

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  
DEC 26 AM 9:56  
COMMISSION CLERK

**DATE:** DECEMBER 26, 2001

**TO:** DIRECTOR, DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES (BAYÓ)

**FROM:** DIVISION OF APPEALS (CIBULA, BELLAK) *A.M.C. DES*  
DIVISION OF COMPETITIVE SERVICES (M. WATTS) *MW*

**RE:** DOCKET NO. 010409-TP - PETITION BY CITIZENS OF STATE OF FLORIDA FOR INVESTIGATION OF TALK AMERICA INC. AND ITS AFFILIATE, THE OTHER PHONE COMPANY, INC. D/B/A ACCESS ONE COMMUNICATIONS, FOR WILLFUL VIOLATION OF RULE 25-4.118, F.A.C.

DOCKET NO. 010564-TX - INVESTIGATION OF POSSIBLE VIOLATION OF COMMISSION RULES 25-4.118 AND 25-24.110, F.A.C., OR CHAPTER 364, F.S., BY THE OTHER PHONE COMPANY, INC. D/B/A ACCESS ONE COMMUNICATIONS, HOLDER OF ALEC CERTIFICATE NO. 4099, AND TALK AMERICA INC, HOLDER OF ALEC CERTIFICATE NO. 4692.

**AGENDA:** 01/08/02 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\APP\WP\010409.RCM

CASE BACKGROUND

By Order No. PSC-01-2107-SC-TP, issued October 23, 2001, in Dockets Nos. 010409-TP and 010564-TX, the Commission required Talk America, Inc., formerly known as Talk.com Holding Corp. d/b/a Network Services d/b/a The Phone Company, and its affiliate, The Other Phone Company d/b/a Access One Communications (collectively

DOCUMENT NUMBER-DATE

15049 DEC 26 01

FPSC-COMMISSION CLERK

referred to herein as Talk America or company) to show cause within 21 days why it should not be fined for apparent violations of Section 364.604(2), Florida Statutes, and Rules 25-4.118 and 25-22.032(5)(a), Florida Administrative Code. Moreover, the Order required that the company's response contain specific allegations of fact and law.

On November 1, 2001, Talk America timely filed a Motion for Clarification and Extension of Time, in which it requested clarification of Order No. PSC-01-2107-SC-TP and an extension of time to respond to the Order. On November 8, 2001, Commission hearing staff timely filed a Response to Talk America, Inc.'s Motion for Clarification and Extension of Time.

On December 11, 2001, while a recommendation was pending on Talk America's Motion for Clarification and Extension of Time, Talk America filed an Amended Request for Extension of Time. The pending recommendation was deferred to the next available agenda conference so that Talk America's amended request could be considered along with the motion for clarification. In its amended request, Talk America states that it seeks a 60-day extension of time to respond to Order No. PSC-01-2107-SC-TP, instead of the 30-day extension that it originally requested in the motion filed on November 1, 2001. No responses were filed to the Amended Request for Extension of Time.

On November 6, 2001, Talk America requested a hearing in this matter. Pursuant to Section 2.15 of the Administrative Procedures Manual, when the Commission conducts a show cause proceeding that results in a hearing, two distinct groups of staff shall be designated: hearing staff and advisory staff. Staff in this instance has been divided accordingly.

This recommendation addresses whether the Commission should grant Talk America's motion and its amended request for extension of time. The Commission has jurisdiction to consider this matter pursuant to Sections 120.569, 120.57, 364.01, 364.19, 364.285, 364.337, 364.603, and 364.605, Florida Statutes.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Talk America's Motion for Clarification and Extension of Time and Amended Request for Extension of Time?

RECOMMENDATION: Talk America's Motion for Clarification and Extension of Time should be granted in part and denied in part, and Talk America's Amended Request for Extension of Time should be granted. Order No. PSC-01-2107-SC-TP should be amended to include the list provided in Attachment A of this recommendation, which sets forth Talk America's apparent violations by complaint number and categorizes the complaints under the applicable violation. Hearing staff should be ordered to provide the customer complaint forms generated by the Division of Consumer Affairs that correspond to the customer complaints set forth in Attachment A within 10 days of the issuance date of the order rendered in this matter. Furthermore, Order No. PSC-01-2107-SC-TP should be amended to clarify that each complaint forms the basis for a single violation. Moreover, Talk America should file its response to Order No. PSC-01-2107-SC-TP within ~~30~~ 60 days after the hearing staff provides the customer complaint forms to Talk America. The Commission should deny Talk America's request for a separate list from the Commission detailing the company's apparent violations by billing telephone number and customer name, as such a list is unnecessary if Attachment A and the customer complaint forms generated by the Division of Consumer Affairs are provided to Talk America. Talk America should be put on notice that no additional extensions of time will be granted for filing a response to Order No. PSC-01-2107-SC-TP, barring unforeseen circumstances.

STAFF ANALYSIS: As stated in the case background, on November 1, 2001, Talk America timely filed a Motion for Clarification and Extension of Time, in which it requested clarification of Order No. PSC-01-2107-SC-TP and an extension of time to respond to the Order. On November 8, 2001, Commission staff timely filed a Response to Talk America, Inc.'s Motion for Clarification and Extension of Time. On December 11, 2001, Talk America filed its Amended Request for Extension of Time.

TALK AMERICA'S MOTION:

In support of its motion, Talk America states that the Commission cites to a number of apparent violations of each rule

DATE: DECEMBER 26, 2001

and generally discusses those apparent violations by the type of complaint/rule violation. Talk America asserts that although the proposed fines are based upon the number of apparent violations, the Order does not contain any list or schedule detailing the specific complaints that form the basis of these apparent violations nor does it provide the information necessary and required to enable Talk America to respond adequately and accurately to each of the specific allegations identified in the Order.

The company further states that it tracks and responds to consumer inquiries based on billing telephone numbers. Talk America states that, although hearing staff has informally provided lists of customer complaints to Talk America during the course of hearing staff's investigation, it has been unable to provide hearing staff with any analysis of those complaints to date because the lists provided by hearing staff only contain internally assigned complaint numbers. Talk America contends that it has been unable to link the list provided by the hearing staff with its billing telephone numbers. Moreover, Talk America states that Order No. PSC-01-2107-SC-TP makes no mention of the specific complaints upon which the Order is based by either billing telephone numbers or customer name; therefore, Talk America asserts that it will have difficulty providing, and may ultimately be unable to provide, an adequate, accurate response to the Order or to defend itself in this proceeding.

Talk America states that it needs to receive:

- 1) an accurate list with customer names and the billing telephone number associated with each complaint that forms the basis of each of the rule violations alleged in Order No. PSC-01-2107-SC-TP; and
- 2) in the context of the list, an identification of the apparent rule violation associated with each complaint.

Talk America states that without the information outlined above, it will be without specific knowledge of the complaints at issue and will be unable to adequately respond or defend itself in this matter.

DATE: DECEMBER 26, 2001

Talk America also requests that the Commission clarify whether each of the consumer complaints generally identified in Order No. PSC-01-2107-SC-TP are limited to a single category or apparent rule violation, or whether certain complaints are listed in multiple categories, thus requiring multiple responses. Talk America requests that, to the extent that certain complaints are listed in multiple categories, the Commission separately identify such complaints by customer name and billing telephone number.

Talk America also requests that the Commission grant it an extension of time of 30 days from the date that the list outlined above is provided by the Commission to file its response to Order No. PSC-01-2107-SC-TP. Talk America states that the research, analysis, and preparation of the response to the over 600 apparent violations is extremely time consuming and Talk America has limited personnel to dedicate to completing these tasks.

The company states that it has consulted with the Office of Public Counsel (OPC), and that OPC has no objection to the motion.

HEARING STAFF'S RESPONSE:

On November 8, 2001, hearing staff filed its Response to Talk America, Inc.'s Motion for Clarification and Extension of Time. Hearing staff states that it believes that the information in Order No. PSC-01-2107-SC-TP contains sufficient information to enable Talk America to provide an appropriate response to the Order. Hearing staff, however, concedes that the Order does not contain a list or schedule that specifically identifies the complaints that form the basis of each violation. Hearing staff states that it does not object to the Commission including in the Order a list that identifies the specific complaints at issue. Hearing staff included such a list in its response.

Nevertheless, hearing staff states that it disagrees that in order for Talk America to appropriately respond to Order No. PSC-01-2107-SC-TP that the violations must be identified by billing telephone number and customer name. Hearing staff states that the Commission does not track consumer complaints by either customer name or billing telephone number, but rather by a complaint number assigned by the Commission's Division of Consumer Affairs. Hearing staff asserts that in order to comply with Talk America's request, the Commission would have to create a computer program to cull out the information in the format requested by Talk America.

Hearing staff states that as long as the company has the apparent violations identified by customer complaint number, the customer complaint number can be matched with the customer complaint form generated by the Division of Consumer Affairs, which contains the customer's identifying information. Hearing staff states that it is willing to provide the customer complaint forms generated by the Division of Consumer Affairs to Talk America; however, it believes that it is unnecessary and too cumbersome to attach these forms to the Order. Hearing staff states that providing Talk America with copies of the customer complaint forms would provide the company with the additional information it seeks without requiring the Commission to generate a special report.

As to Talk America's assertion that Order No. PSC-01-2107-SC-TP needs to be clarified because it was unclear whether each violation identified pertains to a single violation or multiple violations, hearing staff states that there may be confusion due to a lack of a list or schedule attached to the Order. Hearing staff states that if the Commission clarifies the Order to include a list of the violations by complaint number, it will be clear that each complaint forms the basis for a single violation.

Hearing staff further states that it does not object to Talk America's request for extension of time to file its response to Order No. PSC-01-2107-SC-TP. Hearing staff states that it is willing to provide copies of the complaint forms to the company as soon as practicable to assist the company in its response.

TALK AMERICA'S AMENDED REQUEST FOR EXTENSION OF TIME:

As previously mentioned, in its Amended Request for Extension of Time, Talk America asks that it be given 60 days from the date that hearing staff provides it with the customer complaint forms generated by the Division of Consumer Affairs to file its response to Order No. PSC-01-2107-SC-TP, instead of the 30 days it originally requested. In support of its request, Talk America states that the preparation of its response will require a substantial amount of time given the volume of complaints in Order No. PSC-01-2107-SC-TP. Talk America further states that it has limited resources to dedicate to this effort. Talk America states that this Commission is currently conducting or has recently conducted an audit which required the company's attention and that formal hearings are currently scheduled in other jurisdictions

which would overlap the time for preparing and filing its response to Order No. PSC-01-2107-SC-TP.

Talk America states that it has contacted OPC, and that OPC has no objection to the amended extension of time. Talk America's amended request also states that hearing staff object to a 60-day extension.

ANALYSIS OF ADVISORY STAFF:

When considering whether to grant a motion for clarification, the Commission typically determines whether its order requires further explanation to fully make clear the Commission's intent. See, e.g., Order No. PSC-01-1930-PCO-EI, issued September 25, 2001, in Dockets Nos. 010994-EI and 001148-EI. Upon reviewing Order No. PSC-01-2107-SC-TP and Talk America's and hearing staff's filings, advisory staff agrees with Talk America that the Order is unclear, but is persuaded by the arguments of hearing staff as to how to clarify the Order. Thus, advisory staff recommends that Talk America's motion should be granted in part and denied in part.

To clarify Talk America's apparent violations, advisory staff recommends that Order No. PSC-01-2107-SC-TP should be amended to include the list provided in Attachment A of this recommendation. This is the list that was included in hearing staff's response which sets forth Talk America's apparent violations by complaint number and categorizes the complaints under the applicable violation.

Advisory staff further recommends that the hearing staff should be ordered to provide the customer complaint forms generated by the Division of Consumer Affairs that correspond to the customer complaints set forth in Attachment A within 10 days of the issuance date of the order rendered in this matter. Talk America can cross-reference the Commission's customer complaint number, found in Attachment A, with the Commission's customer complaint forms to obtain the information it desires. Thus, the Commission should deny Talk America's request for a separate list from the Commission detailing the company's apparent violations by billing telephone number and customer name, as such a list is unnecessary if Attachment A and the customer complaint forms generated by the Division of Consumer Affairs are provided to Talk America.

Advisory staff also recommends that Order No. PSC-01-2107-SC-TP should be amended to clarify that each complaint forms the basis for a single violation. As mentioned above, Attachment A categorizes Talk America's apparent violations by complaint number under the applicable violation. Therefore, amending Order No. PSC-01-2107-SC-TP with Attachment A will also clarify that each complaint forms the basis for a single violation.

~~Advisory staff believes the company's request for an extension of time to file its response to Order No. PSC-01-2107-SC-TP is reasonable. Thus, advisory staff recommends that Talk America should file its response to Order No. PSC-01-2107-SC-TP within 30 days after the hearing staff provides the customer complaint forms discussed herein to Talk America.~~

Due to the volume of apparent violations and because Talk America may be subject to large fines or cancellation of its certificate in this matter, advisory staff believes that Talk America's Amended Request for Extension of Time should be granted. Although hearing staff indicated that they are opposed to a 60-day extension of time, they did not file a response to the motion setting forth the basis for their objection. Advisory staff recommends that Talk America should file its response to Order No. PSC-01-2107-SC-TP within 60 days after the hearing staff provides the customer complaint forms discussed herein to Talk America. Advisory staff notes that at the time this recommendation was filed, hearing dates and other controlling dates had not yet been established in these dockets.

Advisory staff believes that 60 days should be ample time for the company to file a response to Order No. PSC-01-2107-SC-TP. Therefore, advisory staff recommends that Talk America should be put on notice that no additional extensions of time will be granted for filing a response to Order No. PSC-01-2107-SC-TP, barring unforeseen circumstances.



DOCKET NOS. 010409-TP, 010564-TX

DATE: DECEMBER 26, 2001

**ISSUE 2:** Should these dockets be closed?

**RECOMMENDATION:** No. These dockets should remain open to allow Talk America to file its response to Order No. PSC-01-2107-SC-TP as discussed in Issue 1.

**STAFF ANALYSIS:** These dockets should remain open to allow Talk America to file its response to Order No. PSC-01-2107-SC-TP as discussed in Issue 1.

11/08/2001

DOCKET NO. 010409-TP

**ISSUE 1**  
**SLAMMING - APPARENT VIOLATION OF RULE 25-4.118, F.A.C. (522)**

**COMPANY DID NOT PROVIDE LOA OR TPV (154)**  
 Rule 25-4.118(1) & (2), F.A.C.

**T1076 (85)**

| <u>CATS #</u> | <u>Rec'd Date</u> |
|---------------|-------------------|
| 271050        | 08/03/1999        |
| 272722        | 08/10/1999        |
| 275981        | 08/27/1999        |
| 276092        | 08/27/1999        |
| 279257        | 09/17/1999        |
| 297989        | 12/29/1999        |
| 302485        | 01/25/2000        |
| 304624        | 02/04/2000        |
| 304932        | 02/08/2000        |
| 305006        | 02/08/2000        |
| 305225        | 02/10/2000        |
| 306691        | 02/21/2000        |
| 307682        | 02/28/2000        |
| 308540        | 03/06/2000        |
| 308546        | 03/06/2000        |
| 311142        | 03/20/2000        |
| 312297        | 03/28/2000        |
| 312418        | 03/29/2000        |
| 313523        | 04/07/2000        |
| 314012        | 04/12/2000        |
| 314345        | 04/13/2000        |
| 315754        | 04/26/2000        |
| 316340        | 05/01/2000        |
| 317022        | 05/08/2000        |
| 318125        | 05/16/2000        |
| 319137        | 05/25/2000        |
| 319938        | 06/05/2000        |
| 320252        | 06/07/2000        |
| 320735        | 06/12/2000        |
| 321698        | 06/21/2000        |
| 321922        | 06/22/2000        |
| 324168        | 07/14/2000        |
| 325536        | 08/22/2000        |
| 326331        | 07/25/2000        |
| 329283        | 08/08/2000        |
| 331036        | 08/17/2000        |
| 331302        | 08/18/2000        |
| 331390        | 08/18/2000        |
| 331876        | 08/22/2000        |
| 334339        | 09/07/2000        |
| 335033        | 09/11/2000        |
| 335142        | 09/11/2000        |
| 337007        | 09/21/2000        |
| 337848        | 09/27/2000        |
| 338902        | 10/03/2000        |
| 340302        | 10/10/2000        |
| 340924        | 10/13/2000        |
| 342491        | 10/24/2000        |
| 342589        | 10/24/2000        |
| 342775        | 10/25/2000        |
| 343062        | 10/26/2000        |

|        |            |
|--------|------------|
| 343725 | 10/31/2000 |
| 347224 | 11/27/2000 |
| 348387 | 12/04/2000 |
| 348814 | 12/06/2000 |
| 349488 | 12/11/2000 |
| 350924 | 12/18/2000 |
| 350930 | 12/18/2000 |
| 352096 | 12/26/2000 |
| 352272 | 12/26/2000 |
| 352429 | 12/27/2000 |
| 352990 | 12/29/2000 |
| 353492 | 01/03/2001 |
| 354368 | 01/08/2001 |
| 355520 | 01/12/2001 |
| 355700 | 01/16/2001 |
| 355753 | 01/16/2001 |
| 355765 | 01/16/2001 |
| 356198 | 01/17/2001 |
| 357005 | 01/22/2001 |
| 358078 | 01/25/2001 |
| 359098 | 01/30/2001 |
| 361276 | 02/09/2001 |
| 361408 | 02/09/2001 |
| 363838 | 02/22/2001 |
| 364097 | 02/22/2001 |
| 365546 | 03/01/2001 |
| 366507 | 03/07/2001 |
| 366557 | 03/07/2001 |
| 366939 | 03/08/2001 |
| 368364 | 03/15/2001 |
| 369053 | 03/19/2001 |
| 369688 | 03/21/2001 |
| 369825 | 03/22/2001 |
| 371240 | 03/28/2001 |

## TX036 (46)

| <u>CATS #</u> | <u>Rec'd Date</u> |
|---------------|-------------------|
| 321639        | 06/20/2000        |
| 322327        | 06/27/2000        |
| 322338        | 06/27/2000        |
| 323547        | 07/11/2000        |
| 325605        | 07/21/2000        |
| 329032        | 08/07/2000        |
| 331757        | 08/22/2000        |
| 331842        | 08/22/2000        |
| 332712        | 08/28/2000        |
| 337621        | 09/26/2000        |
| 341604        | 10/18/2000        |
| 343297        | 10/27/2000        |
| 343714        | 10/31/2000        |
| 344566        | 11/06/2000        |
| 344721        | 11/07/2000        |
| 347537        | 11/29/2000        |
| 347567        | 11/29/2000        |
| 347832        | 11/30/2000        |
| 348286        | 12/04/2000        |
| 348310        | 12/04/2000        |
| 348347        | 12/04/2000        |
| 348669        | 12/05/2000        |

|        |            |
|--------|------------|
| 348812 | 12/06/2000 |
| 349129 | 12/07/2000 |
| 349413 | 12/11/2000 |
| 349847 | 12/11/2000 |
| 350180 | 12/14/2000 |
| 350396 | 12/14/2000 |
| 350902 | 12/18/2000 |
| 351051 | 12/19/2000 |
| 354019 | 01/05/2001 |
| 355292 | 01/11/2001 |
| 355706 | 01/16/2001 |
| 355787 | 01/16/2001 |
| 360974 | 02/08/2001 |
| 361145 | 02/08/2001 |
| 366505 | 03/07/2001 |
| 369031 | 03/19/2001 |
| 373918 | 04/12/2001 |
| 375429 | 04/19/2001 |
| 329297 | 08/08/2000 |
| 340303 | 10/10/2000 |
| 353787 | 01/04/2001 |
| 364663 | 02/26/2001 |
| 371211 | 03/28/2001 |
| 374683 | 04/17/2001 |

**TX082 (21)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 266170        | 07/01/1999        |
| 274325        | 08/18/1999        |
| 314226        | 04/13/2000        |
| 318522        | 05/19/2000        |
| 321047        | 06/14/2000        |
| 321404        | 06/19/2000        |
| 323484        | 07/10/2000        |
| 331787        | 08/22/2000        |
| 334178        | 09/06/2000        |
| 344211        | 11/02/2000        |
| 344646        | 11/06/2000        |
| 346039        | 11/16/2000        |
| 346850        | 11/22/2000        |
| 349688        | 12/11/2000        |
| 360054        | 02/05/2001        |
| 363471        | 02/21/2001        |
| 369547        | 03/21/2000        |
| 320289        | 06/07/2000        |
| 370321        | 03/23/2001        |
| 370459        | 03/26/2001        |
| 374964        | 04/17/2001        |

**TI619 (2)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 272038        | 08/06/1999        |
| 363833        | 02/22/2001        |

**COMPANY RESUBMITTED PIC CHANGE AFTER CANCELLATION (10)**  
Rule 25-4.118(2)(b), F.A.C.

**TI076 (6)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
|---------------|-------------------|

|        |            |
|--------|------------|
| 302130 | 01/24/2000 |
| 313954 | 04/11/2000 |
| 336778 | 09/19/2000 |
| 337777 | 09/26/2000 |
| 346650 | 11/21/2000 |
| 361241 | 02/09/2001 |

**TX036 (3)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 339906        | 10/09/2000        |
| 367932        | 03/14/2001        |
| 371567        | 03/30/2001        |

**TX082 (1)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 352802        | 12/28/2000        |

TPV does not contain all the information required to make a valid verification. (100)  
Rule 25-4.118(2)(c)(2), F.A.C.

**T1076 (45)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 278206        | 09/10/1999        |
| 278510        | 09/13/1999        |
| 305037        | 02/09/2000        |
| 307872        | 02/29/2000        |
| 309813        | 03/10/2000        |
| 310206        | 03/14/2000        |
| 310726        | 03/16/2000        |
| 311522        | 03/22/2000        |
| 311617        | 03/23/2000        |
| 314597        | 04/14/2000        |
| 315349        | 04/21/2000        |
| 319416        | 05/30/2000        |
| 320735        | 06/12/2000        |
| 324287        | 07/17/2000        |
| 324889        | 07/18/2000        |
| 327612        | 07/31/2000        |
| 328327        | 08/02/2000        |
| 329829        | 08/10/2000        |
| 335263        | 09/12/2000        |
| 337076        | 09/21/2000        |
| 338618        | 10/02/2000        |
| 339195        | 10/04/2000        |
| 339408        | 10/05/2000        |
| 340627        | 10/12/2000        |
| 342693        | 10/24/2000        |
| 343882        | 11/01/2000        |
| 345583        | 11/14/2000        |
| 345892        | 11/15/2000        |
| 347814        | 11/30/2000        |
| 350830        | 12/18/2000        |
| 351200        | 12/19/2000        |
| 354605        | 01/09/2001        |
| 355476        | 01/12/2001        |
| 358899        | 01/30/2001        |
| 362896        | 02/16/2001        |
| 363579        | 02/21/2001        |
| 364374        | 02/26/2001        |

|        |            |
|--------|------------|
| 365979 | 03/05/2001 |
| 368364 | 03/15/2001 |
| 369188 | 03/20/2001 |
| 369200 | 03/20/2001 |
| 369286 | 03/20/2001 |
| 371440 | 03/29/2001 |
| 371909 | 04/02/2001 |
| 371988 | 04/02/2001 |

**TX036 (32)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 321977        | 06/23/2000        |
| 323543        | 07/11/2000        |
| 325995        | 07/24/2000        |
| 327306        | 07/28/2000        |
| 328094        | 08/01/2000        |
| 333519        | 08/31/2000        |
| 336617        | 09/19/2000        |
| 339766        | 10/06/2000        |
| 344354        | 11/03/2000        |
| 344563        | 11/06/2000        |
| 346021        | 11/16/2000        |
| 347813        | 11/30/2000        |
| 348291        | 12/04/2000        |
| 348776        | 12/06/2000        |
| 350548        | 12/15/2000        |
| 353304        | 01/02/2001        |
| 353452        | 01/03/2001        |
| 353661        | 01/04/2001        |
| 354082        | 01/05/2001        |
| 355112        | 01/10/2001        |
| 355784        | 01/16/2001        |
| 356021        | 01/17/2001        |
| 357654        | 01/24/2001        |
| 357959        | 01/25/2001        |
| 358818        | 01/29/2001        |
| 358822        | 01/29/2001        |
| 361926        | 02/13/2001        |
| 362169        | 02/14/2001        |
| 364989        | 02/27/2001        |
| 365978        | 03/05/2001        |
| 366823        | 03/08/2001        |
| 366897        | 03/08/2001        |

**TX082 (23)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 317706        | 05/12/2000        |
| 318050        | 05/16/2000        |
| 320843        | 06/13/2000        |
| 321884        | 06/22/2000        |
| 323403        | 07/10/2000        |
| 323459        | 07/10/2000        |
| 326619        | 07/26/2000        |
| 327880        | 08/01/2000        |
| 328966        | 08/04/2000        |
| 330904        | 08/16/2000        |
| 334519        | 09/07/2000        |
| 335537        | 09/13/2000        |
| 336521        | 09/19/2000        |

|        |            |
|--------|------------|
| 337683 | 09/26/2000 |
| 340626 | 10/12/2000 |
| 342604 | 10/24/2000 |
| 345381 | 11/13/2000 |
| 348595 | 12/05/2000 |
| 354104 | 01/05/2001 |
| 355002 | 01/10/2001 |
| 358479 | 01/29/2001 |
| 360819 | 02/07/2001 |
| 363026 | 02/19/2001 |

LOA CHECK PROVIDED IS NOT VALID DUE TO INCORRECT CUSTOMER INFORMATION, OR LACK OF SIGNATURE (122)

Rule 25-4.118(3)(a), F.A.C.

LOA CHECK IS ALSO MISLEADING AND DECEPTIVE

Rule 25-4.118(4), F.A.C.

LOA check is not valid (no signature, wrong name, etc.) (27)

**TI076 (12)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 310739        | 03/16/2000        |
| 311729        | 03/23/2000        |
| 314009        | 04/12/2000        |
| 318843        | 05/23/2000        |
| 319497        | 05/31/2000        |
| 320355        | 06/07/2000        |
| 339532        | 10/05/2000        |
| 342238        | 10/23/2000        |
| 350155        | 12/13/2000        |
| 350978        | 12/18/2000        |
| 351452        | 12/20/2000        |
| 355161        | 01/11/2001        |

**TX036 (9)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 321024        | 06/14/2000        |
| 328544        | 08/03/2000        |
| 337474        | 09/25/2000        |
| 339649        | 10/06/2000        |
| 341511        | 10/17/2000        |
| 344258        | 11/03/2000        |
| 348321        | 12/04/2000        |
| 356569        | 01/19/2001        |
| 360720        | 02/07/2001        |

**TX082 (6)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 321818        | 06/22/2000        |
| 328320        | 08/02/2000        |
| 336902        | 09/20/2000        |
| 343587        | 10/30/2000        |
| 347528        | 11/29/2000        |
| 354818        | 01/09/2001        |

Intended customer did not cash LOA check - phone number to customer name mismatch (95)

**TI076 (43)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 284187        | 10/15/1999        |

|        |            |
|--------|------------|
| 302207 | 01/24/2000 |
| 306272 | 02/17/2000 |
| 306927 | 02/22/2000 |
| 307029 | 02/23/2000 |
| 309911 | 03/13/2000 |
| 312590 | 03/30/2000 |
| 312689 | 03/31/2000 |
| 313511 | 04/07/2000 |
| 314702 | 04/17/2000 |
| 321062 | 06/14/2000 |
| 327453 | 07/31/2000 |
| 329432 | 08/08/2000 |
| 335121 | 09/11/2000 |
| 338184 | 09/28/2000 |
| 338314 | 09/29/2000 |
| 340443 | 10/11/2000 |
| 342377 | 10/23/2000 |
| 342841 | 10/25/2000 |
| 342956 | 10/26/2000 |
| 344208 | 11/02/2000 |
| 344573 | 11/06/2000 |
| 346993 | 11/27/2000 |
| 348088 | 12/01/2000 |
| 348689 | 12/05/2000 |
| 349249 | 12/08/2000 |
| 351408 | 12/20/2000 |
| 351883 | 12/21/2000 |
| 353168 | 01/02/2001 |
| 353504 | 01/03/2001 |
| 355206 | 01/11/2001 |
| 355685 | 01/16/2001 |
| 356820 | 01/22/2001 |
| 359910 | 02/02/2001 |
| 361289 | 02/09/2001 |
| 361324 | 02/09/2001 |
| 361405 | 02/09/2001 |
| 362204 | 02/14/2001 |
| 365198 | 02/28/2001 |
| 367096 | 03/09/2001 |
| 368443 | 03/15/2001 |
| 371554 | 03/30/2001 |
| 372286 | 04/04/2001 |

**TX036 (31)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 332495        | 08/25/2000        |
| 335703        | 09/14/2000        |
| 336644        | 09/19/2000        |
| 336762        | 09/19/2000        |
| 336978        | 09/20/2000        |
| 337503        | 09/25/2000        |
| 343758        | 10/31/2000        |
| 344383        | 11/03/2000        |
| 344555        | 11/06/2000        |
| 348460        | 12/05/2000        |
| 348940        | 12/06/2000        |
| 349825        | 12/12/2000        |
| 353502        | 01/03/2001        |
| 355201        | 01/11/2001        |



|        |            |
|--------|------------|
| 355458 | 01/12/2001 |
| 357129 | 01/22/2001 |
| 357405 | 01/23/2001 |
| 357875 | 01/25/2001 |
| 359236 | 01/31/2001 |
| 359605 | 02/01/2001 |
| 360826 | 02/07/2001 |
| 367096 | 03/09/2001 |
| 368294 | 03/15/2001 |
| 368355 | 03/15/2001 |
| 369160 | 03/20/2001 |
| 370498 | 03/26/2001 |
| 370533 | 03/26/2001 |
| 371064 | 03/28/2001 |
| 371584 | 03/30/2001 |
| 373223 | 04/09/2001 |
| 374479 | 04/16/2001 |

## TX082 (20)

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 321644        | 06/20/2000        |
| 329220        | 08/07/2000        |
| 330233        | 08/14/2000        |
| 330551        | 08/15/2000        |
| 338199        | 09/28/2000        |
| 341074        | 10/16/2000        |
| 341853        | 10/19/2000        |
| 342978        | 10/26/2000        |
| 344879        | 11/07/2000        |
| 344912        | 11/08/2000        |
| 346584        | 11/21/2000        |
| 347244        | 11/27/2000        |
| 347363        | 11/28/2000        |
| 347379        | 11/28/2000        |
| 349259        | 12/08/2000        |
| 352011        | 12/22/2000        |
| 355821        | 01/16/2001        |
| 358463        | 01/29/2001        |
| 363658        | 02/20/2001        |
| 373020        | 04/09/2001        |

## T1619 (1)

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 331014        | 08/17/2000        |

CUSTOMER AUTHORIZED ONLY ONE TYPE OF SERVICE OR ONE LINE; MORE THAN ONE SWITCHED (23)  
Rule 25-4.118(3)(a)1. & 2., F.A.C.

## T1076 (16)

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 267489        | 07/13/1999        |
| 267573        | 07/29/1999        |
| 270289        | 07/29/1999        |
| 298854        | 01/04/2000        |
| 299099        | 01/06/2000        |
| 299528        | 01/07/2000        |
| 310079        | 03/13/2000        |
| 311521        | 03/22/2000        |
| 317060        | 05/08/2000        |

|        |            |
|--------|------------|
| 320099 | 06/06/2000 |
| 321048 | 06/14/2000 |
| 321301 | 06/16/2000 |
| 321635 | 06/20/2000 |
| 325031 | 07/19/2000 |
| 362686 | 02/16/2001 |
| 369022 | 03/19/2001 |

**TX036 (7)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 305797        | 02/14/2000        |
| 334000        | 09/05/2000        |
| 335038        | 09/11/2000        |
| 337491        | 09/25/2000        |
| 337847        | 09/27/2000        |
| 353981        | 01/05/2001        |
| 374122        | 04/12/2001        |

**CUSTOMER INITIATED CALL TO LEC OR LEC PIC'D COMPANY'S CIC; NO VERIFICATION DATA PROVIDED (14)**  
 Rule 25-4.118(2)(b), F.A.C.

**TX036 (14)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 267933        | 07/16/1999        |
| 280031        | 09/22/1999        |
| 307597        | 02/28/2000        |
| 309173        | 03/08/2000        |
| 309998        | 03/13/2000        |
| 311364        | 03/21/2000        |
| 311645        | 03/23/2000        |
| 318483        | 05/19/2000        |
| 323859        | 07/13/2000        |
| 325410        | 07/20/2000        |
| 327499        | 07/31/2000        |
| 329168        | 08/07/2000        |
| 363231        | 02/20/2001        |
| 371762        | 04/02/2001        |

**MARKETING - APPARENT VIOLATION OF RULE 25-4.118(4) & (9), F.A.C. (99)**

**Telemarketers misquoted rates or inducements to convince customers to switch (36)**

**TI076 (29)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 298977        | 01/05/2000        |
| 299704        | 01/10/2000        |
| 306561        | 02/18/2000        |
| 310946        | 03/17/2000        |
| 311680        | 03/23/2000        |
| 312522        | 03/30/2000        |
| 315445        | 04/24/2000        |
| 319750        | 06/01/2000        |
| 327904        | 08/01/2000        |
| 328352        | 08/03/2000        |
| 337043        | 09/21/2000        |
| 340874        | 10/13/2000        |
| 342229        | 10/23/2000        |
| 343365        | 10/30/2000        |
| 343952        | 11/01/2000        |

DOCKET NO. 010409-TP

|        |            |
|--------|------------|
| 344642 | 11/06/2000 |
| 345040 | 11/08/2000 |
| 347027 | 11/27/2000 |
| 347426 | 11/28/2000 |
| 353840 | 01/04/2001 |
| 355051 | 01/10/2001 |
| 355076 | 01/10/2001 |
| 355536 | 01/12/2001 |
| 356679 | 01/19/2001 |
| 360128 | 02/05/2001 |
| 361715 | 02/12/2001 |
| 366195 | 03/06/2001 |
| 369165 | 03/20/2001 |
| 369294 | 03/20/2001 |

## TX036 (7)

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 336499        | 09/18/2000        |
| 339032        | 10/03/2000        |
| 343831        | 10/31/2000        |
| 344144        | 11/02/2000        |
| 346746        | 11/21/2000        |
| 355438        | 01/12/2001        |
| 367854        | 03/13/2001        |

Customer not receiving local toll extended calling plan as company indicated and swithing intraLATA without authorization (43)

## TI076 (34)

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 275289        | 08/24/1999        |
| 277155        | 09/02/1999        |
| 277962        | 09/09/1999        |
| 280151        | 09/22/1999        |
| 281461        | 09/29/1999        |
| 281760        | 10/01/1999        |
| 287087        | 10/29/1999        |
| 295302        | 12/10/1999        |
| 296958        | 12/21/1999        |
| 299089        | 01/06/2000        |
| 301498        | 01/19/2000        |
| 301929        | 01/21/2000        |
| 304221        | 02/03/2000        |
| 304987        | 02/08/2000        |
| 306844        | 02/22/2000        |
| 307303        | 02/24/2000        |
| 308037        | 03/01/2000        |
| 308456        | 03/03/2000        |
| 308953        | 03/07/2000        |
| 311718        | 03/23/2000        |
| 312443        | 03/29/2000        |
| 312584        | 03/30/2000        |
| 313202        | 04/04/2000        |
| 313986        | 04/12/2000        |
| 328181        | 08/01/2000        |
| 343061        | 10/26/2000        |
| 343181        | 10/27/2000        |
| 345544        | 11/14/2000        |
| 349443        | 01/05/2001        |

|        |            |
|--------|------------|
| 354000 | 01/17/2001 |
| 356230 | 01/29/2001 |
| 358556 | 01/29/2001 |
| 360677 | 02/07/2001 |
| 360966 | 02/08/2001 |

**TX036 (9)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 332350        | 08/24/2000        |
| 338032        | 09/27/2000        |
| 339845        | 10/06/2000        |
| 340969        | 10/13/2000        |
| 342242        | 10/23/2000        |
| 343721        | 10/31/2000        |
| 345463        | 11/13/2000        |
| 347324        | 11/28/2000        |
| 367013        | 03/09/2001        |

Customers switched to Talk.com based on misleading information presented during telemarketing (20)

**TI076 (14)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 276764        | 09/01/1999        |
| 284367        | 10/15/1999        |
| 309781        | 03/10/2000        |
| 311539        | 03/22/2000        |
| 323177        | 07/06/2000        |
| 326830        | 07/26/2000        |
| 327874        | 08/01/2000        |
| 342037        | 10/20/2000        |
| 345832        | 11/15/2000        |
| 354025        | 01/05/2001        |
| 356385        | 01/18/2001        |
| 359188        | 01/31/2001        |
| 366145        | 03/05/2001        |
| 370211        | 03/23/2001        |

**TX036 (6)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 336076        | 09/15/2000        |
| 353358        | 01/03/2001        |
| 355351        | 01/11/2001        |
| 359243        | 01/31/2001        |
| 369997        | 03/22/2001        |
| 372129        | 04/03/2001        |

**ISSUE 2**

APPARENT VIOLATIONS OF SECTION 364.604, FLORIDA STATUTES (105)

BILLING ERROR (duplicate charges) (32)

**TI076 (19)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 272401        | 08/09/1999        |
| 299068        | 01/05/2000        |
| 299410        | 01/07/2000        |
| 304038        | 02/02/2000        |
| 315186        | 04/20/2000        |
| 315518        | 04/24/2000        |

|        |            |
|--------|------------|
| 316118 | 04/28/2000 |
| 320046 | 06/05/2000 |
| 326585 | 07/26/2000 |
| 333528 | 08/31/2000 |
| 336664 | 09/19/2000 |
| 339252 | 10/04/2000 |
| 351075 | 12/19/2000 |
| 351607 | 12/20/2000 |
| 363232 | 02/20/2001 |
| 364625 | 02/26/2001 |
| 364922 | 02/27/2001 |
| 367165 | 03/09/2001 |
| 370982 | 03/28/2001 |

**TX036 (12)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 305015        | 02/08/2000        |
| 354802        | 01/09/2001        |
| 355356        | 01/12/2001        |
| 356221        | 01/17/2001        |
| 362344        | 02/14/2001        |
| 363178        | 02/19/2001        |
| 369087        | 03/19/2001        |
| 370152        | 03/23/2001        |
| 370375        | 03/26/2001        |
| 370719        | 03/27/2001        |
| 374011        | 04/12/2001        |
| 375095        | 04/18/2001        |

**TX082 (1)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 290722        | 11/17/1999        |

**BILLED CUSTOMERS PRIOR TO PROVISIONING SERVICE (18)****TI076 (4)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 341254        | 10/16/2000        |
| 349662        | 12/11/2000        |
| 350942        | 12/18/2000        |
| 352516        | 12/27/2000        |

**TX036 (13)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 337070        | 09/21/2000        |
| 344128        | 11/02/2000        |
| 347345        | 11/28/2000        |
| 348233        | 12/04/2000        |
| 352659        | 12/28/2000        |
| 353181        | 01/02/2001        |
| 354737        | 01/09/2001        |
| 368532        | 03/16/2001        |
| 368922        | 03/19/2001        |
| 369597        | 03/21/2001        |
| 370606        | 03/26/2001        |
| 371378        | 03/29/2001        |
| 372270        | 04/03/2001        |

**TX082 (1)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 350415        | 12/15/2000        |

**BILLING FOR CALLING FEATURES CUSTOMER DID NOT ORDER OR AUTHORIZE (5)**  
Section 364.604(2), Florida Statutes

**TX036 (3)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 340330        | 10/11/2000        |
| 341938        | 10/19/2000        |
| 365430        | 03/01/2001        |

**TX082 (2)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 351983        | 12/22/2000        |
| 358867        | 01/30/2001        |

**BILLING ERRONEOUSLY ON SEPARATE BILLS (50)**  
Section 364.604(2), Florida Statutes

**TI076 (38)**

| <u>CATS #</u> | <u>Date Rec'd</u> |
|---------------|-------------------|
| 312962        | 04/03/2000        |
| 315429        | 04/24/2000        |
| 322526        | 06/29/2000        |
| 323684        | 07/12/2000        |
| 329147        | 08/07/2000        |
| 332996        | 08/29/2000        |
| 334659        | 09/08/2000        |
| 335017        | 09/11/2000        |
| 335108        | 09/11/2000        |
| 335147        | 09/11/2000        |
| 335192        | 09/12/2000        |
| 335256        | 09/12/2000        |
| 335264        | 09/12/2000        |
| 335557        | 09/13/2000        |
| 335589        | 09/13/2000        |
| 335628        | 09/13/2000        |
| 335897        | 09/14/2000        |
| 335914        | 09/14/2000        |
| 336008        | 09/15/2000        |
| 336399        | 09/18/2000        |
| 336528        | 09/19/2000        |
| 336543        | 09/18/2000        |
| 336549        | 09/19/2000        |
| 338011        | 09/27/2000        |
| 339178        | 10/04/2000        |
| 339207        | 10/04/2000        |
| 339216        | 10/04/2000        |
| 345628        | 11/14/2000        |
| 346587        | 11/21/2000        |
| 352263        | 12/26/2000        |
| 353974        | 01/05/2001        |
| 354981        | 01/10/2001        |
| 357699        | 01/24/2001        |
| 357796        | 01/24/2001        |
| 358190        | 01/26/2001        |
| 358506        | 01/29/2001        |
| 369245        | 03/20/2001        |

369811 03/22/2001

**TX036 (6)**

| <b>CATS #</b> | <b>Date Rec'd</b> |
|---------------|-------------------|
| 341893        | 10/19/2000        |
| 343245        | 10/27/2000        |
| 345748        | 11/14/2000        |
| 360800        | 02/07/2001        |
| 369275        | 03/20/2001        |
| 369456        | 03/20/2001        |

**TX082 (4)**

| <b>CATS #</b> | <b>Date Rec'd</b> |
|---------------|-------------------|
| 317276        | 05/09/2000        |
| 320270        | 06/07/2000        |
| 322553        | 06/29/2000        |
| 329317        | 08/08/2000        |

**TI619 (2)**

| <b>CATS #</b> | <b>Date Rec'd</b> |
|---------------|-------------------|
| 323416        | 07/10/2000        |
| 333298        | 08/30/2000        |

**ISSUE 3**

APPARENT VIOLATION OF RULE 25-22.032(5)(A), F.A.C. (30)

**TX082 (25)**

| <b>CATS #</b> | <b>Date Rec'd</b> |
|---------------|-------------------|
| 318929        | 05/23/2000        |
| 319281        | 05/26/2000        |
| 319478        | 05/30/2000        |
| 319505        | 05/31/2000        |
| 319660        | 06/01/2000        |
| 319864        | 06/02/2000        |
| 322154        | 06/26/2000        |
| 322464        | 06/28/2000        |
| 322620        | 06/29/2000        |
| 324517        | 07/17/2000        |
| 324714        | 07/18/2000        |
| 324956        | 07/19/2000        |
| 325564        | 07/21/2000        |
| 325986        | 07/24/2000        |
| 332679        | 08/28/2000        |
| 335472        | 09/13/2000        |
| 337398        | 09/25/2000        |
| 339480        | 10/05/2000        |
| 339520        | 10/05/2000        |
| 342979        | 10/26/2000        |
| 343583        | 10/30/2000        |
| 344526        | 11/03/2000        |
| 345002        | 11/08/2000        |
| 345523        | 11/13/2000        |
| 346252        | 11/17/2000        |

**TI619 (5)**

| <b>CATS #</b> | <b>Date Rec'd</b> |
|---------------|-------------------|
| 321148        | 06/15/2000        |
| 322104        | 06/26/2000        |
| 322836        | 07/03/2000        |

323108 07/06/2000  
323747 07/12/2000