

ORIGINAL

State of Florida



Public Service Commission

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

RECEIVED-FPSC

03 DEC -5 AM 10:56

COMMISSION CLERK

DATE: December 4, 2003
TO: Kay E. Flynn, Chief of Records and Hearing Services, Division of the Commission Clerk & Administrative Services
FROM: Richard A. Moses, Chief of Service Quality, Division of Competitive Markets & Enforcement
RE: Request to Close Docket Number 031079-TL

Attached is a copy of a letter sent to Mr. Robert Rose who is the complainant in the above referenced docket. He filed this complaint with the understanding that this Commission could exercise regulatory oversight on Digital Subscriber Line service complaints. I called him and explained that we do not have applicable rules or orders that regulate Digital Subscriber Line service at this time and that we would close his complaint and the associated docket. He was satisfied with the answer.

Accordingly, please close docket number 031079-TL as opened prematurely. Thank you.

OK
SM
12/5/03

- AUS
CAF
CMP
COM
CTR
ECR
GCL
OPC
MMS
SEC
OTH

cc: Beth Salak
Bob Trapp

DOCUMENT NUMBER-DATE

12488 DEC-58

FPSC-COMMISSION CLERK

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



DIVISION OF COMPETITIVE MARKETS &
ENFORCEMENT
BETH W. SALAK
DIRECTOR
(850) 413-6600

Public Service Commission

December 4, 2003

Mr. Robert Rose
1122 Harbert Street
Tallahassee, FL 32303

Dear Mr. Rose:

It was a pleasure to discuss your complaint against Sprint regarding the "data activation charge" for your Digital Subscriber Line service with you today. As we discussed, this Commission does not have applicable rules or orders regarding Digital Subscriber Line service at this time. Therefore, we are closing your complaint and its associated docket.

If we can be of assistance in the future, please contact us. If you have questions, you may contact me at 850/413-6582.

Sincerely,

A handwritten signature in black ink that reads "Rick Moses".

Rick Moses, Chief
Bureau of Service Quality

Docket File 031079-TL
cc: Ben Poag, Sprint Florida, Inc.

Della Fordham

From: Rnettl@psc.state.fl.us
Sent: Wednesday, December 03, 2003 1:58 PM
To: CCRAIG@psc.state.fl.us; LGIVENS@psc.state.fl.us; SHOWARD@psc.state.fl.us;
DFORDHAM@psc.state.fl.us; BDEMELLO@psc.state.fl.us; DDURBIN@psc.state.fl.us;
JBRUNSON@psc.state.fl.us
Subject: New filing in Docket No. 031079-TL (Robert Rose et al.)

DOCKET TITLE = Complaint of Robert Rose against Sprint-Florida, Incorporated for alleged imposition of "data activation charge".
UTILITY NAME = Robert Rose (et al.)

DOCUMENT DESCRIPTION = Robert Rose - Complaint against Sprint-Florida, Incorporated for alleged imposition of "data activation charge".

DOCUMENT PATH =
file://L:\PSC\LIBRARY\FILINGS\03\12140-03

Document ID = 12140-03
Document Filed 12/01/03

The filing described above is now available in PDF format, and may also be available in WordPerfect or other formats.

To access it, click on the DOCUMENT PATH link. This will pop up a Windows Explorer window. You will see the PDF (Adobe Acrobat) version; you will also see other versions if they exist. Double-click on the preferred version and the document will open.

If you need to cut/paste/search in the document and find you can't, try later when the reformatted version is available. (For more information, see PDF Tips on the How To menu.)

You can also go to the docket in CMS by triple-clicking on the DOCKET NUMBER, typing ctrl-C to copy, and using the paste icon to paste the docket number into the query line in CMS.

This is an automatically generated e-mail; no response/reply is necessary.

BEFORE THE FLORIDA PUBLIC COMMISSION

In Re: Complaint of Robert Rose,
Complainant

vs.

DOCKET NO. 031079-72

Sprint,
Respondent

Complainant, Robert Rose files this complaint against Sprint and says:

1. At all times pertinent to this matter Complainant was telephone service customer of Sprint.
2. On November 11, 2003 Complainant discussed and agreed to receive computer internet service from Sprint in a telephone conference with an unnamed representative of Sprint.
3. The said internet service was subsequently installed and now Sprint provides internet service to Complainant.
4. On November 29, 2003 Complainant received Sprint's bill for the internet service to Complainant. That bill on page 3 imposes a charge of \$49.99 for "Data Activation Charge" which was never mentioned to or agreed to by Complainant. A copy of the said Sprint bill is attached hereto and made a part hereof as "Exhibit No. 1."

DOCUMENT NUMBER-DATE

12140 DEC-18

FPSC-COMMISSION CLERK

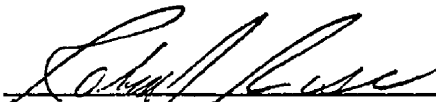
5. On November 29, 2003 Complainant discussed this "Data Activation Charge" by telephone with representatives of Sprint and was instructed to use Complainant's computer to apply for a "rebate". The Sprint computer address used to gain this "rebate" is "www.sprintdslrebate.com "

6. At that address Sprint advises Complainant that the rebate will be made in six to eight weeks. That period is approximately as long as two of Sprint's billing periods. Thus Sprint evidently intends that Complainant pay this unauthorized and hitherto unmentioned "Data Activation Charge" whereupon Sprint will hold and presumably use Complainant's money until this "rebate" is accomplished.

Wherefore Complainant, Robert Rose, respectfully requests that the Florida Public Service Commission issue its Order requiring that Sprint immediately delete the "Data Activation Charge" from Complainant's account with Sprint and further Sprint will issue its letter advising Complainant of this action.

Complainant further requests that the Florida Public Service Commission inquire of Sprint whether Sprint as made such charges as the "Data Activation Charge" without notice to or consent from any its customers whose service is within the Commission's jurisdiction.

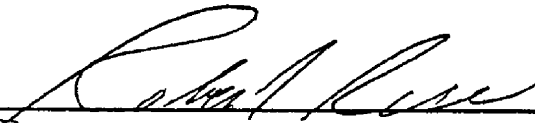
Respectfully submitted this
1st day of December, 2003



Robert Rose
1122 Harbert Street
Tallahassee, FL 32303
Tel: 850-222-7841
email: rmcr@earthlink.net

CERTIFICATE OF SERVICE

I here by certify that I have provided one copy of the foregoing to Mr. Ben Poag, Sprint's Director for Regulatory Matters at email address: ben.poag@mail.sprint.com this First Day of December, 2003



Robert Rose



Monthly statement: November 25, 2003 1 of 8

Customer service 811 Internet address sprint.com/local Customer number 850-222-7841-734

Summary of Current Charges

Table with 4 columns: Category, Local, Long Distance, Total. Rows include Data Services, Monthly Service Charges, Discounts and Promotions, Partial Month Charges, Other Charges and Usage, Taxes and Surcharges, and Total Current Charges.

Previous charges 51.19
Payment November 5 - Thank you! -51.19
Balance .00

Total Due: \$211.85

Date Due: Dec 16, 2003

Bank draft - Statement for your records

EXHIBIT NO. 1.

Please recycle

NNNNYYN 8



Customer service 811 Internet address sprint.com/local Customer number 850-222-7841-734

Do not send payment. Your account will be drafted December 5 or after: \$211.85. We appreciate your business.



009830 ROBERT ROSE 1122 HARBERT ST TALLAHASSEE FL 32303-6419

Sprint PO Box 30723 Tampa FL 33630-3723



27 85022278417349 0000000021185 000211857 0335117



Monthly statement: November 25, 2003 2 of 8

Customer service
811

Internet address
sprint.com/local

Customer number
850-222-7841-734

Important Information

State and federal regulatory news concerning your communication services.

- Truth-in-billing

According to state and federal rules, local phone service cannot be interrupted for non-payment of the charges indicated (marked as \$). Valid charges that are not paid, however, may cause availability of these services to be restricted and may be subject to collection actions. Please review your bill and notify Sprint of any unauthorized charges or changes to your account. For more information about your bill, please call the number listed at the top of this page.

Important Information and/or Customer News continued page 8



Monthly statement: November 25, 2003 4 of 8

Customer service 811 Internet address sprint.com/local Customer number 850-222-7841-734

Local directory assistance 2 @ no charge .00
Local directory assistance 1 @ .65 .65

Installation and Repair

Shipping and handling 9.95 \$

Total Other Charges and Usage \$10.70

Direct dial itemized calls

Table with 7 columns: Date, Time, Place called, Number called, Period, Minutes, Amount. Row 1: 1 Nov 1 3:34 P CALL COMP FL 850-297-0708 Night/Weekend 4.0 .50

Total direct dial itemized calls .50

Taxes and Surcharges

This section includes federal, state, and local taxes and surcharges. For an explanation of the charges appearing in this section call 1-800-938-1172 or visit sprint.com/taxes.

Interstate access surcharge 6.50
Federal universal service fund 8.88
Number portability surcharge .52
Hearing/Speech Surcharge .12
Emergency 911 surcharge .50
Federal tax 3.55
State tax .60
Local Comm. Services Tax 8.17
State Comm. Services Tax 3.01

Total Taxes and Surcharges \$31.85

Service Changes and Carrier Selections

This section is provided to conveniently identify any changes to your account since the last bill and to confirm your carrier selections.

Summary for 850-222-7841

Services and equipment Activity Confirmation
High speed data added Nov 11 C849470
Sprint EarthLink Internet Access added Nov 11 C849470
Sprint FastConnect added Nov 11 C849470
Current carrier selections
Local toll: AT&T no change
Long distance: AT&T no change



Customer service 811 Internet address sprint.com/local Customer number 850-222-7841-734

Get Sprint FastConnect® DSL - complete with Internet service provider - for as low as \$29.99 a month with the purchase of a qualifying Sprint SolutionsSM package. (In all markets except MO, OR, WA, WY and NE)

Visit the Sprint Store at 1544 Governors Square Blvd. and wrap up great holiday deals on PCS Phones and Service Plans from Sprint. Ask about 10% monthly savings when you include Sprint SolutionsSM.

Sprint Local Services

Detail of Charges: November 25 - December 24

Data Services

This section includes all data related charges.

Table with 2 columns: Description and Amount. Includes Data Activation Charge (49.99) and Sprint FastConnect with EarthLink (\$10.00 of this charge is \$).

Total Data Services \$99.98

Monthly Service Charges

This section provides a summary of your monthly recurring charges, including calling plans, local toll charges and calling features.

Table with 2 columns: Description and Amount. Includes Local phone service (11.19) and Direct dial charges (.50).

Total Monthly Service Charges \$11.69

Discounts and Promotions

This section will display special offers or pricing promotions as credits.

FASTCONNECT DSL PROMO. CREDIT -10.00 \$

Total Discounts and Promotions -\$10.00

Partial Month Charges

This section contains pro-rated charges due to starting or stopping a service during the previous billing month. These are one-time charges and will not appear on future bills.

Table with 2 columns: Description and Amount. Includes Sprint EarthLink Internet Access (4.33 \$) and Sprint FastConnect (17.33).

Total Partial Month Charges \$21.66

Other Charges and Usage

This section contains miscellaneous services, adjustments and any usage based charges.

Discretionary tax .10

Usage Based Services

Sprint local services continued next page



Monthly statement: November 25, 2003 4 of 8

Customer service 811 Internet address sprint.com/local Customer number 850-222-7841-734

Local directory assistance 2 @ no charge .00
Local directory assistance 1 @ .65 .65

Installation and Repair

Shipping and handling 9.95

Total Other Charges and Usage \$10.70

Direct dial itemized calls

Table with columns: Date, Time, Place called, Number called, Period, Minutes, Amount. Row 1: 1 Nov 1 3:34 P CALL COMP FL 850-297-0708 Night/Weekend 4.0 .50

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Interstate access surcharge 6.50
Federal universal service fund 8.88
Number portability surcharge .52
Hearing/Speech Surcharge .12
Emergency 911 surcharge .50
Federal tax 3.55
State tax .60
Local Comm. Services Tax 8.17
State Comm. Services Tax 3.01

Total Taxes and Surcharges \$31.85

Service Changes and Carrier Selections

This section is provided to conveniently identify any changes to your account since the last bill and to confirm your carrier selections.

Summary for 850-222-7841

Services and equipment Activity Confirmation
High speed data added Nov 11 C849470
Sprint EarthLink Internet Access added Nov 11 C849470
Sprint FastConnect added Nov 11 C849470
Current carrier selections
Local toll: AT&T no change
Long distance: AT&T no change



AT&T charges
Call 1-800-222-0300 for billing inquiries

*Sprint provides billing on behalf of AT&T.
There is no connection between Sprint and AT&T.
Please review all charges appearing in this section. Any question
regarding these charges should be referred to the number provided
for billing inquiries.*

Summary of current charges

Long distance Nov 17	29.10
Charges and credits Nov 17	12.33
Taxes Nov 17	4.54
Total current charges	\$45.97

AT&T Invoice Charges For Period Ending Nov 17, 2003

The Federal Trade Commission's Do Not Call registry is now available for consumer sign up. For more information and to register your home telephone number, you can visit FTC's website at <http://www.donotcall.gov> or call toll-free from your home telephone to 1-888-382-1222. The Do Not Call Registry went into effect on October 1, 2003. Updates are made available to telemarketing companies every three months. For example, registrations after September 1, 2003 and prior to December 1, 2003, will be effective January 1, 2004. Thank you for choosing AT&T.

Long distance charges

Date	Time	Place called	Number called	Period	Minutes	Amount	
2	Oct 17	12:29 P	PORTLAND, OR	503-262-0839	Direct-Night =	42.0	2.94
3	Oct 18	1:37 P	ASHEVILLE, NC	828-252-7188	Direct-Night =	10.0	.70
4	Oct 19	10:42 P	PORTLAND, OR	503-262-0839	Direct-Night =	12.0	.84
5	Oct 21	10:50 P	PORTLAND, OR	503-262-0839	Direct-Night =	28.0	1.96
6	Oct 22	1:20 P	PINEHURST, NC	910-295-0136	Direct-Night =	5.0	.35
7	Oct 22	1:30 P	LADYGALLE, FL	321-777-9214	Direct-Night =	1.0	.07
8	Oct 22	1:32 P	COCOA, FL	321-917-4009	Direct-Night =	1.0	.07
9	Oct 22	1:49 P	PINEHURST, NC	910-295-0136	Direct-Night =	4.0	.28
10	Oct 23	9:18 A	PINEHURST, NC	910-295-0136	Direct-Night =	9.0	.63
11	Oct 23	9:29 A	LAKELAND, FL	888-815-0488	Direct-Night =	1.0	.07
12	Oct 23	4:47 P	PORTLAND, OR	503-262-0839	Direct-Night =	92.0	6.44
13	Oct 25	8:14 P	PORTLAND, OR	503-262-8683	Direct-Night =	2.0	.14
14	Oct 25	8:19 P	LOUISVILLE, KY	502-262-8686	Direct-Night =	1.0	.07
15	Oct 26	10:03 P	PORTLAND, OR	503-262-8683	Direct-Night =	32.0	2.24
16	Oct 28	2:19 P	LAKE CITY, FL	386-758-4843	Direct-Night =	5.0	.35
17	Oct 28	8:50 P	HIGH SPG, FL	386-454-7484	Direct-Night =	10.0	.70
18	Oct 29	7:50 A	LAKE CITY, FL	386-758-4843	Direct-Night =	1.0	.07
19	Oct 29	7:52 A	PORTLAND, OR	503-258-0128	Direct-Night =	1.0	.07
20	Oct 29	7:53 A	PORTLAND, OR	503-258-0128	Direct-Night =	1.0	.07
21	Oct 29	7:58 A	LAKE CITY, FL	386-752-5980	Direct-Night =	1.0	.07
22	Oct 29	8:00 A	LAKE CITY, FL	386-758-4843	Direct-Night =	1.0	.07
23	Oct 29	9:00 A	LAKE CITY, FL	386-752-5980	Direct-Night =	5.0	.35
24	Oct 29	9:04 A	LAKE CITY, FL	386-758-4843	Direct-Night =	5.0	.35
25	Oct 29	8:18 P	PORTLAND, OR	503-258-0128	Direct-Night =	1.0	.07
26	Oct 29	8:33 P	PORTLAND, OR	503-258-0128	Direct-Night =	1.0	.07
27	Oct 30	10:19 A	PORTLAND, OR	503-258-0128	Direct-Night =	1.0	.07
28	Oct 31	2:08 P	PORTLAND, OR	503-258-0128	Direct-Night =	6.0	.42
29	Oct 31	2:38 P	HIGH SPG, FL	386-454-7484	Direct-Night =	1.0	.07

AT&T charges continued next page



Date	Time	Place called	Number called	Period	Minutes	Amount
30	Nov 1	2:04 P	PORTLAND, OR	503-258-0128	Direct-Night =	1.0 .07
31	Nov 1	2:05 P	PORTLAND, OR	503-258-0128	Direct-Night =	26.0 1.32
32	Nov 1	4:20 P	LAKELAND, FL	863-529-7214	Direct-Night =	1.0 .07
33	Nov 1	4:40 P	PORTLAND, OR	503-258-0128	Direct-Night =	7.0 .49
34	Nov 1	7:14 P	PORTLAND, OR	503-258-0128	Direct-Night =	1.0 .07
35	Nov 1	7:40 P	ASHEVILLE, NC	828-262-7188	Direct-Night =	3.0 .21
36	Nov 1	9:54 P	PORTLAND, OR	503-258-0128	Direct-Night =	2.0 .14
37	Nov 2	3:45 P	PORTLAND, OR	503-258-0128	Direct-Night =	1.0 .07
38	Nov 10	5:30 P	PINEHURST, NC	910-295-0136	Direct-Night =	13.0 .91
39	Nov 14	11:21 A	PINEHURST, NC	910-295-0136	Direct-Night =	1.0 .07
40	Nov 15	5:46 P	VENEZUELA	58-212-257-541-3000	Intl-standard	1.0 2.79
41	Nov 15	7:58 P	VENEZUELA	58-212-257-541-3000	Intl-standard	1.0 2.79

AT&T One Rate (R) Plan calls.

Calls Eligible for AT&T One Rate (R) Instate

Charges are not included in subtotal

Subtotal long distance charges \$5.58

Optional calling plan detail

AT&T One Rate (R) Plan Summary

Direct Dialed Calls 23.52

Total Charges for AT&T One Rate (R) Plan 23.52

Total long distance charges \$29.10

Charges and credits

Universal Connectivity Charge 3.01

For an explanation of this charge, please call 1 800 532-2021 or visit www.consumer.att.com/connectivity_charge

In-state connection fee 1.88

For an explanation of this charge, please call 1 800 333-5256 or visit www.consumer.att.com/instate-connectionfee

Bill Statement Fee 1.50

For an explanation of this charge, please call 1 888 ATT-BILL.

Regulatory assessment fee .99

This fee is not a tax or charge required by government. It helps AT&T recover expenses, including interstate access charges; property taxes; and costs of regulatory compliance and proceedings. For information, call 1 800 854-9940.

AT&T One Rate (R) Plan 4.95

NOV 17 thru DEC 16

Total charges and credits \$12.33



Monthly statement: November 25, 2003 7 of 8

Customer number
850-222-7841-734



Detail of taxes

Federal Tax @ 3%	1.19
- FL State Comm Services Tax	.94
FL Local Comm Services Tax	2.41

Total tax	\$4.54
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Monthly statement: November 25, 2003 8 of 8

Customer service 811 Internet address sprint.com/local Customer number 850-222-7841-734

Customer News

Some Wireless Calls to Become Long Distance

Sprint landline customers could start seeing long distance or extended calling charges when they dial wireless service subscribers. Effective October 31, 2003, Sprint customers may incur charges when making intra-LATA calls to subscribers of wireless service in Florida. These charges are being incurred due to the discontinuance of Reverse Toll Billing (RTB) service to wireless carriers. When wireless local number portability is implemented on November 24, 2003, telephone numbers will no longer be dedicated to a particular carrier, and RTB will no longer be feasible. Changes in dialing patterns may also be necessary, including a need to dial 1+10 digits in some cases. If you have questions, please call the customer service number at the top of this page.

Don't let your modem be hijacked

Clicking on certain pop-up Internet advertisements may cause your computer to disconnect from your Internet service provider (ISP) and redial another ISP at an international access number. Some of these "hijacking" sites may charge as much as \$9.00 a minute for these connections, resulting in you being billed for costly international long distance calls that you didn't realize you made.

To prevent this, please be cautious about the Internet pop-ups screens that you click on. Carefully read any and all messages that appear on your computer's screen. There should be consumer warnings about incurring separate charges for accessing these Web sites. Be sure to go over these precautions with your family members or anyone who might use your computer. Your local computer store may also have some other recommended solutions.

For more information, contact Sprint Fraud Management at 1-866-255-5278. Sprint values you as a customer and looks forward to continuing to serve your telecommunications needs.

Contacting Sprint

For your convenience, information about your local phone service is available any time through Sprint's Internet address - sprint.com/local. To speak with a customer care associate, call-in hours are:

Monday - Friday 8 a.m. - 6 p.m. (EST) Saturday 9 a.m. - 1 p.m. (EST)

You can find the number of your Customer Care call center in the information pages of the telephone directory and on your bill. If you are calling from outside your local calling area please dial 1-800-326-2384 to reach us.

Service problems can be reported 24 hours a day, seven days a week. Call toll-free 1-800-788-3600.

Call Before You Dig

Please help protect the telephone network against accidental outages from cable cuts by calling at least 48 hours before you dig or drill, toll-free: 1-800-432-4770. We will locate buried cables for you free of charge.

My Account Updates

Did you know? The My Account section at sprint.com/local allows you to view and pay your bill online with check or credit card, use reverse number lookup for calls on your bill, check prior payments, view previous bills and more. Enroll today!

AFFIDAVIT

Before me, the undersigned authorized to administer oaths and take acknowledgements, appeared Robert Rose who is personally to me and known to be the person who did sign the foregoing Complaint Before the Florida Public Service Commission and who deposes that the matters Complaint are true and correct to the best of his knowledge and belief.

Tonya M. Simpson

12/1/03

Notary Public



Tonya Simpson
MY COMMISSION # DD097234 EXPIRES
April 13, 2006
BONDED THRU TROY FAIN INSURANCE, INC.

Robert Rose

12/1/03