

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

RECEIVED-FPSC  
MAY - 3 AM 11:09  
RECORDS AND REPORTING

**DATE:** MAY 3, 2001

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

**FROM:** DIVISION OF COMPETITIVE SERVICES (KENNEDY) *RK*  
DIVISION OF LEGAL SERVICES (HELTON) *Walt K/L*

**RE:** DOCKET NO. 010591-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF IXC CERTIFICATE NO. 2497 ISSUED TO AMERIVISION COMMUNICATIONS, INC. FOR VIOLATION OF ORDER NO. PSC-00-0827-PAA-TI.

**AGENDA:** 05/15/01 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\010591.RCM

CASE BACKGROUND

- February 15, 1991 - AmeriVision Communications, Inc. obtained Florida Public Service Commission interexchange company (IXC) Certificate No. 2497.
- April 26, 2000 - In Docket No. 000153-TI, Proposed Agency Action (PAA) Order No. PSC-00-0827-PAA-TI (Attachment A, pages 8-10) was issued wherein the Commission denied AmeriVision Communications, Inc.'s request to change the name on Certificate No. 2497 from AmeriVision Communications, Inc. to AmeriVision Communications, Inc. d/b/a Lifeline Communications. The Commission did not receive any objections or protests to the PAA Order by the May 17, 2000 deadline. Consummating Order No. PSC-00-0999-CO-TI made Order No. PSC-00-0827-PAA-TI final and effective on May 19, 2000.

DOCUMENT NUMBER-DATE  
05597 MAY-30  
FPSC-RECORDS AND REPORTING

DATE: MAY 3, 2001

- September 17, 2000 - Staff received an inquiry regarding a radio advertisement in which the name Lifeline Communications was given as the entity soliciting customers for long distance telephone service.
- October 20, 2000 - Staff mailed a certified letter (Attachment B, pages 11-19) to Mr. Stephen D. Halliday, informing him that AmeriVision Communications, Inc. was in apparent violation of Commission Order PSC-00-0827-PAA-TI because the name Lifeline Communications was being used in Florida. Staff's correspondence included a copy of a billing statement on which Lifeline was prominently displayed above the name AmeriVision Communications, Inc., and explained that a Commissioner heard a radio advertisement for Lifeline Communications.
- December 1, 2000 - AmeriVision Communications, Inc. faxed a written response (Attachment C, pages 20-21) to staff's October 20, 2000 certified letter.
- December 4, 2000 - AmeriVision Communications, Inc. faxed a second written response (Attachment D, pages 22-23) to staff's October 20, 2000 certified letter. The company's response was identical to the December 1, 2000 response, with only the date differing.
- December 2000 - Staff received a call from Mr. Greg Voight, representing AmeriVision Communications, Inc., regarding this matter. Mr. Voight was conducting a follow-up to ensure that AmeriVision Communications, Inc.'s response satisfied staff's concerns. Because the bill reflected Lifeline as a trademark and did identify AmeriVision Communications, Inc. as the service provider, and the company had reportedly taken action to correct the radio advertisements, staff advised Mr. Voight that all appeared to be in order. Staff did advise Mr. Voight that AmeriVision Communications, Inc. should fully comply with Order No. PSC-00-0827-PAA-TI to avoid any future complications.
- April 5, 2001 - Staff received a copy of a telephone bill (Attachment E, pages 24-25) issued by Lifeline Communications on March 20, 2001.
- April 16, 2001 - Staff listened to radio advertisements broadcast from a local Tallahassee radio station, WCVC 1330 AM, in which Lifeline Communications solicited customers for long distance service.

DOCKET NO. 010591-TI  
DATE: MAY 3, 2001

- April 25, 2001 - Staff opened this docket to initiate cancellation of AmeriVision Communications, Inc.'s IXC Certificate No. 2497 for violation of Commission Order No. PSC-00-0827-PAA-TI.

The Florida Public Service Commission is vested with jurisdiction over this matter pursuant to Sections 364.01(4)(c), 364.285 and 364.337, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DOCKET NO. 010591-TI  
DATE: MAY 3, 2001

### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission cancel IXC Certificate No. 2497 issued to AmeriVision Communications, Inc. for violation of Order No. PSC-00-0827-PAA-TI?

**RECOMMENDATION:** Yes. The Commission should cancel Interexchange Telecommunications Certificate No. 2497 issued to AmeriVision Communications, Inc. for violation of Order No. PSC-00-0827-PAA-TI.  
**(KENNEDY)**

**STAFF ANALYSIS:** On April 26, 2000, in Docket No. 000153-TI, Proposed Agency Action (PAA) Order No. PSC-00-0827-PAA-TI (Attachment A, pages 8-10) was issued wherein the Commission denied AmeriVision Communications, Inc.'s request to change the name on Certificate No. 2497 from AmeriVision Communications, Inc. to AmeriVision Communications, Inc. d/b/a Lifeline Communications. In denying AmeriVision Communications, Inc.'s request, the Commission expressed concern that the fictitious name would be unduly confusing with the current Federal LifeLine Assistance Program. The Commission did not find it in the public interest to approve the requested name change. No objections or protests of the Order were received by the May 17, 2000, deadline. Consummating Order No. PSC-00-0999-CO-TI made Order No. PSC-00-0827-PAA-TI final and effective on May 19, 2000.

On September 17, 2000, staff received an inquiry from a Commissioner's aide regarding a radio advertisement heard by a Commissioner in which the name Lifeline Communications was given as the entity soliciting customers for long distance telephone service. The Commissioner remembered that a company had been denied the use of the name Lifeline Communications in a docket that was voted on by the Commission earlier in the year.

On October 20, 2000, staff mailed a certified letter (Attachment B, pages 11-19) to Mr. Stephen D. Halliday, informing him that AmeriVision Communications, Inc. was in apparent violation of Commission Order PSC-00-0827-PAA-TI because the name Lifeline Communications was being used in Florida. Staff's correspondence explained that a Commissioner heard a radio advertisement for Lifeline Communications and included a copy of a billing statement on which Lifeline was prominently displayed above the name AmeriVision Communications, Inc.

On December 1, 2000, and December 4, 2000, AmeriVision Communications, Inc. faxed written responses (Attachment C, pages

20-21 and Attachment D, pages 22-23) to staff's October 20, 2000, certified letter. Each response contained identical information, with only the date differing. The company's response was late and was only received after staff had contacted the company to advise that a response was required. In its response, the company claimed that AmeriVision Communications, Inc. has not been using the corporate name Lifeline Communications in the State of Florida on its bills. The company stated that it included Lifeline, a registered service mark, along with the name AmeriVision Communications, Inc. on its bills. The certificated name, AmeriVision Communications, Inc. was included on the billing statement. Regarding the radio advertisement, AmeriVision Communications, Inc. claims that some of its radio ads in Florida may have been ambiguous and the company has taken steps to avoid a repeat of this situation. AmeriVision Communications, Inc. also expressed that it was perplexed by the Commission's decision to deny its request for a name change on the IXC certificate. Staff advised the company that it was the company's responsibility to protest the Commission's proposed action if it disagreed. The company did not file a protest.

Later in December 2000, staff received a call from Mr. Greg Voight, representing AmeriVision Communications, Inc., regarding this matter. Mr. Voight was conducting a follow-up to ensure that AmeriVision Communications, Inc.'s response satisfied staff's concerns. Because the bill reflected Lifeline as a trademark and did identify AmeriVision Communications, Inc. as the service provider, and the company had reportedly taken action to correct the radio advertisements, staff advised Mr. Voight that the company appeared to be taking the necessary steps to ensure compliance with the Commission's Order. Staff did advise Mr. Voight that AmeriVision Communications, Inc. should fully comply with Order No. PSC-00-0827-PAA-TI to avoid any future complications.

On April 5, 2001, staff received a copy of a March 20, 2001, telephone bill (Attachment E, pages 24-25) issued by Lifeline Communications. In comparing this bill to the bill provided as Attachment B, pages 18-19), it is apparent that AmeriVision Communications, Inc. has stopped using the certificated provider name, AmeriVision Communications, Inc. and now uses the name Lifeline Communications. Staff reviewed the billing format, addresses, customer service number, plus other information, and has determined that AmeriVision Communications, Inc. and Lifeline Communications are the same entity.

On April 16, 2001, and subsequent dates, staff listened to radio advertisements broadcast from a local Tallahassee AM radio

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DATE: MAY 3, 2001

station, WCVC 1330, in which Lifeline Communications solicited customers for long distance service.

Because AmeriVision Communications, Inc. used Lifeline Communications on its Florida billing statements and advertised its product under the name Lifeline Communications on a local Tallahassee radio station, staff opened this docket to initiate cancellation of AmeriVision Communications, Inc.'s IXC Certificate No. 2497 for violation of Order No. PSC-00-0827-PAA-TI. Because AmeriVision Communications, Inc. has demonstrated a total disregard of the Commission's Order, staff recommends that instead of issuing a show cause order, the ultimate penalty be imposed, that is, the company's certificate be revoked.

Rule 25-24.474, Florida Administrative Code, Cancellation of a Certificate, provides that the Commission may on its own motion cancel a company's certificate for violation of a Commission rule or order. Accordingly, staff recommends that the Commission should cancel Interexchange Telecommunications Certificate No. 2497 issued to AmeriVision Communications, Inc. for violation of Order No. PSC-00-0827-PAA-TI.

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DATE: MAY 3, 2001

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes. This docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the proposed agency action order. **(HELTON)**

**STAFF ANALYSIS:** Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, this docket should be closed upon the issuance of a Consummating Order.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for name change  
on Interexchange  
Telecommunications Certificate  
No. 2497 from Amerivision  
Communications, Inc. to  
Amerivision Communications, Inc.  
d/b/a Lifeline Communications.

DOCKET NO. 000153-TI  
ORDER NO. PSC-00-0827-PAA-TI  
ISSUED: April 26, 2000

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.  
LILA A. JABER

NOTICE OF PROPOSED AGENCY ACTION  
ORDER DENYING REQUEST FOR NAME CHANGE ON  
INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

By letter dated February 3, 2000, Amerivision Communications, Inc., holder of Interexchange Telecommunications Certificate of Public Convenience and Necessity No. 2497, requested that Certificate No. 2497 be amended to reflect a name change from Amerivision Communications, Inc. to Amerivision Communications, Inc. d/b/a Lifeline Communications.

Upon further review, we are concerned that this fictitious name appears to be unduly confusing with the current Federal LifeLine Assistance Program. Therefore, we do not find it in the public interest to approve the requested name change.



Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Amerivision Communications, Inc.'s request for name change is hereby denied. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 26th day of April, 2000.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: s/ Blanca S. Bayó  
Kay Flynn, Chief  
Bureau of Records

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

( S E A L )

KMP

DISSENT

Commissioner Deason dissents, without comment, from the majority's decision in this case.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 17, 2000.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

STATE OF FLORIDA

Commissioners:  
J. TERRY DEASON, CHAIRMAN  
E. LEON JACOBS, JR.  
LILA A. JABER  
BRAULIO L. BAEZ



DIVISION OF COMPETITIVE SERVICES  
WALTER D'HAESELEER  
DIRECTOR  
(850) 413-6600

## Public Service Commission

October 20, 2000

### CERTIFIED

Mr. Stephen D. Halliday  
AmeriVision Communications, Inc.  
5900 Mosteller Drive, Suite 1850  
Oklahoma City, OK 73112-4612

### **Re: Use of the name LifeLine in Florida**

Dear Mr. Halliday:

On February 3, 2000, AmeriVision Communications, Inc. requested a name change on Interexchange Telecommunications Certificate No. 2497 from AmeriVision Communications, Inc. to AmeriVision Communications, Inc. d/b/a Lifeline Communications. Commission staff opened Docket No. 000153-TI to address AmeriVision Communications, Inc.'s request for the name change.

At the March 28, 2000 Agenda Conference, the Commissioners voted to deny AmeriVision Communications, Inc.'s request to use the d/b/a Lifeline Communications. I have attached a copy of the Commission's Order No. PSC-00-0827-PAA-TI (Attachment 1) documenting that denial. The Commission's action was a Proposed Agency Action, meaning that it was preliminary in nature and any person whose substantial interests were affected by the proposed action could file a petition for a formal proceeding. The deadline for filing a petition was May 17, 2000. Because no one filed a petition, including AmeriVision Communications, Inc., a Consummating Order No. PSC-00-0999-CO-TI (Attachment 2) was issued on May 19, 2000, which finalized the Proposed Agency Action in Order No. PSC-00-0827-PAA-TI.

In September 2000, one Commissioner, who had participated in the vote on AmeriVision Communications, Inc.'s name change request, heard a radio advertisement for Lifeline. Further, staff is in receipt of an AmeriVision Telecommunications, Inc. invoice (Attachment 3) that uses the name Lifeline. The invoice is dated August 20, 2000, which is well past the date of issuance of the Consummating Order. By continuing to use the Lifeline name, AmeriVision Telecommunications, Inc. is in direct violation of the Commission's Order discussed in the previous paragraph.

Mr. Stephen D. Halliday  
Page 2  
October 20, 2000

AmeriVision Telecommunications, Inc. should take immediate action to cease the use of the name Lifeline in its advertisements and on its billing statements. If AmeriVision Telecommunications, Inc. fails to do so, it would continue to be in violation of the Commission's Order denying it the use of the d/b/a Lifeline and thus be subject to further penalties as provided in Section 364.285, Florida Statutes, Penalties.

Please provide a written response to me by November 6, 2000. In your response, you should describe the actions AmeriVision Telecommunications, Inc. has taken to ensure discontinuance of the d/b/a Lifeline. Also provide the specific date for the billing cycle wherein the name Lifeline will no longer appear on a Florida consumer's invoice. Should you have any questions, please contact me at 850-413-6584.

Sincerely,



Ray Kennedy  
Bureau of Service Quality

Enclosures (3)

CATS#341060C

ATTACHMENT 1

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for name change  
on Interexchange  
Telecommunications Certificate  
No. 2497 from Amerivision  
Communications, Inc. to  
Amerivision Communications, Inc.  
d/b/a Lifeline Communications.

DOCKET NO. 000153-TI  
ORDER NO. PSC-00-0827-PAA-TI  
ISSUED: April 26, 2000

The following Commissioners participated in the disposition of  
this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.  
LILA A. JABER

NOTICE OF PROPOSED AGENCY ACTION  
ORDER DENYING REQUEST FOR NAME CHANGE ON  
INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

By letter dated February 3, 2000, Amerivision Communications, Inc., holder of Interexchange Telecommunications Certificate of Public Convenience and Necessity No. 2497, requested that Certificate No. 2497 be amended to reflect a name change from Amerivision Communications, Inc. to Amerivision Communications, Inc. d/b/a Lifeline Communications.

Upon further review, we are concerned that this fictitious name appears to be unduly confusing with the current Federal LifeLine Assistance Program. Therefore, we do not find it in the public interest to approve the requested name change.

ORDER NO. PSC-00-0827-PAA-TI  
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PAGE 2

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Amerivision Communications, Inc.'s request for name change is hereby denied. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 26th day of April, 2000.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: s/ Blanca S. Bayó  
Kay Flynn, Chief  
Bureau of Records

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

( S E A L )

KMP

DISSENT

Commissioner Deason dissents, without comment, from the majority's decision in this case.

ORDER NO. PSC-00-0827-PAA-TI  
DOCKET NO. 000153-TI  
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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 17, 2000.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

DOCKET NO. 010591-TI  
DATE: MAY 3, 2001

ATTACHMENT B

ATTACHMENT 2

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for name change  
on Interexchange  
Telecommunications Certificate  
No. 2497 from Amerivision  
Communications, Inc. to  
Amerivision Communications, Inc.  
d/b/a Lifeline Communications.

DOCKET NO. 000153-TI  
ORDER NO. PSC-00-0999-CO-TI  
ISSUED: May 19, 2000

CONSUMMATING ORDER

BY THE COMMISSION:

By Order No. PSC-00-0827-PAA-TI, issued April 26, 2000, this Commission proposed to take certain action, subject to a Petition for Formal Proceeding as provided in Rule 25-22.029, Florida Administrative Code. No response has been filed to the order. It is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-00-0827-PAA-TI has become effective and final. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 19th day of May, 2000.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

( S E A L )

KMP



DOCKET NO. 010591-TI  
DATE: MAY 3, 2001

ATTACHMENT B

ORDER NO. PSC-00-0999-CO-TI  
DOCKET NO. 000153-TI  
PAGE 2

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any judicial review of Commission orders that is available pursuant to Section 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

ATTACHMENT 3



AMERVISION COMMUNICATIONS, INC.

PO Box 12980  
Oklahoma City, OK 73157

Visit us online at <http://www.lifeline.net>  
View your bill at <http://bills.lifeline.net>

For customer service inquiries,  
please call 1-800-800-7550  
24hrs / 7 days a week

\*\*\*\*\*AUTO\*\*ALL FOR AADC 320  
NORTHEAST CHRISTIAN CHURCH 280-56621  
4738 THOMASVILLE RD  
TALLAHASSEE FL 32308-2528



### Account Summary

#### Account Information

Invoice #: 08020201  
Customer #: 00642346  
NPO#: 000046035  
Invoice Date: 08/20/00  
Payment Due Date: 09/14/00

#### Online Bills

User Name: NORTHEAS8  
Password: fleshy95

#### Previous

Balance Forward -10.55  
Late Charges 0.00

#### Current

Current Charges 0.15  
Federal Taxes 0.00  
State Taxes 0.00  
Other Taxes 0.00  
Universal Service Fund 0.01  
PIC Charges 0.00

Subtotal of Invoice 0.16

#### Amount Due

Total Amount Due \$-10.39

\*\*\* CREDIT BALANCE. DO NOT PAY. \*\*\*

#### Special Message

Talk just got cheaper! Call 1-800-311-2496 to find out how you can receive rates as low as 4.9 cents per minute.

### Payment Coupon

Please return this portion with your payment to ensure proper credit.

#### PAYMENT INFO

Please write your customer number on your check.  
Make checks payable to AMERVISION COMMUNICATIONS, INC.  
Please note address or phone number changes on reverse side.

NORTHEAST CHRISTIAN CHURCH  
4738 THOMASVILLE RD  
TALLAHASSEE, FL 32308-2528

CUSTOMER #: 00642346  
INVOICE #: 08020201

#### Due Date

September 14, 2000

#### Amount Due

\$-10.39

#### Amount Enclosed

REMIT PAYMENT TO

\*\*\*\*\*  
AMERVISION COMMUNICATIONS INC  
PO BOX 21819  
TULSA OK 74121-1819

Call Detail

DATE	TIME	CODE	# DIALED	CALLED	ST	LENGTH	CHARGE
07/23/00	9:23AM	N	(912) 683-3780	MEIGS	GA	1.2	0.15
Summary for number: (850) 668-1646				calls: 1		1.2	0.15

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Legend

D = DAY                      E = EVENING                      N = NIGHT

DOCKET NO. 010591-T1  
DATE: MAY 3, 2001

ATTACHMENT B

## AmeriVision Communications, Inc.

460 McLaws Circle, Suite 225  
Williamsburg Virginia 23185  
Phone: (757) 259-2290  
Fax: (757) 259-7353

December 1, 2000

### VIA TELECOPIER

Mr. Ray Kennedy  
Bureau of Service Quality  
Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Dear Mr. Kennedy:

Thank you for your letter to Stephen D. Halliday dated October 20, 2000. He has asked me to respond on behalf of AmeriVision Communications, Inc. ("AmeriVision"), I apologize for failing to respond by November 6, 2000 as you requested, but the company was investigating the facts and is now able to give you a complete response. I apologize for the delay in providing a response, but the company was in the process of conducting a full investigation of the matter so that it could provide you with a complete response.

Your letter expresses concern that AmeriVision has been displaying or using the name Lifeline Communications on its bills and in radio advertising in the State of Florida. You indicate that the Florida Public Service Commission denied AmeriVision's request to change its name to AmeriVision dba Lifeline Communications.

First, after a thorough investigation, AmeriVision can inform you that it has not been using the corporate name Lifeline Communications in the State of Florida on its bills. AmeriVision, however, has employed its registered service mark, Lifeline, a name it has been using to identify its service throughout the country, including the State of Florida, for many years. As you can see from an examination of the bill you attached to your October 20, 2000 letter, the bill does not utilize AmeriVision's dba "Lifeline Communications." Instead, AmeriVision has used its corporate name - AmeriVision Communications, Inc. The bill also includes the company's Lifeline service mark, to accurately identify for Florida customers the service they are receiving. This designation has been carried on customer bills in Florida for approximately two years, with no complaints from customers expressing any confusion over the services they have been receiving.

Second, AmeriVision has discovered that it broadcast some local radio ads in Florida that are ambiguous, but some customers would reasonably understand that the Lifeline name is used in these ads to refer to the company itself and not just the service offered. This occurred through an innocent mistake. All of AmeriVision's advertising is produced for nationwide distribution and is placed for distribution in local media outlets

Sent By: AMERIVISION;

7572298537;

Dec-1-00 15:34;

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## AmeriVision Communications, Inc.

460 McLaws Circle, Suite 225  
Williamsburg Virginia 23185  
Phone: (757) 259-2290  
Fax: (757) 259-7353

from one national center. AmeriVision legally operates under the Lifeline Communications name in the vast majority of the states in the country. One exception, of course, is the State of Florida because of the decision of the Florida Public Service Commission. Unfortunately, the central marketing department was unaware that the Commission had denied it the right to use the dba Lifeline Communications name. We sincerely apologize for this mistake and have taken action to avoid a repeat of this situation. We hope that the Commission can understand the serious operational difficulties that are caused when an individual state does not permit a nationwide company to use the name that it uses almost everywhere else.

Finally, let me state for the record that AmeriVision was perplexed by the State of Florida Public Service Commission's decision to deny AmeriVision's request for a name change on Interexchange Telecommunications Certificate No 2497. In asking the Commission to recognize Lifeline Communications as a dba of AmeriVision, AmeriVision was simply trying to advise the Commission that it desired to utilize "Lifeline" as its corporate name since that is the name that customers of AmeriVision (or its predecessor) most readily recognize. (AmeriVision has used "Lifeline" as a tradename both in and outside of Florida since at least 1988.) In fact, the company assumed the Commission would actually prefer AmeriVision to use the "Lifeline" name since it would be easier for the Commission to hold AmeriVision accountable in the event a Florida consumer files a complaint against Lifeline Communications.<sup>1</sup> The company is currently considering what action to take with respect to this decision. Please note that in requesting this name change, AmeriVision was not seeking permission from the Commission to continue to use its service mark, nor would such an action be appropriate under Florida law.

We trust that this letter fully responds to the Commission's inquiry. Please let me know if you have any further questions.

Very truly yours,



Philip G. Evans  
Vice President & General Counsel

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<sup>1</sup> The Commission's apparent concern that Florida consumers may confuse Lifeline Communications with the Federal Lifeline Assistance Program does not withstand careful analysis. The Federal Lifeline Assistance Program subsidizes local telephone service, primarily that provided by incumbent local exchange carriers. AmeriVision does not provide local exchange service. It is also important to note that AmeriVision has never received any complaints from customers about being confused in the 12 years that AmeriVision has been offering Lifeline service.

**AmeriVision Communications, Inc.**

460 McLaws Circle, Suite 225  
Williamsburg Virginia 23185  
Phone: (757) 259-2290  
Fax: (757) 259-7353

December 4, 2000

**VIA TELECOPIER**

Mr. Ray Kennedy  
Bureau of Service Quality  
Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Dear Mr. Kennedy:

Thank you for your letter to Stephen D. Halliday dated October 20, 2000. He has asked me to respond on behalf of AmeriVision Communications, Inc. ("AmeriVision"). I apologize for failing to respond by November 6, 2000 as you requested, but the company was investigating the facts and is now able to give you a complete response. I apologize for the delay in providing a response, but the company was in the process of conducting a full investigation of the matter so that it could provide you with a complete response.

Your letter expresses concern that AmeriVision has been displaying or using the name Lifeline Communications on its bills and in radio advertising in the State of Florida. You indicate that the Florida Public Service Commission denied AmeriVision's request to change its name to AmeriVision dba Lifeline Communications.

First, after a thorough investigation, AmeriVision can inform you that it has not been using the corporate name Lifeline Communications in the State of Florida on its bills. AmeriVision, however, has employed its registered service mark, Lifeline, a name it has been using to identify its service throughout the country, including the State of Florida, for many years. As you can see from an examination of the bill you attached to your October 20, 2000 letter, the bill does not utilize AmeriVision's dba "Lifeline Communications." Instead, AmeriVision has used its corporate name - AmeriVision Communications, Inc. The bill also includes the company's Lifeline service mark, to accurately identify for Florida customers the service they are receiving. This designation has been carried on customer bills in Florida for approximately two years, with no complaints from customers expressing any confusion over the services they have been receiving.

Second, AmeriVision has discovered that it broadcast some local radio ads in Florida that are ambiguous, but some customers would reasonably understand that the Lifeline name is used in these ads to refer to the company itself and not just the service offered. This occurred through an innocent mistake. All of AmeriVision's advertising is produced for nationwide distribution and is placed for distribution in local media outlets

Sent By: AMERIVISION;

7572298537;

Dec-4-00 14:01;

Page 3/3

## AmeriVision Communications, Inc.

460 McLaws Circle, Suite 225  
Williamsburg Virginia 23185  
Phone: (757) 259-2290  
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Finally, let me state for the record that AmeriVision was perplexed by the State of Florida Public Service Commission's decision to deny AmeriVision's request for a name change on Interexchange Telecommunications Certificate No 2497. In asking the Commission to recognize Lifeline Communications as a dba of AmeriVision, AmeriVision was simply trying to advise the Commission that it desired to utilize "Lifeline" as its corporate name since that is the name that customers of AmeriVision (or its predecessor) most readily recognize. (AmeriVision has used "Lifeline" as a tradename both in and outside of Florida since at least 1988.) In fact, the company assumed the Commission would actually prefer AmeriVision to use the "Lifeline" name since it would be easier for the Commission to hold AmeriVision accountable in the event a Florida consumer files a complaint against Lifeline Communications.<sup>1</sup> The company is currently considering what action to take with respect to this decision. Please note that in requesting this name change, AmeriVision was not seeking permission from the Commission to continue to use its service mark, nor would such an action be appropriate under Florida law.

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Very truly yours,



Philip G. Evans  
Vice President & General Counsel

<sup>1</sup> The Commission's apparent concern that Florida consumers may confuse Lifeline Communications with the Federal Lifeline Assistance Program does not withstand careful analysis. The Federal Lifeline Assistance Program subsidizes local telephone service, primarily that provided by incumbent local exchange carriers. AmeriVision does not provide local exchange service. It is also important to note that AmeriVision has never received any complaints from customers about being confused in the 12 years that AmeriVision has been offering Lifeline service.



PO Box 12980  
Oklahoma City, OK 73157

Visit us online at <http://www.lifeline.net>  
View your bill at <http://bills.lifeline.net>

For customer service inquiries,  
please call 1-800-800-7550  
24hrs / 7 days a week

A 0101716019716  
NORTHEAST CHRISTIAN CHURCH  
4738 THOMASVILLE RD  
THALLAHASSEE FL 32308-2528

## Account Summary

### Account Information

Invoice #	03019844
Customer #	00642346
NPO#	0000046035
Invoice Date	03/20/2001
Payment Due Date	04/14/2001

### Online Bills

User Name	NORTHEAS8
Password	WS1GQ2

### Previous

Balance Forward	-10.39
Late Charges	

### Current

Current Charges	0.14
Federal Taxes	0.00
State Taxes	0.00
Local Taxes	0.00
Universal Service Fund	0.01
PIC Charges	0.00

<b>Subtotal of Invoice</b>	<b>0.15</b>
----------------------------	-------------

### Amount Due

\*\*\* CREDIT BALANCE. DO NOT PAY \*\*\*

<b>Total Amount Due</b>	<b>\$-10.24</b>
-------------------------	-----------------

### Special Message

Get instant local and nationwide communications with LifeLine Paging. Call 1-800-717-6117 today!

## Payment Coupon

Please return this portion with your payment to ensure proper credit.

### PAYMENT INFO

Please write your customer number on your check.

Make checks payable to LifeLine Communications.

For address and phone number changes or additions,

please call LifeLine Customer Service toll-free at 1-800-800-7550.

NORTHEAST CHRISTIAN CHURCH  
4738 THOMASVILLE RD  
THALLAHASSEE, FL 32308-2528

CUSTOMER # 00642346  
INVOICE # 03019844

### Due Date

April 14, 2001

### Amount Due

\$-10.24

### Amount Enclosed

REMIT PAYMENT TO

|||||  
LIFELINE COMMUNICATIONS  
PO BOX 21819  
TULSA OK 74121-1819

0010064234603010301984400-1024





Page 2  
NORTHEAST CHRISTIAN CHURCH  
Customer #: 00642346  
Invoice Date: 08/20/00

Call Detail

DATE	TIME CODE	# DIALED	ST	LENGTH	CHARGE
07/23/00	9:23AM	N (912) 683-3700	GA	1.2	0.15

Summary for number: (850) 668-1646 calls: 1

1.2 0.15

Legend

D = DAY      E = EVENING      N = NIGHT