

6           **WITNESS LEDBETTER:** AT&T. The bill still  
7 stated AT&T and Southern Bell was our local carrier.  
8 But the actual billing person, the billing company  
9 were these people.

10           **MR. MOSES:** But the reason that you're still  
11 seeing AT&T is AT&T is submitting it on behalf of this  
12 other company and they are a reseller of AT&T. They  
13 are a reseller of AT&T.

14           **WITNESS LEDBETTER:** I never thought of that.

15           **CHAIRMAN JOHNSON:** Could you meet with our  
16 Staff --

17           **COMMISSIONER GARCIA:** Got the bills?

18           **WITNESS LEDBETTER:** Oh, bills, the  
19 comptroller has them.

20           **COMMISSIONER GARCIA:** Maybe we'll call your  
21 office and you could fax them. We have a toll free  
22 fax line and you could fax some of that to us.

23           **WITNESS LEDBETTER:** Sure.

24           **COMMISSIONER GARCIA:** I think what might  
25 have happened, Mr. Moses, is they have become his

1 ALEC -- they've got Southern Bell in the bill also,  
2 right?

3 WITNESS LEDBETTER: Yes.

4 COMMISSIONER GARCIA: So in essence they've  
5 become your local provider; they are billing for  
6 Southern Bell as well as for --

7 WITNESS LEDBETTER: Well, I've talked to  
8 AT&T on this thing --

9 COMMISSIONER GARCIA: This is on your  
10 business, right?

11 WITNESS LEDBETTER: Yeah. I've talked to  
12 AT&T --

13 COMMISSIONER GARCIA: Because I was going to  
14 say it might have been BellSouth's first achieved --  
15 (Simultaneous conversation.)

16 WITNESS LEDBETTER: I talked to AT&T about  
17 the same thing and it's a billing service. We're  
18 taking over your billing service but not the long  
19 distance service.

20 How that really works I don't know. But  
21 we've corrected that. And with all of the  
22 investigations we've put together, basically how we  
23 corrected problems is anybody that calls in has to do  
24 a solicitation on the phone system, whatsoever, comes  
25 straight to me. I'm used to the tariffs now. I know

1 aggregation and everything else and I handle it well.

2           **COMMISSIONER GARCIA:** You really need to  
3 talk to Mr. Moses because that seems like something on  
4 another level of complexity. We haven't seen that  
5 many of these, so we can get a good idea of that,  
6 because that does seem like a whole new.

7           **WITNESS LEDBETTER:** As a matter of fact, the  
8 strange thing about it is it was Business Discount  
9 Plan, but on top of it it said "USBI billing." And we  
10 still don't know what it means.

11           **MR. MOSES:** I can explain it for you.

12           The Business Discount Plan is the name of  
13 the company that is a reseller and they are using the  
14 Zero Plus Dialing as their billing agent. Business  
15 Discount Plan is not a rebiller. They are just taking  
16 and aggregating multiple customers to get a higher and  
17 higher discount buying service from AT&T and then  
18 reselling that service.

19           **WITNESS LEDBETTER:** In other words, they are  
20 an aggregator.

21           **MR. MOSES:** Exactly. And then they turn  
22 around and go through a different billing system to  
23 produce the bill.

24           **WITNESS LEDBETTER:** That one was confusing  
25 for us. We had a hard time putting --

1           **MR. MOSES:** It gets very convoluted  
2 sometimes.

3           **COMMISSIONER GARCIA:** That was last month?

4           **WITNESS LEDBETTER:** Two, three months ago.

5           **COMMISSIONER GARCIA:** Did you deal with us  
6 on that, or you dealt directly with the company and  
7 it's been resolved?

8           **WITNESS LEDBETTER:** We resolved it. I think  
9 I made the first complaint with you. And I don't  
10 think I did the second one, because we resolved it  
11 right away.

12           **CHAIRMAN JOHNSON:** Mr. -- over here --  
13 obviously, you've done a very good job of protecting  
14 yourself with the assistance of the representative  
15 from AT&T. But you've raised some very interesting  
16 and sophisticated schemes that there appear to be  
17 developing. If you could get with our Staff -- you've  
18 resolved your problem, there may still be some  
19 sanctions we may want to impose against the companies  
20 that have apparently fraudulently provided you with  
21 taking over your service, and even, perhaps, your  
22 billing or some other parts of your service. So if  
23 you could meet with our staff people it may help us.

24           **WITNESS LEDBETTER:** There was a engineer  
25 that worked with us, and he's also an attorney, he's



1 no longer with the company, but he talked to him, and  
2 he said the same thing, he said "Hey, you've proven it  
3 to yourself but you can't prove it." It's a tough  
4 call.

5 **COMMISSIONER GARCIA:** With us it's usually  
6 the standard is not as high and we can usually --  
7 since they would rather avoid getting fined, they try  
8 to resolve your problem quickly and that's why --

9 **WITNESS LEDBETTER:** I'm glad we're a small  
10 company. Otherwise, the receptionist, her voice was  
11 clear, "fire" -- would you do that for -- I can see a  
12 big company like that, drop people off.

13 **COMMISSIONER GARCIA:** You should go speak  
14 with your local provider since you do have a big  
15 company and make sure you get a password from them and  
16 a PIC freeze.

17 **WITNESS LEDBETTER:** We have PIC freezes. We  
18 have all kinds of things. Nothing is perfect.

19 **CHAIRMAN JOHNSON:** That's right.

20 **WITNESS LEDBETTER:** We're staying on top of  
21 it.

22 **CHAIRMAN JOHNSON:** Any other questions?  
23 Thank you. Again, if you could meet with one of our  
24 Staff members, we'd appreciate that.

25 **WITNESS LEDBETTER:** Excuse me, but when you

1 talk -- I hear the speaker there. (Indicating opposite  
2 direction.)

3 **CHAIRMAN JOHNSON:** Oh. I appreciate your  
4 testimony.

5 **WITNESS LEDBETTER:** Thank you.

6 **MR. BECK:** Mr. Solimani.

7 - - - - -

8 **CHOLAMANSO SOLEIMANI**

9 was called as a witness on behalf of the Citizens of  
10 the State of Florida and, having been duly sworn,  
11 testified as follows:

12 **DIRECT STATEMENT**

13 **WITNESS SOLEIMANI:** Good evening. Excuse me  
14 for my language barrier, but I'm going to give you  
15 some of my experience and then I'm going to pass out a  
16 document.

17 **CHAIRMAN JOHNSON:** That would be fine. If  
18 you could bring that forward, and when you go back to  
19 the microphone, if you could spell your name for us  
20 and state your address, that would be very helpful.

21 **WITNESS SOLEIMANI:** It is  
22 G-H-O-L-A-M-A-N-S-O. S-O-L-E-I-M-A-N-I.

23 **COMMISSIONER GARCIA:** Try that again. You  
24 don't have a language barrier on speed. What was  
25 that?

1           **WITNESS SOLEIMANI:** My last name is  
2 S-O-L-E-I-M-A-N-I.

3           **CHAIRMAN JOHNSON:** And your address.

4           **WITNESS SOLEIMANI:** My address, I use my  
5 P. O. Box 151251, Altamonte Springs, Florida 32715.

6           **CHAIRMAN JOHNSON:** Thank you.

7           **WITNESS SOLEIMANI:** Okay. My experience is  
8 about under two years ago, since my attorney told me  
9 for fraud, that is about four years, he brought it  
10 to -- presented it to the Court, so that's why it  
11 still is open in my case.

12           I'm from Iran. Each year, about 20 -- 20th  
13 of March or 21st, the New Years has started in Iran,  
14 and most long distance companies, they know that any  
15 foreigner, Japanese, Chinese, Iranian, they make a lot  
16 of phone calls as you do on your New Years or Mother's  
17 Day and so and so. They know all of this from the  
18 foreigners. And they have -- there's usually about  
19 2 million Iranian here. So about March they start to  
20 doing -- changing their phones, so and so. And if  
21 they found out -- most of them, they don't do any  
22 actions, okay, or they don't verify it. They don't  
23 know because they don't speak English. If they do,  
24 simply they send them a \$5 bill to make them happy.  
25 Okay?

1           And that was in March 20th, '96, I was  
2 trying to get in contact with my relatives, with my  
3 family back home. I couldn't do -- get contact for  
4 about two days. I was trying. The line was busy,  
5 busy, busy. And all of a sudden I went to my --  
6 United Telephone, local, and he said that "Well, dial  
7 zero zero to see who is your carrier." And I said is  
8 LCI. They went through there and said, "No, it is  
9 AT&T." I said, "How did it happen? LCI for more than  
10 a year is my carrier. And they said, "Well, no, it is  
11 AT&T."

12           So I go talk to the AT&T. And I tell AT&T  
13 and find out they were changing my account twice in  
14 March without my notice. And for two, three days I  
15 couldn't get them. Finally, they said, "Okay, we do  
16 it for you." It took another week for me to get back  
17 to the LCI. Because I was so upset I didn't want to  
18 make a long distance with AT&T. At that time I had an  
19 800 number. I couldn't use it either.

20           So after ten days I was finally -- be able  
21 to make contact for my New Years to my family. It was  
22 devastating for me because I found out my dear aunt  
23 was dying. In those days I couldn't say goodbye to  
24 her.

25           So anyway -- then I had problems with AT&T

1 several times for billing. They cut me with United  
2 Telephone four times.

3 **COMMISSIONER GARCIA:** They cut off your  
4 local service?

5 **WITNESS SOLEIMANI:** Yeah, four times. Okay.  
6 I got involved with the Public Service Commission and  
7 they gave me 50% discount. But four times the United  
8 Telephone -- supporting AT&T and cut my phone. They  
9 knew they are in fraud. They knew they are stealing  
10 my account.

11 **As you see I mentioned, it's like somebody**  
12 **change your bank account. I couldn't believe it. Not**  
13 **in this day and this happen to me. It was**  
14 **devastating. So this is my experience. Thank you.**

15 **COMMISSIONER GARCIA:** Why did United cut  
16 your phone service? Because you hadn't paid the long  
17 distance?

18 **WITNESS SOLEIMANI:** Because I didn't want to  
19 pay long distance, and they said this is an one --

20 **COMMISSIONER GARCIA:** This was after  
21 speaking to the Commission.

22 **WITNESS SOLEIMANI:** Yes. The Commission --  
23 I was with United Telephone in the lobby. From there  
24 I was talking to the Public Service Commissioner. And  
25 because the collector for AT&T was United Telephone.

1           **COMMISSIONER GARCIA:** In theory what should  
2 happen is that when you speak to the Commission, when  
3 you speak to us and there is an ongoing dispute United  
4 should not turn your phone off. You should only be  
5 required to pay your local service, which in United's  
6 case for a local, with a few options, you're probably  
7 at about \$30 to \$35; no more than that for your local  
8 service.

9           **WITNESS SOLEIMANI:** I did pay that. They  
10 caught it, caught me. And they want to pick up  
11 because they said we are a collector for AT&T. I have  
12 all documents for that.

13           **COMMISSIONER GARCIA:** There may be some  
14 other questions, but before you leave, could you speak  
15 with Ms. Pena in the back of the room so she could get  
16 details. We may have dropped the ball there also. I  
17 mean, there's no reason they should have cut your  
18 service, and we should have at least informed them. I  
19 think that's something we're going to try to do now,  
20 as a policy, that we're going to try to inform people  
21 when you contact us, we're going to immediately  
22 contact the company and make sure --

23           **WITNESS SOLEIMANI:** You're contacting the  
24 telephone -- they knew that you were involved, okay.  
25 I was calling --

1           **COMMISSIONER GARCIA:** This was in April of  
2 '96.

3           **WITNESS SOLEIMANI:** Yeah. I was talking to  
4 you from their office. They knew they are on a fraud.  
5 They knew that they are not supposed to help the  
6 people that have stolen my case. They did it.  
7 Because I'm a poor -- I'm a victim. I'm the guy on  
8 the other side.

9           **COMMISSIONER GARCIA:** We're going to find  
10 out about that.

11           **CHAIRMAN JOHNSON:** I'm sorry, you stated  
12 that you had -- you did receive a 50% --

13           **WITNESS SOLEIMANI:** They gave me 50 -- after  
14 you got involved, after three times they called.  
15 Finally when the Commissioner wasn't lying, they said,  
16 okay, they get a discount. They get involved in the  
17 United Telephone and AT&T, the party line, they said  
18 okay. They agree to give me 50% discount.

19           **CHAIRMAN JOHNSON:** We still probably need to  
20 review that and make sure that was even sufficient.  
21 Because they still -- I don't know how much they were  
22 overcharging you, so we need to make sure you got the  
23 full refund you actually deserved. If we could look  
24 at that issue, we may be able to help you little more  
25 on that.

1           **WITNESS SOLEIMANI:** Ms. Chairman, it's not a  
2 money problem. The hassle they gave to me, okay. And  
3 the problem they gave to me, I can't explain it.  
4 Okay. I cannot explain what they had done, okay,  
5 because --

6           **CHAIRMAN JOHNSON:** And I agree with you.  
7 You raised another issue that we need to try to  
8 explore and investigate, and perhaps with the help of  
9 the Attorney General's office and Public Counsel, and  
10 that is that they target people that, perhaps, don't  
11 speak fluent English, or those that they know will be  
12 communicating to other countries, that they target  
13 those groups. That may be something that we need to  
14 pay close attention to.

15           **WITNESS SOLEIMANI:** They make billions of  
16 dollars for each New Years or for each event. So if  
17 they give \$10,000 away -- after I've complained, they  
18 send me \$5 bill. And that was another insult.

19           **CHAIRMAN JOHNSON:** Certainly.

20           **MR. BECK:** Mr. Soleimani -- over here. Did  
21 AT&T ever tell you the basis for their taking your  
22 service? Was it a forgery of your name?

23           **WITNESS SOLEIMANI:** Mistake. It was a  
24 mistake. They told me they send me a check. They  
25 send a check and I signed it. I said I never signed



1 it. Show me -- I put it like this, show me even as  
2 who signed, who it was. They said, well, somebody  
3 signed it.

4 **MR. BECK:** Did they ever produce a copy of  
5 the check?

6 **WITNESS SOLEIMANI:** No, they didn't give it  
7 to me.

8 **COMMISSIONER GARCIA:** Can you give me the  
9 letter so we can return it, because I think it's an  
10 original. Carmen could get this and maybe we could  
11 just fax it to our office so we'll have a copy at our  
12 office but you can keep your original.

13 **WITNESS SOLEIMANI:** Thank you.

14 **CHAIRMAN JOHNSON:** We appreciate you  
15 testifying. You brought some new issues to our  
16 attention and that is how perhaps they handle  
17 customers and how they target customers. That's  
18 something we'll try to -- I don't know how we'll  
19 address it directly, but with the help of the Attorney  
20 General's Office and Public Counsel, that's an issue  
21 we need to address.

22 **WITNESS SOLEIMANI:** I do have some  
23 recommendation. I think the public deserves some more  
24 training in the media with TV, radio. They need more  
25 training, the public, to know about these things.

1           **COMMISSIONER GARCIA:** We're going to be  
2 trying to include a billing insert for the holidays,  
3 and we may be a little bit late on it, but we're going  
4 to get Staff trying to work on having all of the local  
5 companies put out something about explaining how you  
6 can put on a PIC freeze. We're seeing if we could put  
7 out a public service announcement while we're in the  
8 rulemaking process that will at least inform people  
9 they can do a PIC freeze. And maybe the Attorney  
10 General's Office and Public Counsel will help us along  
11 with that.

12           **CHAIRMAN JOHNSON:** One of the things that we  
13 are doing -- because you're absolutely right, with all  
14 of the competition for long distance and local  
15 service, one of the things that the Commission is  
16 attempting to do is to do more consumer outreach and  
17 consumer information. But consumers just don't know.  
18 Oftentimes, consumers are accustomed to dealing with a  
19 monopoly, with one company. And now they have ten, 20  
20 companies, different companies calling them offering  
21 them different services.

22           So it is our duty and our obligation to do  
23 more consumer outreach, and to do -- I know we do a  
24 lot in South Florida, and Commissioner Garcia speaks  
25 Spanish fluently, so we have been using him. But

1 we've got to reach out with more groups and  
2 communicate with as many people as we can to help them  
3 help themselves. Thank you very much for your  
4 testimony.

5 **MR. BECK:** Windy Eads.

6 - - - - -

7 **WINDY EADS**

8 was called as a witness on behalf of the Citizens of  
9 the State of Florida and, having been duly sworn,  
10 testified as follows:

11 **DIRECT STATEMENT**

12 **WITNESS EADS:** I'd like to thank you first  
13 for coming down and listening to us. My name is Windy  
14 Eads. Yes, that's me. I'm not a woman.

15 **COMMISSIONER GARCIA:** Made you tough,  
16 though, a name like that.

17 **WITNESS EADS:** Last year, about the first of  
18 the year, I got slammed by Joe's Tin Can and Twine  
19 Phone Service. When I got the first bill I called the  
20 people, and I got a lady on the telephone and she said  
21 that a Mrs. Windy Eads authorized the phone change.  
22 Dead giveaway. Not hard to figure out.

23 I informed her I would not pay the bill.  
24 She said I'll be getting a second bill because it's  
25 the middle of the billing cycle. I called the Public

1 Service Commission. You did do an excellent job. I  
2 did inform them, too, I will not pay the bill. I feel  
3 like the second gentlemen up here, it is theft.

4 I'm in the automobile repair business. I  
5 can not do anything to an automobile without the  
6 customer's approval, preferably in writing or get a  
7 verbal -- like a partial driver's license, Social  
8 Security number.

9 I did get a final call from the company that  
10 they did credit my account.

11 COMMISSIONER GARCIA: What was the name of  
12 the company?

13 WITNESS EADS: Integrated Teleservices,  
14 Fresno, California.

15 CHAIRMAN JOHNSON: They credited your  
16 account for the total bill?

17 WITNESS EADS: For the total bill. And they  
18 were also informed on my call that I would not pay the  
19 bill.

20 CHAIRMAN JOHNSON: Very good.

21 MR. BECK: What did they tell you as the  
22 reason for switching your lines?

23 WITNESS EADS: They had called the  
24 telemarketer and that a Mrs. Windy Eads had approved  
25 it.

1           **MR. BECK:** Did they have a recording or  
2 anything like that?

3           **WITNESS EADS:** No.

4           **CHAIRMAN JOHNSON:** Any other questions?

5           **COMMISSIONER GARCIA:** Mr. Durbin, have you  
6 found his file?

7           **MR. DURBIN:** Was it under your name or --

8           **WITNESS EADS:** It's under my business name.

9           **MR. DURBIN:** What's that name?

10          **WITNESS EADS:** Automatic Exchange.

11          **COMMISSIONER GARCIA:** Just so we can find  
12 out. This is a company -- we haven't -- in the last  
13 two we haven't, but the ones before we had a lot of  
14 complaints. And I think they are listed as one of the  
15 bigger violators.

16                 I appreciate your coming in. And then maybe  
17 that's the advantage to having a name like that?

18          **WITNESS EADS:** I'm an one-man shop. I  
19 really don't have time to deal with these hassles  
20 sometimes.

21          **CHAIRMAN JOHNSON:** Have you had --

22          **WITNESS EADS:** I had a PIC freeze put on it  
23 per the Public Service Commission. They told me on  
24 the telephone when I called them on the initial  
25 complaint.

1           **COMMISSIONER GARCIA:** Fantastic. I'm glad  
2 we were able to help you out and sorry that it  
3 happened.

4           **WITNESS EADS:** Thank you.

5           **CHAIRMAN JOHNSON:** Any other questions? I  
6 know you probably -- although you and the Public  
7 Service Commission was able to help you resolve this  
8 issue, we're still -- I know the Public Counsel and  
9 the Commission and AG's office is still very  
10 interested in going after these individuals, whether  
11 it's a criminal or just sanctions or revoking  
12 certificates. That's going to be one of the ways that  
13 we get to the bottom of this, even though you have had  
14 a great resolution, you still have to go through that  
15 hassle. And we don't want to see customers having to  
16 expend that effort in order to see what is right or  
17 just occur.

18           **WITNESS EADS:** I would say it was resolved  
19 within 90 days from the initial bill I received.

20           **CHAIRMAN JOHNSON:** How much of your time was  
21 used?

22           **WITNESS EADS:** Several hours, anyway, on the  
23 telephone. Try to call them on their 800 number; it's  
24 busy, busy, busy. When you do get through you're put  
25 on hold. Like I say, as far as I'm concerned it is

1 theft.

2 CHAIRMAN JOHNSON: Yes, sir.

3 WITNESS EADS: It should be treated as

4 theft.

5 CHAIRMAN JOHNSON: Thank you.

6 COMMISSIONER GARCIA: Thank you. Appreciate

7 it.

8 MR. BECK: Brandon Peters.

9

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10 BRANDON PETERS

11 was called as a witness on behalf of the Citizens of  
12 the State of Florida and, having been duly sworn,  
13 testified as follows:

14 DIRECT STATEMENT

15 WITNESS PETERS: My name is Brandon Peters,  
16 916 Laurel Avenue, Orlando 32803.

17 Madam Chairman, Mr. Commissioner, members of  
18 the Staff, staff from and the Attorney General's  
19 Office, thank you for coming to Orlando and listening  
20 to our situation because I really think that it is one  
21 which needs to be focused under a microscope.

22 My particular situation arose at the  
23 beginning of June 1997 when at that time I was a happy  
24 customer of AT&T. I received a telephone call at my  
25 place of employment from a individual representing a

1 company known as Minimum Rate Pricing, Inc. This  
2 company claimed to build a better mouse trap and I  
3 believed them, so I signed up for their service and  
4 abandoned AT&T.

5 COMMISSIONER GARCIA: What was the name of  
6 the company again?

7 WITNESS PETERS: Minimum Rate Pricing, Inc.

8 AT&T contacted me two weeks later and said,  
9 "Why did you leave us?" I told them about the better  
10 mouse trap and they said, "We have an even better  
11 mouse trap than that." So they signed me up for their  
12 very best rate plan. And I agreed. And through an  
13 independent verifier gave them approval to switch me  
14 back to AT&T.

15 When I got my next phone bill I learned I  
16 had, indeed, been switched back to AT&T. But two  
17 weeks following my telephone conversation with  
18 representatives of AT&T, and the independent verifier,  
19 Minimum Rate Pricing had, without my knowledge or  
20 consent, switched my residential phone service back to  
21 Minimum Rate Pricing, Inc.

22 I called BellSouth; found the date of the  
23 slam. Notified AT&T that they were once again  
24 authorized, through the independent verifier to sign  
25 me up for AT&T service at their very best rate plan,



1 which they did. Two weeks following Minimum Rate  
2 Pricing, Inc. again, without my knowledge or consent,  
3 switched my residential phone service to their company  
4 and it appeared on my next telephone bill.

5           The aggregate of my losses were  
6 approximately \$100 in extra charges above those which  
7 I would have been charged had I been with AT&T at  
8 their very best rate plan. Included in that \$100  
9 approximate figure are the multiple switching fees,  
10 which my wife and I paid, to have our service  
11 reconnected with AT&T and connected without our  
12 knowledge or consent to Minimum Rate Pricing, Inc.  
13 twice.

14           I retained counsel to get to the bottom of  
15 the problem. And after \$7,000 worth of attorneys fees  
16 sent a demand letter to Minimum Rate Pricing, Inc. --

17           **COMMISSIONER GARCIA:** You hired an attorney  
18 for \$7,000 to take care of the \$100 problem?

19           **WITNESS PETERS:** Yes, sir. They kicked the  
20 wrong dog. And sent a demand letter three days ago to  
21 the gentlemen on file with the Public Service  
22 Commission as being the person responsible for  
23 addressing consumer complaints, asking them to pay not  
24 only my \$100 difference in fees. But my \$7,000  
25 attorney's bill. And I did so under the authority of

1 Section 258 of the Communications Act of 1934 which  
2 says that consumers shall have a private cause of  
3 action against long distance carriers who switched  
4 them without their authorization. In addition to  
5 which you're entitled to recover your attorneys fees  
6 and your costs.

7           And I told them that the attorneys involved  
8 in this case are going to, on November 18th, should  
9 they fail to cut me a check for \$7,000, file a suit in  
10 Federal District Court in Orlando, not only under  
11 Section 258 of the Federal Communications Act, but  
12 under the RICO statute, because by undertaking to slam  
13 me not once, but twice, they committed act of wire  
14 and/or mail fraud putting themselves squarely within  
15 the jurisdiction of the Federal Land State RICO  
16 statutes.

17           Our extensive review of public documents  
18 received pursuant to the Freedom of Information Act  
19 and Public Records Acts requests indicates that this  
20 particular company has slammed not only me but  
21 hundreds of individuals across the country; people who  
22 were so irritated that they took the time and trouble  
23 to contact the FCC, to contact your agency; took the  
24 time to fill out a formal complaint and file that  
25 formal complaint. And I have, or I should say my

1 attorneys have, literally hundreds of complaints,  
2 formal filed complaints from the federal and state  
3 enforcement agencies charged with addressing this  
4 issue from people all across the country with just  
5 this one company.

6 And we have every confidence that we will  
7 get a class certified in federal district court when  
8 we file this suit on November 18th should they fail to  
9 come forward with the funds.

10 I would like to focus your attention this  
11 evening on a very specific aspect of the slamming  
12 problem that has come to light during the course of my  
13 attorney's evaluation of this situation in order to do  
14 so, I've got an exhibit I'd like to just start at one  
15 end and allow you to pass down.

16 **CHAIRMAN JOHNSON:** Please.

17 **WITNESS PETERS:** What I'm handing you is an  
18 one-page excerpt from the tariff presently on file for  
19 Minimum Rate Pricing with the Florida Public Service  
20 Commission. If you address yourself to the last  
21 subsection of the page I've given you, Subsection  
22 2.2.1, Termination of Service by a Customer, it states  
23 that, "The customer may cancel his service by  
24 providing written or verbal notice to Minimum Rate  
25 Pricing. The carrier requires such notification in

1 order to protect the customers from unauthorized  
2 account transfer or slamming. If the carrier is not  
3 notified accordingly, the carrier may reinstate the  
4 customer's account by implementation of its automatic  
5 provisioning system. The company will confirm all  
6 cancellations, either verbal or written in writing  
7 within five business days of any cancellation.  
8 Additionally, in the event that the company has found,  
9 through its automatic polling system that the customer  
10 is no longer receiving service, the customer may be  
11 reinstated as above and written notice of same will be  
12 sent to the customer within five business days of such  
13 action."

14           In reviewing reams of correspondence between  
15 officials of this company and officials of, not only  
16 your agency, but the Federal Communications Commission  
17 and similarly placed utility commissions from states  
18 across the country, it has come to our attention that  
19 this Company and other companies are claiming an  
20 agency approval for their actions by virtue of the  
21 language that appears in these tariffs.

22           Your agency's internal operating rules state  
23 that these tariffs shall go into effect and shall be  
24 initially approved by the agency within one day of  
25 their filing. The phone companies, including Minimum

1 Rate Pricing, Inc., are claiming agency approval for  
2 their action by virtue of the language which appears  
3 in this tariff. This is, by the way, the identical  
4 language that appears in the FCC tariff on file for  
5 Minimum Rate Pricing.

6           If you read the language carefully it  
7 becomes readily clear that it is a clever attempt to  
8 make an end run around the verification procedures set  
9 forth in both federal and state law. Those are  
10 statutes and regulations. The Company cannot require  
11 customers to undertake particular procedures that are  
12 at odds with federal or state law, yet they attempt by  
13 including this kind of language within their tariffs  
14 to do so, and they claim to have agency approval for  
15 their actions.

16           So my purpose in coming here tonight is  
17 really to bring your attention to this one issue, to  
18 encourage you at a minimum to review the tariffs  
19 carefully as they come in and weed out any kind of  
20 language like this, but also in addition to that, I  
21 think a more appropriate response or an additional  
22 appropriate response would be to either ask the  
23 Legislature to enact statutory amendments or  
24 yourselves pass a regulation which makes clear that  
25 any language in the tariffs that is at odds with

1 either your regulations or the Legislature's statutes  
2 is clearly unenforceable.

3           Further, I would encourage you to ask the  
4 Legislature to pass legislation equivalent to Section  
5 258 which was enacted in the 1996 Telecommunications  
6 Act. I think consumers need a private cause of action  
7 to address these kinds of problems. Many people are  
8 very likely similarly situated, their bill  
9 differential is probably only a hundred dollars and is  
10 probably not worth it to them to come to meetings like  
11 this or to find out how to file formal complaints or,  
12 in fact, file formal complaints. That's why we have a  
13 class action mechanism, and November 18th will be the  
14 proving ground for my attorney's theories on that  
15 particular score.

16           But, thank you. If you have any questions,  
17 I'd be happy to entertain them.

18           **COMMISSIONER GARCIA:** I have a few. But  
19 maybe, Mr. Moses, you can point out, I don't know.  
20 What is our rule on -- clearly he's right about what  
21 this tries to do, if I read it correctly.

22           **MR. MOSES:** It violates the Commission's  
23 rules. And recently my section has taken  
24 responsibility of new application tariffs coming in.  
25 And we've noticed this same language in five or six

1 different new applications. We have had the companies  
2 take it out, because we realized it did violate it.  
3 And I wasn't aware there was a company that still had  
4 one on file. And we will take this up with the  
5 company. And, if necessary, we'll take it before the  
6 Commission to get it removed from the tariff because  
7 it does not belong in there.

8           **COMMISSIONER GARCIA:** Should we include a  
9 rule like this, or it has already violated --

10           **MR. NOSES:** It's already violating the  
11 rules.

12           **CHAIRMAN JOHNSON:** So this wouldn't be  
13 enforceable anyway?

14           **MR. NOSES:** No, it would not, because the  
15 Commission's rules trump the tariffs. I mean, the  
16 tariffs are kind of like a business plan that the  
17 companies submit to the Commission, but the rules  
18 supersede that, as far as my knowledge.

19           **COMMISSIONER GARCIA:** You may want to have  
20 your attorneys call up Ms. Caldwell, because I know  
21 we've had several cases like this before the  
22 Commission where companies -- not on this specific  
23 issue -- where companies say, "Well, I filed this  
24 tariff years ago with you guys, and because I filed  
25 the tariff it's presumptively valid; therefore, I can

1 enforce -- it's your fault that you didn't find it in  
2 the tariff." But if it goes against our rules, then  
3 the tariff is invalid.

4 So, we'll have -- you know, Ms. Caldwell may  
5 have some precedent in terms of how we've dealt with  
6 this in the past, not on this specific issue, but on  
7 others like this where the company has filed  
8 something.

9 WITNESS PETERS: I'd be curious if you  
10 happen to have cite to a particular rule. I don't  
11 know if you'd have it offhand, but if you do I could  
12 let my attorneys know exactly how this violates --

13 MR. MOSES: As far as the rule it violates,  
14 25-4.118 of the Florida Administrative Code.

15 WITNESS PETERS: Okay. Yeah, I'm aware of  
16 that one.

17 MR. MOSES: Okay.

18 WITNESS PETERS: Okay. Thank you.

19 MR. MOSES: Because it's not in compliance  
20 with any of the verification procedures. Because,  
21 essentially, what they are doing is switching you  
22 back. And if they do that, they have to follow the  
23 procedures outlined in that rule.

24 WITNESS PETERS: Right. Okay. You know, a  
25 hundred bucks really isn't much, but -- I mean, I've



1 got a two year-old-son who has had surgery once in the  
2 last year, and he's having surgery again next week.  
3 And a hundred dollars to 30-year-old and his wife with  
4 a two-year-old in bad health doesn't come easily. I  
5 can imagine how much more difficult it is for an  
6 elderly person on fixed income to come up with a  
7 hundred dollars just because some unscrupulous  
8 telecommunication carrier is using illegal practices  
9 to eke out market share. It needs to stop.

10 **MR. GROSS:** Mr. Peters, I'm Michael Gross  
11 with the attorney General's office. I believe that we  
12 have had previous communication?

13 **WITNESS PETERS:** Yes, sir.

14 **MR. GROSS:** Have you been in touch with Jack  
15 Norris or Monica Felder of the Attorney General's Fort  
16 Lauderdale office by any chance?

17 **WITNESS PETERS:** Ms. Felder and I have  
18 spoken. I believe she works for Jack Norris --

19 **MR. GROSS:** That's correct.

20 **WITNESS LEDBETTER:** -- if I'm not mistaken.  
21 And, essentially, her response to my inquiries was  
22 that because the Attorney General's office is in the  
23 process of actively investigating this and other  
24 companies for the practice I'm complaining of, they  
25 are unable to help me at this time.

1           **WITNESS WHITAKER:** Under confidentiality  
2 provisions. But did they take the information about  
3 your particular experience, because I mean I'd be  
4 interested in --

5           **WITNESS PETERS:** I, frankly, cannot recall.

6           **MR. GROSS:** Okay. I mean, I'd like to  
7 acquire your file on this. I mean, not necessarily  
8 anything that's, you know, work product or would  
9 prejudice your trial preparation.

10           **WITNESS PETERS:** Right.

11           **MR. GROSS:** But anything that is available  
12 to us, we'd like to get ahold of it because Florida is  
13 part of a multistate group that is investigating  
14 Minimum Rate Pricing.

15           **WITNESS PETERS:** I understand that.

16           **MR. GROSS:** And I know that several other  
17 states are, also, planning action.

18           **WITNESS PETERS:** I'd be happy to share that  
19 information.

20           **MR. GROSS:** Thank you.

21           **COMMISSIONER GARCIA:** I think our Staff  
22 would probably like that, too, because we certainly  
23 would not like this company to be representing that  
24 because there is a tariff before this Commission that  
25 that makes that tariff presumptively valid and,

1 therefore -- so it might behoove your attorneys to  
2 give Ms. Caldwell a call so she can give you at least  
3 the background there.

4           **MR. BECK:** Mr. Peters, just one thought:  
5 The Commission can issue a declaratory statement if  
6 you file a petition with the Commission -- Charlie  
7 Beck. And just one thought is perhaps -- if their  
8 defense was raising a problem, you could ask the  
9 Commission to issue a declaratory statement.

10           **WITNESS PETERS:** To whom do I address such a  
11 request?

12           **COMMISSIONER GARCIA:** To either Chairman  
13 Johnson --

14           **CHAIRMAN JOHNSON:** Why don't you coordinate  
15 that with our legal Staff, Ms. Caldwell, here. She  
16 will be able to assist you in how we can help you  
17 procedurally on the legal aspects.

18           **WITNESS PETERS:** I know the federal judges  
19 would appreciate that clarification on November 18th.

20           **CHAIRMAN JOHNSON:** Sure. Mr. Moses, did you  
21 have a point?

22           **MR. MOSES:** I was just going to say I may  
23 save everybody a lot of time. I'll go ahead and  
24 commit to opening a docket on this and bring it before  
25 the Commission to get the language removed if the

1 Company refuses to do so.

2           **COMMISSIONER GARCIA:** Beyond that, Mr. Beck  
3 makes a good point, because we don't want the  
4 authority of this Commission misrepresented. And  
5 that's why I think if you speak to Ms. Caldwell, I  
6 think that our legal office can probably provide you  
7 with that information. I don't know if we can get it  
8 before the Commission quick enough, but certainly we  
9 can give you the background in that.

10           **WITNESS PETERS:** Super. Thank you very  
11 much.

12           **CHAIRMAN JOHNSON:** Thank you. I appreciate  
13 all of your hard work.

14           **WITNESS PETERS:** Yes, ma'am.

15           **CHAIRMAN JOHNSON:** Sir, I know you have a  
16 point. You'll have to make that -- you're excused.

17           I know you have a point. You'll have to  
18 make that particular point at one of the microphones  
19 because this is being transmitted over the Internet.  
20 Were you sworn in a little earlier?

21           **WITNESS POLKOSKY:** Yes.

22           **CHAIRMAN JOHNSON:** How many more?

23           **MR. BECK:** Seven or eight.

24           **CHAIRMAN JOHNSON:** And your name?

25           **WITNESS POLKOSKY:** Douglas Polkosky.

1           **CHAIRMAN JOHNSON:** Could you hold your  
2 question, then? I'm not certain as to where you are  
3 on the list. And I apologize. We just have to do  
4 this in a pretty formal, orderly manner.

5           **MR. BECK:** Douglas Polkosky.

6                               - - - - -

7                               **DOUGLAS POLKOSKY**

8 was called as a witness on behalf of the Citizens of  
9 the State of Florida and, having been duly sworn,  
10 testified as follows:

11                              **DIRECT STATEMENT**

12           **WITNESS POLKOSKY:** Good evening. I'm Doug  
13 Polkosky with Thomas Computer. We're located at 7101  
14 President's Drive here in Orlando. The zip code is  
15 32809. And I have two issues I'd like to share, one  
16 for my business and another that is more personal.

17                              We were slammed approximately two years ago.  
18 We filed a complaint -- I believe it's on file -- and  
19 we were taken care of. Basically, all the fees were  
20 dropped.

21                              My concern with the Commission today is  
22 that, essentially, I agree with several of the other  
23 people here tonight; that this slamming practice is a  
24 theft not only of dollars and cents as a result of the  
25 bills that are issued, but of the time it takes away

1 from running a business.

2           We are a telemarketing company. We have  
3 been in business for 33 years, and at least 18 of  
4 those we have used AT&T.

5           We were slammed through what I suspect was a  
6 procedure, somewhat innocently, calling in, speaking  
7 to a receptionist, asking who uses our -- what  
8 telephone service we use and who is in charge of that.  
9 I handle all of the telephone acquisitions and  
10 accounts for our company.

11           We were switched over. The bill that came  
12 in to us was on AT&T printed form. I strongly object  
13 to a company using -- having the ability to use AT&T  
14 for their billing services, using AT&T forms, and only  
15 when you look at the fine print to do you find it is  
16 not an AT&T bill.

17           Picture yourself as our business getting a  
18 bill in every month from AT&T for many, many years.  
19 The bill still comes in AT&T but is considerably  
20 larger than we would have ordinarily expected.

21           Not only that, but it's a subterfuge. You  
22 pay a check to another company and the billing is done  
23 through a third company. So there are multiple levels  
24 of involvement in this slamming.

25           The Attorney General's Office, the Public

1 Commission, and AT&T themselves were all extremely  
2 helpful in helping us resolve this.

3           We estimated that it took us approximately  
4 50 hours of time to resolve it. In a business like  
5 ours, candidly, 50 hours that is not devoted to  
6 business but rather into curing a theft of assets is  
7 significant. We did fix the problem, so I do  
8 appreciate that.

9           I am concerned of another issue. We deal --  
10 throughout the United States -- we sell a portion of  
11 our business via credit cards. And when I take an  
12 order for a credit card without having the ability to  
13 actually swipe that credit card, I'm at risk for  
14 getting paid.

15           What it appears like the Telecommunications  
16 Act or the statutes seem to enforce is that the  
17 company who is using the service is the victim  
18 without -- with very little rights. The slammers do  
19 not have to get a signature; they do not have to get  
20 an order. Most of my other vendors require that we  
21 have on file with them either a blanket order or some  
22 form of hard copy order in order to make a major  
23 purchase.

24           At our telemarketing company, we have some  
25 30-odd telephone lines. The transfer of our lines to

1 an unauthorized company is a significant event.

2 I also would like to have the Commission  
3 look into -- it is obvious to us by the lines that  
4 were switched -- the lines that were switched in our  
5 company were those that were in a hunt group. They  
6 did not switch the lines that were independent lines.  
7 It seems fairly clear to us that AT&T or someone  
8 provided them the phone numbers that were in our hunt  
9 groups.

10 The second issue I have is more personal,  
11 and it relates to my mother-in-law, some 75 years old  
12 who was slammed. And the result of the slamming for  
13 her was not extremely financial, but rather emotional.  
14 As a result of the slamming, and apparently some  
15 confusion between the service providers, she was  
16 unable to make intrastate calls. Her family is spread  
17 out throughout Florida. Here is a 75-year-old  
18 woman --

19 COMMISSIONER GARCIA: Let me ask you -- over  
20 here -- was she a Southern Bell customer?

21 WITNESS POLKOSKY: Yes, she was.

22 COMMISSIONER GARCIA: Okay.

23 WITNESS POLKOSKY: She was unable to contact  
24 her family. Obviously, that is an emotional drain on  
25 an elderly person living alone, in addition to the



1 finances.

2 I believe that's also been taken care of.  
3 But I'd like to perhaps suggest that the Commission  
4 look at some form of allowing, at the very minimum,  
5 the elders to very easily put a freeze on their lines.

6 COMMISSIONER GARCIA: This was intrastate?

7 WITNESS POLKOSKY: This was intrastate.

8 COMMISSIONER GARCIA: Okay. I guess I've  
9 spoken about this, but I believe I spoke to Staff  
10 about this the other day at the Commission, but I  
11 think we have to -- that was a rule that was passed by  
12 the Commission in terms of creating -- I guess it  
13 wasn't a rule; it was an order by the Commission when  
14 we tried to open up the intrastate market. And as you  
15 may well imagine or know, Southern Bell controlled  
16 within its area all of that. And in the Commission's  
17 hope to create more competition we put certain  
18 restrictions on BellSouth when people were switching  
19 off their system. And it was a close vote at the  
20 time. And our thinking at the time -- it wasn't meant  
21 to be a permanent decision, but our thinking at the  
22 time was to create -- to create a more competitive  
23 atmosphere not to allow BellSouth to remarket you. So  
24 if -- the same way that when AT&T, you switch from  
25 them, they send you a letter or you call them to

1 switch and they try to resell you, and they tell you  
2 they've got a cheaper plan, we don't allow BellSouth  
3 to do that. And I think you are probably the tenth  
4 person to tell us about this particular issue. And  
5 it's something that I think we may have to address in  
6 the order that this Commission put out.

7           **MR. MOSES:** Commissioner Garcia, what he's  
8 talking about is the entire state of Florida. I think  
9 what you're describing is intraLATA traffic, if I'm  
10 understanding what he's saying. Did you not state the  
11 entire state of Florida you were blocked?

12           **WITNESS POLKOSKY:** Actually several areas  
13 within the state of Florida, primarily on the west  
14 coast in the Leesburg/Tampa --

15           **COMMISSIONER GARCIA:** That would be the  
16 intrastate.

17           **MR. MOSES:** Okay.

18           **COMMISSIONER GARCIA:** That would be the  
19 intraLATA.

20           **WITNESS POLKOSKY:** Excuse me if I used the  
21 wrong time.

22           **COMMISSIONER GARCIA:** No, no, you used the  
23 right term. Mr. Moses, though, realizes that I use  
24 the wrong terms quite often, so he was trying to make  
25 sure I got it right.

1           And what that -- what it shows us is that,  
2 in particular, in areas where that happens a lot, in  
3 other words, for example, in the area of the state  
4 that I'm from, Dade/Broward and Monroe and Palm Beach  
5 Counties, we have got -- due to the Public Counsel's  
6 office, very specifically -- and suits that they filed  
7 against BellSouth, we've been able to get expanded  
8 calling areas for those areas. And so people are used  
9 to making 25-cent calls between these huge areas  
10 suddenly get switched. BellSouth can't remarket that  
11 client, and so someone who is paying 25 cents for a  
12 call suddenly is paying a lot more, because, you know,  
13 since it was 25 cent -- 25 cents a call they would  
14 call and speak 30 minutes to their daughter who lived  
15 the next county over, and when they got the bill it  
16 was quite a shocker. And that's something that is  
17 relatively new because that has existed only within  
18 the last year or so.

19           So it's something that we're about to look  
20 at very seriously because you need to be able to get  
21 basic information on that. And because of the way the  
22 system is -- and I speak only of BellSouth, they're  
23 not able to say, "Hey, wait a minute. This may not be  
24 the best situation for you." So.

25           **CHAIRMAN JOHNSON:** Sir, one of the issues

1 that you raised, it's one that I think we should take  
2 special note to and that is how to we inform people,  
3 particularly the elderly, of ways to protect  
4 themselves, like the PIC freeze and other mechanisms;  
5 perhaps the Department of Agriculture's "No  
6 Solicitation Program" because we need to try to avoid  
7 these situations in the first instance. Oftentimes  
8 when something like this occurs, the customer doesn't  
9 know what to do. They don't know the choices. They  
10 don't know how to protect themselves, and they have to  
11 reason to know. In the past we had the monopolies;  
12 they didn't have to worry about those kinds of things.

13           So we are -- and I'm taking special note of  
14 that point -- to try to find ways in which we can do  
15 our part to help inform and educate customers.

16           **WITNESS POLKOSKY:** I appreciate that. And,  
17 again, I think there are just -- it appears with the  
18 success of the mail-in ballots on the recent sales tax  
19 issue, with the amount of paperwork that comes to  
20 almost anybody, income tax forms, telephone bills  
21 anything, there should be a better way for these  
22 elderly people.

23           Remember, one of my concerns, again, about  
24 this slamming is the questions are quite innocent. A  
25 phone call comes in, "Would you like to save money on

1 your phone bill?" Well, what person on a limited  
2 income wouldn't? The answer is yes, and that becomes  
3 the issue for a slamming.

4           Again, thank you. I appreciate your time  
5 and efforts.

6           **CHAIRMAN JOHNSON:** And did you say we were  
7 able to assist -- I know you said in your case we were  
8 able to assist you. What about in your  
9 mother-in-law's case, did we resolve that? Or do we  
10 have a complaint?

11           **WITNESS POLKOSKY:** Yeah, most of that was  
12 resolved, also.

13           **CHAIRMAN JOHNSON:** Okay. Could you still  
14 meet with our Staff member so we can make sure and see  
15 if there are any other ways that we might be able to  
16 assist you or make sure that the appropriate refunds  
17 were taken care of and that we have documentation on  
18 those companies that basically perpetrated the fraud?

19           **WITNESS POLKOSKY:** Yes, I will. Thank you  
20 very much.

21           **CHAIRMAN JOHNSON:** Thank you.

22           **MR. BECK:** Harriet Fort.

23                                   - - - - -

24

25

**HARRIET FORT**

1  
2 was called as a witness on behalf of the Citizens of  
3 the State of Florida and, having been duly sworn,  
4 testified as follows:

**DIRECT STATEMENT**

5  
6 **WITNESS FORT:** My name is Harriet Fort, 1104  
7 St. Tropez Circle in Orlando.

8 I don't know how people come up with my  
9 phone number because I have had nonlisted,  
10 nonpublished numbers for years, but somehow they  
11 manage to find it. And I did get a call one morning  
12 with somebody representing themselves as I believe it  
13 was AT&T Network Services. I think that's the term  
14 they used. And I was, of course, with AT&T Long  
15 Distance, so I was receptive -- somewhat receptive to  
16 the phone call and it was just a matter of, "We have a  
17 new billing program. We're going to be billing you in  
18 increments, and we'd like to, you know, see if you  
19 were interested in the new pilling plan."

20 Assuming it was AT&T, I did agree to it and  
21 didn't realize until I got a strange bill in a strange  
22 looking envelope from Integrated Teleservices that my  
23 phone service had been switched. And it took probably  
24 close to six or eight hours on the telephone with the  
25 different -- with BellSouth and with AT&T, it took two

1 tries until I finally got the telephone lines back to  
2 where they were supposed to be.

3 I'm a building contractor. And just like  
4 these other people, if I'm not productive -- if my  
5 time is not productive, it's costing cost me a lot of  
6 money. I was so angry. Normally, like other friends  
7 I've spoken with this about, you get angry about  
8 something, you take care of it and you just cast it  
9 aside. But I was angry enough to write letters to the  
10 Public Service Commission and to the Attorney  
11 General's office, and I was very pleased with the  
12 response and the promptness and the follow up.

13 COMMISSIONER GARCIA: We were able to take  
14 care of your problem.

15 WITNESS FORT: Yeah. I did get -- I did pay  
16 them. Unfortunately, I to not pay them what they  
17 billed me, but I finally agreed on -- I can't -- the  
18 bills were a total of about \$125, and I ended up  
19 paying them about 50 or 75 just but they were  
20 harassing me. And I didn't -- I just wanted to be  
21 done with it.

22 COMMISSIONER GARCIA: I know it's on the  
23 record, I'm sorry, but I missed the name of the --  
24 what was the name of the --

25 WITNESS FORT: Integrated Teleservices.

1                   **COMMISSIONER GARCIA:** Okay. Yeah.

2                   **WITNESS FORT:** And, again, something that I  
3 would like to address at this time, and it is away  
4 from slamming. I'm also affiliated with the Orange  
5 County Sheriff's Office. And I happened to be helping  
6 out at the communications center about a month ago and  
7 took a call from a elderly woman who was concerned  
8 because she had a collect call from the sheriffs  
9 office. That was the way the call was received. And  
10 she was concerned that there was an emergency, and she  
11 said, "Would somebody have called me" -- she did not  
12 accept the collect call. It was one of these, and I  
13 had heard prior to that, so I knew what to tell her.  
14 Apparently there's something -- a new trick is  
15 calling, placing a call saying you have a collect  
16 call, you have a minute to decide after you accept the  
17 call whether you're going to -- once you hear the  
18 voice -- whether you accept it or not. And then I  
19 understand there's a large charge.

20                   Fortunately, she did not accept the call,  
21 but she was concerned that, you know, like most of us  
22 we have elderly relatives. We have children. We have  
23 people that could be --

24                   **COMMISSIONER GARCIA:** Would you happen to  
25 have -- I mean, you don't have to put it on the



1 record, but would you happen to have the information  
2 on that woman so that we could maybe check through  
3 her -- whoever her local provider is. No?

4           **WITNESS FORT:** No, I don't. I'm sorry, I  
5 didn't get it from her.

6           But she did the right thing, obviously, in  
7 not accepting the call. And I did explain to her and,  
8 you know, reassure her that the sheriff's office would  
9 never place a collect call to her; any sheriff's  
10 office from any county in the state.

11           **COMMISSIONER GARCIA:** Right.

12           **WITNESS FORT:** But, apparently, that's a new  
13 problem that's rearing its ugly head, and I don't know  
14 how you can deal with it, but it's something we need  
15 to be aware of. But I appreciate the Commission's  
16 pursuing this.

17           Channel 2 did a special on slamming several  
18 months ago, and they asked me if I would be  
19 interviewed -- agree to be interviewed. Normally, I  
20 won't speak to the media because I have had some bad  
21 experience in the past. But they were very interested  
22 in sharing this to try to help protect the public out  
23 there. So I think they probably would be receptive to  
24 working with you on whatever kind of information you  
25 decide would help the public, protect the rest of us

1 out there.

2           **CHAIRMAN JOHNSON:** Thank you very much. Any  
3 questions?

4           I know that the AG's office is following up,  
5 particularly in Central Florida, where a lot of the  
6 residents were receiving those. First it was the  
7 lottery calling you and saying accept this -- well,  
8 allegedly some group called Lottery, Inc. And like  
9 you said, it looks as if they have another twist on it  
10 now. But even those people that weren't interested in  
11 lottery, now they're getting them by saying it's the  
12 sheriff's office.

13           **WITNESS FORT:** That's the latest and that is  
14 scary. I mean, like I say, you never know when there  
15 is a true emergency. You try to tell people that law  
16 enforcement agencies are not going to call you  
17 collect.

18           **CHAIRMAN JOHNSON:** Sure. And we sent out  
19 some public announcements to try to help consumers;  
20 some educational awareness documents on that  
21 particular issue. But the AG's office was looking at  
22 going directly after those companies for that kind of  
23 -- it wasn't necessarily the telecommunications issue,  
24 but it was the fraud that was being perpetrated by  
25 doing that kind of action.

1           **WITNESS FORT:** Well, I asked her if possibly  
2 she had caller ID, and she said, no, she didn't. It  
3 was an elderly woman.

4           **CHAIRMAN JOHNSON:** Sure.

5           **WITNESS FORT:** But most of the calls, when I  
6 get strange calls like that, they are generally ones  
7 that are nontraceable that are from services that  
8 don't show up on a caller ID.

9           **COMMISSIONER GARCIA:** That reminds me,  
10 because it is something that's -- I do have caller ID  
11 at my house. And my wife hates taking calls that are  
12 not from my mother-in-law, so everyone else gets on  
13 the voice mail. But it does strike me that maybe we  
14 should require that the companies are sort of  
15 identifying themselves, because I have noticed that  
16 none of the marketers identify themselves. They  
17 always have sort of a blank coming in. Now, I do know  
18 that Southern Bell offers the service and I'm sure  
19 United does, too, whereby you can speak with your  
20 local company not to let calls through that do not  
21 have a identifier. Because my mother-in-law has that  
22 one, and I call from unidentifiable phones and I don't  
23 get through. It literally blocks your call if you're  
24 not identified.

25           I don't know if we could somehow do

1 something that requires them to acknowledge that they  
2 are with a company or something, or that requires an  
3 ID when they are reaching customers. Because it is --  
4 it is interesting that none of the marketers -- and I  
5 have a running count because I look at it when I'm  
6 gone for a week -- none of them identify themselves,  
7 and they all hang up. Obviously, they are not going  
8 to leave something on your voice mail.

9           **WITNESS FORT:** They all come through as  
10 unknown caller. The only thing that the phone company  
11 is able to block at this point are calls that come  
12 from blocked -- there are specific -- law enforcement  
13 is entitled to --

14           **COMMISSIONER GARCIA:** No, no, but there  
15 are --

16           **WITNESS FORT:** -- block or you can dial -- I  
17 mean, per call, you can dial out, dial so that, you  
18 know, it's --

19           **COMMISSIONER GARCIA:** I'm pretty sure of  
20 this, though, because I did it once. And what happens  
21 is if your phone does not have an ID -- and maybe the  
22 BellSouth people that are here could clarify that. I  
23 think that you can your program your phone with the  
24 local company not to take calls if they are not  
25 identified.

1           **MS. SIMS:** It's block the blocker.

2           **COMMISSIONER GARCIA:** Why don't you come to  
3 the mike and say that real quick. I'm sorry, But  
4 it -- I know it works, because I can't get through to  
5 my mother-in-law, which is not bad sometimes.

6           **WITNESS FORT:** I have had one call that came  
7 through, and I don't remember now whether it was an  
8 unknown caller or a private caller, which is like law  
9 enforcement. And you can return a call to that  
10 number, but it will not give you the number that  
11 you're returning the call to.

12           **MS. SIMS:** Nancy Sims with BellSouth.

13           We do have a service called "block the  
14 blocker," where if someone is calling you and they put  
15 a privacy -- they block the call, block the number  
16 before they call so the number will not display on the  
17 caller ID; it will just show private. Then this  
18 service will actually block any of those calls from  
19 coming into your line. So it will just come up with a  
20 recording saying the caller does not wish to receive a  
21 call that's been blocked -- or I forgot the exact  
22 language, but it's called block the blocker.

23           **CHAIRMAN JOHNSON:** Thank you, ma'am, for  
24 your testimony.

25           **MR. BECK:** Bob Cavalleri.

1           **COMMISSIONER GARCIA:** Sprint-United says  
2 they also have the same service.

3           - - - - -

4           **BOB CAVALLERI**  
5 was called as a witness on behalf of the Citizens of  
6 the State of Florida and, having been duly sworn,  
7 testified as follows:

8           **DIRECT STATEMENT**

9           **WITNESS CAVALLERI:** My name is Bob  
10 Cavalleri, and I have my own company. It's Applied  
11 Technology Associates, P. O. Box 149434 Orlando,  
12 Florida 32814, and obviously the company phone was  
13 slammed.

14           The company that slammed us is Vista Group  
15 International, and they use USPI as their billing  
16 service. And we finally got all of our money back  
17 that we were overcharged of. It took about, I would  
18 say two, two or three days' worth of time to do this.  
19 And to me it seems very simple that if they have  
20 independent billing on this. So if someone sends me a  
21 bill for something I didn't apply, I just throw it  
22 away and don't pay it. And I don't understand why  
23 they can't have independent billing between your local  
24 phone company and long distance phone company. Is  
25 that possible?

1           **COMMISSIONER GARCIA:** It was a rule that was  
2 proposed last year, if I'm not mistaken by our Staff.  
3 In other words, to separate that billing. And at the  
4 time, I think the Commission sent it back for further  
5 study with a strong recommendation to study for -- we  
6 voted it down.

7           I know -- I remember voting against it, and  
8 the reason was that we figured that there was some  
9 benefit to the customer, at least in my thinking, I  
10 can't speak for the other Commissioners, that there  
11 were some benefit to the local company because --  
12 since they had an access to you, that you had a  
13 general -- generally you would pay and it would be  
14 more direct. But I do believe that it is one of the  
15 things we may be considering in this hearing.

16           **WITNESS CAVALLERI:** Because the problem is  
17 if you say, "Oh, I'm not paying this bill, any part of  
18 this bill," the threat comes back that, "We're going  
19 to take your phones out," and then you're out of  
20 business. Whereas, if it's independent billing you no  
21 longer have that threat to hold over you.

22           **COMMISSIONER GARCIA:** Although, I will tell  
23 you that, believe it or not, that hasn't stopped them.  
24 It hasn't happened here, but there's a group that uses  
25 their own billing and collection system where they

1 send you -- maybe Staff can help me out. What was the  
2 name of the company that sent out some name -- some  
3 financial institution name where they basically said,  
4 "We're going to report you to your credit if you don't  
5 pay this bill." What was the name of that?

6 **CHAIRMAN JOHNSON:** Dun & Bradstreet.

7 **COMMISSIONER GARCIA:** Dun & Bradstreet,  
8 where they would send it across the top, and then they  
9 would say, "We're going to affect your credit,"  
10 which -- to be quite honest, when you're dealing with  
11 the phone company, you usually have a little bit of  
12 negotiating, because they -- believe it or not the  
13 last thing on earth they want to do is get into a  
14 fight. They want to keep billing you; they want to  
15 keep making money.

16 **WITNESS CAVALLERI:** Money off of you  
17 somehow.

18 **COMMISSIONER GARCIA:** Oh, yeah, they  
19 definitely are. They are making several points off --  
20 they buy the bill from the merchandise company.

21 **WITNESS CAVALLERI:** That's correct.

22 **COMMISSIONER GARCIA:** So what happens is  
23 when you take that portion away, they send you --  
24 they threaten your credit. And some people are more  
25 mortified of that because many times these credit



1 collection agencies are just not accessible. You  
2 know, they won't answer, and you don't know how far  
3 and how bad your credit has been affected.

4 **WITNESS CAVALLERI:** Did someone say before  
5 that if you have a dispute concerning a slamming  
6 occurrence, that BellSouth cannot disconnect your  
7 service?

8 **COMMISSIONER GARCIA:** Yes. And, in fact,  
9 all you have to do is tell them the bill is in  
10 dispute, and they shouldn't have that. And I think  
11 we're trying to modify our internal procedures whereby  
12 if you call us first -- right now the procedure is if  
13 you call us -- if you're a BellSouth customer, and you  
14 call us to tell us you have been slammed, we say have  
15 you called BellSouth. If you haven't, we flip you  
16 right through to BellSouth. But all you have to do is  
17 to say that your bill is in dispute before the Public  
18 Service Commission. And then all you have to pay is  
19 your local service. The same thing is true of United.

20 **WITNESS CAVALLERI:** Someone made the  
21 suggestion, also, that if you are slammed that not  
22 only should you get the difference back, but the  
23 company that slams you should get nothing.

24 **COMMISSIONER GARCIA:** Right.

25 **WITNESS CAVALLERI:** When it starts to come

1 out of their pocket, that's more leverage to make them  
2 honest.

3 **COMMISSIONER GARCIA:** Right.

4 **WITNESS CAVALLERI:** And the question I had  
5 before --

6 **COMMISSIONER GARCIA:** And believe me that is  
7 what happens. In other words, the punisher in the  
8 relationship between the local company and the long  
9 distance company, clearly, because they want to keep a  
10 relationship with the local company, the local company  
11 isn't paying that long distance company. You know,  
12 They get their money back, too. So when you don't pay  
13 in the case of our rule, I doubt that it would be --  
14 the local phone company that would take the hit. It  
15 always is the long distance.

16 **WITNESS CAVALLERI:** Right. The question I  
17 had before about the class action suit, if that goes  
18 to class action status, isn't it possible that the  
19 company that has the suit against them just closes  
20 down, declares bankruptcy and then moves down the  
21 street?

22 **COMMISSIONER GARCIA:** We have found, for  
23 example -- what was the company? Integrated? We  
2 can't find them now.

25 **MR. MOSES:** That was Phone Calls,

1 Incorporated.

2           **COMMISSIONER GARCIA:** Phone Calls,  
3 Incorporated, which we put a healthy fine or proposed  
4 a healthy fine. They are gone.

5           **WITNESS CAVALLERI:** Yeah, that's what I was  
6 thinking. This class action suit, it will go to class  
7 action, but you're not going to recover anything.

8           **COMMISSIONER GARCIA:** I think that's the  
9 risk that those attorneys take. And that is one of  
10 the reasons why we want to look at criminal sanctions  
11 you can close a company down but you as an individual,  
12 directors and officers of the company you can --

13           **WITNESS CAVALLERI:** You can possibly fine  
14 them.

15           **COMMISSIONER GARCIA:** That would be our  
16 hope. That would be our hope.

17           **WITNESS CAVALLERI:** When they do this, who  
18 owns the phone lines? Who is selling these companies  
19 the phone lines? Is it BellSouth, AT&T, MCI?

20           **COMMISSIONER GARCIA:** I think -- Mr. Moses,  
21 correct me if I'm wrong. They are owned by several  
22 major long distance carriers and they buy, if I'm not  
23 mistaken, time on those networks, and so -- am I wrong  
24 on that?

25           **MR. MOSES:** No, you're correct. The

1 facility-based carriers actually provide the service  
2 and they resell that service.

3           **WITNESS CAVALLERI:** Can they be held  
4 responsible for selling to a company that is  
5 questionable?

6           **MR. MOSES:** Well, they are required in their  
7 tariff to have language in there that if you purchase  
8 service out of that tariff, that you must have the  
9 certificate by the Commission prior to providing  
10 service, which then those that responsibility to that  
11 company that is purchasing the service.

12           **WITNESS CAVALLERI:** The company that I have  
13 been using for long distance service is business toll,  
14 and I have had no probe with them. I found out that  
15 after I was slammed there's a test number you can  
16 call. You can call this number, and it tells you who  
17 your long distance carrier is. Providing this  
18 information on telephone bills I think would be  
19 beneficial so you don't find out after the fact; you  
20 find out before the fact. So if you get a call, you  
21 don't wonder who was this about. You can call the  
22 test number right away and find out if something  
23 happened.

24           **COMMISSIONER GARCIA:** Presently the phone  
25 companies are supposed to show the long distance

1 company. And one of the things that we have been  
2 discussing is having some type of prominent showing  
3 whenever you are switched on your bill. And since  
4 we're being listened to on the Internet, why don't we  
5 give out that number.

6 Mr. Moses, could you give out the number?

7 MR. MOSES: It's 1-700-555-4141.

8 WITNESS CAVALLERI: Okay. I have a  
9 different number than that.

10 CHAIRMAN JOHNSON: That's a toll free number  
11 for anyone who is listening to that, and that is a way  
12 to verify who your long distance provider is. Could  
13 you given its one more time?

14 MR. MOSES: It's 1-700-555-4141.

15 WITNESS CAVALLERI: I have that number. I  
16 also have another number. It's 1-700-555-1111.

17 CHAIRMAN JOHNSON: That's an easier one to  
18 remember.

19 MR. MOSES: I wasn't even aware of that one.

20 CHAIRMAN JOHNSON: We'll write that one  
21 down.

22 WITNESS CAVALLERI: That's all I have.

23 Thank you.

24 COMMISSIONER GARCIA: We appreciate your  
25 testimony. Sir, have you filed a complaint with the

1 Commission?

2           **WITNESS CAVALLERI:** I did file a complaint  
3 with the Public Service Commission. The Letter is  
4 dated September 4th. And I don't know if they  
5 contacted or got back with Vista Group International.

6           We did get our money back. But it turned  
7 out that if we contacted the billing agency, they  
8 would only refund us some of it. We had to go to  
9 Vista to get all of it back. Eventually, we did get  
10 all of it back.

11           **COMMISSIONER GARCIA:** Okay. Speak with  
12 Ms. Pena before you leave, just so we can check up on  
13 that file when we get back to Tallahassee.

14           **MR. BECK:** Mr. Cavalleri, just briefly.  
15 What basis did they give you for changing your phone  
16 service?

17           **WITNESS CAVALLERI:** I received a phone call  
18 from one individual, and they told me about some offer  
19 they made. And then another person got on the phone,  
20 and when I realize what it was, I hung up on them. I  
21 did not approve, you know, of getting switched. And I  
22 think these are telemarketers, and they just get paid  
23 by the number of people they sign up and they put my  
24 name down in the yes column.

25           **MR. BECK:** Thank you.

1           **CHAIRMAN JOHNSON:** Appreciate you  
2 testifying.

3           Are there other witnesses?

4           **MR. BECK:** Yes. Two more witnesses signed  
5 up. Scott Thomas.

6                           - - - - -

7                           **SCOTT THOMAS**  
8 was called as a witness on behalf of the Citizens of  
9 the State of Florida and, having been duly sworn,  
10 testified as follows:

11                           **DIRECT STATEMENT**

12                           **WITNESS THOMAS:** Good evening. Scott  
13 Thomas, 2400 Lakeshore Drive, Orlando 32803. Thank  
14 you for coming tonight.

15                           Mine is pretty trifle. We were on vacation,  
16 out of town. My wife and I tried to use our phone  
17 card. It wouldn't work. It was a hassle. My wife is  
18 crying. She wants to talk to her friend. One of  
19 those situations. We had been slammed. We were happy  
20 with our current carrier. We were slammed by AT&T.

21                           I reported to the service -- Public Service  
22 Commission, and within 48 hours I got a wonderful  
23 apology, I got a gentleman that was very professional.  
24 He was excellent on the phone, and he made everything  
25 right. And I was happy and everything was fine. But

1 I was still scratching my head and upset that I had to  
2 deal with the situation with my wife crying and having  
3 a problem being out of town and being switched without  
4 any authorization.

5           **COMMISSIONER GARCIA:** What was the name of  
6 the company?

7           **WITNESS THOMAS:** AT&T. AT&T is the one that  
8 slammed me. It was the corporate. I talked to  
9 Overland Park, Kansas, or somewhere like that.  
10 Anyway, this guy said he was the number one dog in the  
11 country. And, of course, he made me feel really good.  
12 He was great on the phone, and I had a good  
13 conversation with him for like 30 minutes. So  
14 everything is fine. Everything has been rectified. I  
15 have been made whole, and he's corrected everything.

16           I wanted to come tonight primarily to tell  
17 you that I think there should be in writing any  
18 changes that occur. Somebody wants to change their  
19 phone bill, I think it ought to be in writing. I  
20 think it ought to just be required that every single  
21 company have that done and that it's a written record.

22           **MR. BECK:** Mr. Thomas, how did they do your  
23 change? What did they use as a basis for it?

24           **WITNESS THOMAS:** The basis of the AT&T  
25 change -- oh, by the way, I never answered any of



1 these telephone calls. My wife and I, we just slam  
2 the phone down. We never talk to anybody. We don't  
3 sign checks. We don't look at it. We tear everything  
4 up. We're very careful about fooling around with any  
5 of those things. They said it was a mistake. They  
6 gave me the name of a lady here in town. And they had  
7 transposed a number and it wasn't even close, but I  
8 went ahead and called her. She said, well, I was  
9 getting my phone changed at this time, and they tell  
10 me that they accidentally switched it from your phone.  
11 And so I called the lady and she was very nice and she  
12 says, "I don't know what is going on, but I think you  
13 just had an accident."

14           **CHAIRMAN JOHNSON:** You have had the PIC  
15 freeze put on, right?

16           **WITNESS THOMAS:** I had a PIC freeze put on.

17           **CHAIRMAN JOHNSON:** How did they rectify your  
18 problem?

19           **WITNESS THOMAS:** They sent me a credit to my  
20 phone company, and also sent me a check. I didn't  
21 sign the check, I tore it up. I didn't want to take  
22 that chance. I don't care. I don't want the check.

23           **CHAIRMAN JOHNSON:** Thank you. And we  
24 appreciate your testifying.

25           **MS. CALDWELL:** Mr. Thomas, I just want to

1 mention you might want to get the sales solicitation  
2 form, so you cannot get the calls and you don't have  
3 to slam it down.

4 **WITNESS THOMAS:** I've got it. I'm ready.

5 **CHAIRMAN JOHNSON:** He's got that, too.

6 Thank you.

7 **MR. BECK:** Mike Montgomery.

8 - - - - -

9 **MIKE MONTGOMERY**

10 was called as a witness on behalf of the Citizens of  
11 the State of Florida and, having been duly sworn,  
12 testified as follows:

13 **DIRECT STATEMENT**

14 **WITNESS MONTGOMERY:** Hi, I'm Mike  
15 Montgomery. I got slammed, I guess -- my address is  
16 P. O. Box 950040, Lake Mary. I actually live in  
17 Altamonte Springs and am a customer of United  
18 Telephone.

19 I got slammed about a year ago. I'm kind of  
20 like the gentlemen before me, I never take any phone  
21 calls. I always hang up on them. I do vaguely  
22 remember a phone call with somebody starting, and I  
23 hung up on them.

24 About two weeks later for some reason my  
25 long distance call didn't work. And when I dialed the

1 operator to make the call go through, I ended up with  
2 AT&T. I was a customer of MCI before that, and I was  
3 rather surprised. I immediately called United  
4 Telephone and indicated to them I felt I had be  
5 slammed. They researched it, and told me that they  
6 had a signed authorization from me authorizing the  
7 change be made. I said there's no such authorization  
8 that was ever originated by me.

9           It's interesting that I use the name Mike  
10 Montgomery. My middle is David. I had my phone in  
11 David. I usually have all of my bills normally in  
12 Mike. The authorization came through on David. Had a  
13 signature of David, which I don't sign my name like  
14 that. It was a complete forgery.

15           I did call the Public Service Commission,  
16 but because my phone had been changed only a couple of  
17 days before I had caught it. There was really no big  
18 issue on bills or anything like that. They did credit  
19 me for what -- the calls I had made. They needed \$70  
20 to transfer me back to MCI. And I was a happy  
21 customer.

22           I guess my main point in coming down here  
23 tonight is to go through your rules. It looks like  
24 you have addressed some of it. When I went back to  
25 MCI. They had an independent person call me and say,

1 "Mr. Montgomery, did you authorize this change?" If  
2 that had happened the first time, I would never have  
3 gotten slammed. It's very important to me that you  
4 have -- I noticed in your rules tonight you have  
5 something like that, that that be done.

6 **COMMISSIONER GARCIA:** Voice independent  
7 verification is what that is -- because it's done  
8 automatically. When you switched over they called you  
9 almost immediately.

10 **WITNESS MONTGOMERY:** I went to MCI. I had  
11 somebody call me almost within a few hours saying,  
12 "Did you authorize this change?" And I said, "Yes, I  
13 authorized this change." To me it was common sense.  
14 In listening tonight I think I went to AT&T. I  
15 honestly don't know. From they way people were  
16 talking tonight, it may have been somebody else. I  
17 think that AT&T researched my file, who the company  
18 was, but I really don't know.

19 **MR. BECK:** Did you ever get an explanation  
20 of how the forgery came about?

21 **WITNESS MONTGOMERY:** No, I did not. I often  
22 wondered that. And I didn't have a copy. I didn't  
23 bring it tonight, but it was a complete forgery. And  
24 I indicated that when I called the Public Service  
25 Commission, that it was a complete forgery.

1           **CHAIRMAN JOHNSON:** Any other questions?

2           Thank you, Mr. Montgomery.

3           **WITNESS MONTGOMERY:** Thank you.

4           **MR. BECK:** Chairman Johnson, that's the last  
5 person who signed up ahead of time.

6           **CHAIRMAN JOHNSON:** Are there any customers  
7 who did not sign up to testify but would like to  
8 testify tonight? Seeing none, I'd like to thank all  
9 of you for coming out and providing your testimony and  
10 particularly those of you who stayed to hear the  
11 testimony of others. Again our 1-800 number is  
12 available in the brochures that we have. Staff  
13 counselor will provide you with a schedule of when we  
14 think we'll have a final resolution of the issue, but  
15 I'd like to personally thank each and every one of you  
16 for coming out and participating in the process.

17           Ms. Caldwell, could you please go over the  
18 schedule quickly?

19           **MS. CALDWELL:** Yes. The last of these  
20 workshops will conclude in Jacksonville on November  
21 the 20th. We anticipate a rule going to the  
22 Commission by Staff. Staff will take the rule to the  
23 Commission December 16th. On January the 23rd  
24 interested parties can file comments on that proposed  
25 rule. A hearing before the full Commission is

1 scheduled for February 6th of 1998. Their witnesses  
2 can be cross examined. We'll have sworn testimony and  
3 evidence. We anticipate a final rule to be adopted at  
4 the Commission agenda conference on April the 7th, and  
5 then the affected date of the rule will be sometime in  
6 May of 1998.

7                   **CHAIRMAN JOHNSON:** Thank you very much.  
8 Again, thank you for coming out. This hearing is  
9 adjourned.

10                   (Thereupon, the workshop concluded at  
11 8:25 p.m.)

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1 STATE OF FLORIDA)

2 COUNTY OF LEON )

CERTIFICATE OF REPORTER

3 I, JOY KELLY, CSR, RPR, Chief, Bureau of  
4 Reporting Official Commission Reporter,

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

9 CERTIFIED that I stenographically reported  
10 the said proceedings; that the same has been  
11 transcribed under my direct supervision; and that this  
12 transcript, consisting of 102 pages, constitutes a  
13 true transcription of my notes of said proceedings

14

15 DATED this 19th day of November, 1997.

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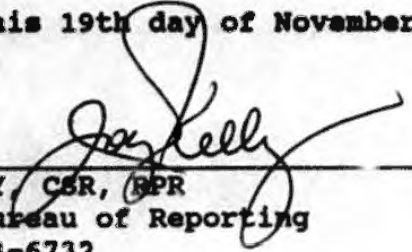
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