



Public Service Commission

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COMMISSION
CLERK

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RECEIVED FPSC

DATE: FEBRUARY 20, 2003

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

FROM: OFFICE OF THE GENERAL COUNSEL (BANKS) *FRB*
DIVISION OF CONSUMER AFFAIRS (PLESCOW) *B28*
DIVISION OF COMPETITIVE MARKETS AND ENFORCEMENT (MCDONALD) *JP*

RE: DOCKET NO. 020999-TX - COMPLAINT OF MEL CITRON AGAINST
SUPRA TELECOMMUNICATIONS AND INFORMATION SYSTEMS, INC.
REGARDING QUALITY OF SERVICE.

AGENDA: 3/04/03 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\GCL\WP\020999R2.RCM

CASE BACKGROUND

On October 11, 2001, Mr. Mel Citron ("Mr. Citron" or "customer") contacted the Division of Consumer Affairs to register a complaint against Supra Telecommunications and Information Systems, Inc. (Supra). This complaint was logged as Consumer Activity Tracking System Request No. 411314T. Mr. Citron claimed that he asked Supra to provide him with the access numbers for programming his phone, to put a 900 call block on both his accounts and to place a call block on both of his accounts that would not allow calls to be completed through directory assistance. Mr. Citron alleged that Supra told him the blocks were in place, but he was billed for calls that should have been blocked. The customer further alleged that he was billed by and paid both Supra and BellSouth for the same service.

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Supra responded to staff's inquiry on November 21, 2001. Supra indicated in its report that a credit in the amount of \$25 was issued for each line for the inconvenience. As a result, the account for telephone numbers 954-921-0287 and 954-921-0322 had a balance of \$287.02. The customer also had a second residence with telephone numbers 305-932-4893 and 305-932-3546. A credit of \$50 for inconvenience and \$150 for misbilling were applied to this account. Supra reported that Mr. Citron was satisfied with the resolution for the 305 telephone numbers but not for the 954 account. Supra alleges that it is not responsible for the calls placed to directory assistance via "555-1212" as the calls were dialed from the customer's home.

On February 1, 2002, staff closed the customer's complaint. On July 24, 2002, Mr. Citron notified staff that he was not satisfied with the proposed resolution to his complaint by requesting to participate in the informal conference process.

On September 11, 2002, an informal conference was held with Mr. Citron, Supra representatives and Commission staff. During the informal conference, Mr. Citron stated his position that Supra was billing him for services it did not provide and that he believed that he was due credits for these services. Supra stated its position that it had corrected all the problems reported to it by the customer and that it was not responsible for the directory assistance calls made from his home. Supra declined to provide any additional credits and stated that the customer was not paying for the service he had and was utilizing the service. The informal conference ended without a settlement.

On January 8, 2003, Order No. PSC-03-0066-PAA-TX, was issued denying Mr. Citron's complaint. On January 29, 2003, staff received Mr. Citron's protest to Order No. PSC-03-0066-PAA-TX.

This recommendation addresses Mr. Citron's protest.

The Commission has jurisdiction in this matter pursuant to Section 364.604, Florida Statutes.

DISCUSSION OF THE ISSUES

ISSUE 1: What action should the Commission take regarding Mr. Citron's protest to Order No. PSC-03-0066-PAA-TX, issued on January 8, 2003?

RECOMMENDATION: In this case there remains a factual disagreement as to what actually happened with Mr. Citron's service. Staff, therefore, recommends that the Commission send this matter to the Division of Administrative Hearings (DOAH) for a hearing to determine what actually happened regarding Mr. Citron's telecommunications service and any related billing dispute. (BANKS, PLESCOW, MCDONALD)

STAFF ANALYSIS: As stated previously, Order No. PSC-03-0066-PAA-TX, was issued January 8, 2003, denying Mr. Citron's complaint. In its decision, the Commission decided that Supra had given Mr. Citron the appropriate credits for misbilling and accordingly denied this complaint. On January 29, 2003, Mr. Citron sent an original copy of his protest to the Division of Consumer Affairs (Consumer Affairs), disputing a number of factual allegations in the Commission's Order. Staff notes that on January 24, 2003, Mr. Citron had been advised to file an original copy with the Clerk's office but instead sent it to the Consumer Affairs office. Subsequently, staff forwarded Mr. Citron's protest letter to the Clerk's office.

In his protest letter, Mr. Citron states that Supra misrepresented the issues in this case. Mr. Citron explains that his complaint was not exclusively about information calls but about a lack of dial tone and his inability to make or receive phone calls for an extended period of time. Mr. Citron maintains that Supra failed to notify him that if Supra blocked information calls that it would prevent him from being able to make calls. Mr. Citron asserts that Supra wrote a number of service tickets to resolve the problem. However, Mr. Citron states that Supra was unable to identify the problem. Mr. Citron declares that there were a number of instances in which he could not get a dial tone on his phone. Mr. Citron maintains that every service that Supra committed to provide and provided had to be disconnected because the services failed to work.

Section 350.125, Florida Statutes, provides that ALJs (Administrative Law Judges) are to be utilized to conduct hearings

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not assigned to members of the Commission, but it gives no guidance on what sort of cases may be assigned to DOAH. Nevertheless, staff believes that since this case is one of factual disputes, it is appropriate to send this case to DOAH. Therefore, staff recommends that this case be forwarded to DOAH.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. This docket should remain open for further DOAH proceedings. (BANKS)

STAFF ANALYSIS: This docket should remain open for further DOAH proceedings.