

ORIGINAL



JACK SHREVE  
PUBLIC COUNSEL

STATE OF FLORIDA  
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature  
111 West Madison St.  
Room 812  
Tallahassee, Florida 32399-1400  
850-488-9330

RECEIVED-FPSC

01 APR -6 AM 11:40

RECORDS AND  
REPORTING

April 6, 2001

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

Re: Docket No. 001502-W3

010409-TP

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Citizens' Petition to Initiate Investigation.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck,  
Deputy Public Counsel

- APP \_\_\_\_\_
- CAF \_\_\_\_\_ CJB:bsr
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- LEG   I
- OPC \_\_\_\_\_
- PAI \_\_\_\_\_
- RGO \_\_\_\_\_
- SEC   I
- SER \_\_\_\_\_
- OTH \_\_\_\_\_

RECEIVED & FILED

FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

04284 APR-6 6

FPSC-RECORDS/REPORTING

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition by the Citizens of )  
Florida to Investigate TALK.com Holding )  
Company and The Other Phone )  
Company For Willful Violation of )  
Rule 25-4.118, Florida Administrative )  
Code )

---

Docket No. 010409-TP  
Filed April 6, 2001

**PETITION TO INITIATE INVESTIGATION**

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, file this petition requesting the Florida Public Service Commission ("Commission") to initiate a formal investigation to determine whether TALK.com Holding Company, d/b/a Network Services, d/b/a The Phone Company, and its affiliate The Other Phone Company, d/b/a Access One Communications, willfully violated rule 25-4.118, F.A.C.

1. Section 350.0611, Florida Statutes (2000) provides Public Counsel the duty to represent the people of the state in proceedings before the Commission and specifically authorizes the Public Counsel to recommend to the Commission the commencement of any proceeding or action.

2. TALK.com Holding Company and The Other Phone Company are telecommunications companies as defined by section 364.02(12), Florida Statutes, and are subject to the jurisdiction of this Commission. According to information contained on the Commission's web site, the contact person for both companies is Mr. Craig Pizer, 6805 Route 202, New Hope, PA 18938-1079.

3. Rule 25-4.118, F.A.C., prohibits companies from changing the local, local toll, or toll provider of customers without proper authorization. This prohibited practice is also known as slamming. Hundreds upon hundreds of people have filed complaints with the Commission against TALK.com Holding Company and The Other Phone Company which have been classified as slamming by the Commission's Division of Consumer Affairs. In fact, in the first three months of 2001 alone, the Commission's Division of Consumer Affairs classified over 200 complaints against these companies as slamming.<sup>1</sup>

4. Not only does rule 25-4.118 prohibit companies from changing the local, local toll, or toll provider of customers without proper authorization; it also states that no misleading or deceptive references may be made during telemarketing and verification while soliciting for subscribers. The complaints filed at the Commission are filled with claims that the telemarketing and verification practices of TALK.com Holding Company and The Other Phone Company are misleading and deceptive.

5. The substantial interests of the citizens of Florida are adversely affected by these violations of rule 4-118, F.A.C., because such violations deny citizens the right to use providers of their choice and result in unauthorized charges for services.

6. This sheer number of recent complaints against TALK.com Holding Company and The Other Phone Company warrant a formal investigation by the Commission. The Commission should open an investigation to fully investigate the complaints filed by customers and the actions by the companies that have brought

---

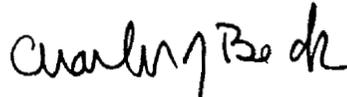
<sup>1</sup> The Commission's files contain over a thousand complaints against these companies. These complaints

about these complaints. A hearing should be held to determine whether TALK.com Holding Company and The Other Phone Company willfully violated rule 25-4.118, F.A.C.; and if so, whether the Commission should revoke the companies' certificates, fine the companies, or take other appropriate action pursuant to section 364.285, Florida Statutes.

**WHEREFORE**, Citizens request the Commission to initiate a formal investigation of TALK.com Holding Company and The Other Phone Company as described in this petition.

Respectfully submitted,

JACK SHREVE  
Public Counsel  
Fla. Bar No. 73622



Charles J. Beck  
Deputy Public Counsel  
Fla. Bar No. 217281

Office of Public Counsel  
c/o The Florida Legislature  
111 W. Madison Street  
Room 812  
Tallahassee, FL 32399-1400

(850) 488-9330

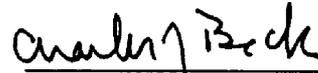
Attorneys for Florida's Citizens

---

cover a variety of matters, including slamming.

DOCKET NO.  
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S.  
mail or hand-delivery to the following parties on this 6th day of April, 2001.



\_\_\_\_\_  
Charles J. Beck

Beth Keating  
Division of Legal Services  
Fla. Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Mr. Craig Pizer  
6805 Route 202  
New Hope, PA 18938-1079