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State of Florida



Public Service Commission

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

REC'D CIVIL FPSC
FEB 5 AM 12:19

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

DATE: February 5, 2004
TO: Blanca S. Bayó, Commission Clerk and Administrative Services Director
FROM: Melinda H. Watts, Engineer III, Division of Competitive Markets & Enforcement *MWA*
RE: Docket No. 031105-TX - Compliance investigation of Talk Unlimited Now, Inc. for apparent violation of Rules 25-22.032(5)(a), F.A.C., Customer Complaints, and 25-24.835, F.A.C., Rules Incorporated.

The attached complaint file, Request No. 521294T, is pertinent to staff's investigation of Talk Unlimited Now, Inc. in this docket. Please place this document in the docket file accordingly.

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

DOCUMENT NUMBER-DATE

01728 FEB-5 04

FPSC-COMMISSION CLERK

Request No. 521294T

Name WARREN ,PAM MS

Business Name

Consumer Information

Name: PAM WARREN

Business Name:

Svc Address: 1575 DAYTONA AVENUE

County: Volusia

Phone: (386)-671-7804

City/Zip: Daytona Beach / 32117-

Account Number:

Caller's Name: PAM WARREN

Mailing Address: 1575 DAYTONA AVENUE

City/Zip: DAYTONA BEACH ,FL 32117-

Can Be Reached: (386)-677-0111

E-Tracking Number:

**Florida Public Service
Commission - Consumer Request
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
850-413-6100**

Utility Information

Company Code: TX662

Company: TALK UNLIMITED NOW, INC.

Attn. Ed Smiley521294T

Response Needed From Company? Y

Date Due: 03/31/2003

Fax: 61,727-867-3711

R

Interim Report Received: / /

Reply Received: 03/11/2003

Reply Received Timely/Late:

Informal Conf.: N

PSC Information

Assigned To: CMP

Entered By: LAW

Date: 03/10/2003

Time: 08:06

Via: PHONE

Prelim Type: SLAMMING

PO:

Disputed Amt: 0.00

Supmntl Rpt Req'd: 07/23/2003

Certified Letter Sent: / /

Certified Letter Rec'd: / /

Closed by:

Date: / /

Closeout Type:

Apparent Rule Violation: N

Preclose type - Slamming

Request customer a copy of the bill from the customer.

What company provides your local telephone service? New Phone

What company provides your local toll service? New Phone

What company provides your long distance service? Customer has a block on LD

Which service was switched without authorization local, local toll service, or long distance service? Local, Local Toll

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Which company switched the service without authorization? Talk Unlimited Now

Have you been switched back to the company of your choice? No

Have you received a bill from the new company? If so what is the disputed amount? No

Have you contacted the local company regarding the disputed the amount? Yes

Other Comments: Customer switched service to another company New Phone. Customer states that upon changing service she paid deposit and one months service, and then she sent in payment for the first month. Customer states that she received one of the payments back from New Phone customer called to find out why and was told by the company that she was not a customer of theirs that she had in fact been switched back to Talk Unlimited Now. Customer states that she had written a letter to Talk Unlimited stating that she was switching to another provider and the person that she spoke with acknowledged having received the letter. Customer would like her line converted back to the carrier of her choice which is New Phone. Customer can be reached at 386-677-0111 from Tuesday through Saturday.

*****ATTENTION COMPANY please release the customers line to her company of choice New Phone*****

Please investigate this matter, contact the customer, and provide a detailed written report to the Florida Public Service Commission by the due date. Include LOA/ Tape of the authorization and applicable credits for switching fees, as well as any adjustments of rates that the customer is due.

Case taken by Lee White
Send Response to
Fax number 850-413-7168
E-mail : PSCREPLY@PSC.STATE.FL.US

03/11/2003 Report received via fax. JARIOLA

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03/11/03 Customer called in because she just received a bill from Talk Unlimited and she was very concern. I informed her that the company did respond today and that I will notify you so you can check the report and call her back. He contact number from 8 am to 2:30 pm is (386)677-0111//XK

03/13/03 - Contacted customer. Customer to send additional correspondence. janderson

03/18/2003 Customer correspondence received by fax and forwarded to assigned analyst. LLOpez

04/24/2003 Customer called to check on the status of her case she is worried because she received a call that said TalkAmerica had been sold to another company. Customer was transferred to analysts voicemail. Lee White

07/23/03 - Contacted customer. Customer advised that the fee incurred to switch her service back to her preferred provider was \$35.00. janderson

07/23/03 - FAX TO CO. It appears that there is not sufficient information to give closure to this inquiry.

1) According to the company's report, the customer's service was switched back during the implementation of the company's new system.

2) As the customer did not request a return to the company's service, it appears that this case is an apparent violation for an unauthorized switch.

3) Please issue credits for the all charges incurred as a result of the switch. Also, please issue a refund of the \$35.00 fee that the customer incurred to return to her preferred provider.

4) Please contact the customer at (386) 258-8612 to work out satisfactory resolution to this inquiry.

5) Please provide a supplemental report including proof that the applicable credit and refund have been issued by July 30, 2003. janderson

07/23/03 - Supplemental report forwarded to the company via U.S. mail, as both the fax and telephone numbers for the company are inoperable. janderson

8/12/2003 Contacted Talk Unlimited Now using the information provided from the Michigan PSC. Spoke to a person, name unknown, who stated the company does not provide service. Recommending case be reassigned to CMP for cancellation of certificate. P.Lowery

8/15/2003 Case reassigned to the Division of Competitive Markets and Enforcement. P.Lowery

Request No. 521294T Name WARREN ,PAM MS Business Name

CASE# 521294T

ORIGINAL

MAR 18 2003

1575 DAYTONA AVENUE
DAYTONA, FL 32117



LOAD THIS DIRECTION, THIS SIDE UP

MONEY ORDER RECEIPT - NON NEGOTIABLE

AGT 201927 07 000100 \$89.92 4 EBDOLLARS AND NOCENTS

NewPhone

Payable to: _____
Retain this purchaser's copy, it must be included with all refund requests. Be sure to read important information below and on back.
PURCHASE AGREEMENT: You the purchaser agree that Integrated Payment Systems Inc. need not stop payment on or replace or refund a lost or stolen Integrated Payment Systems Inc. Money Order unless (1) you fill in the back of the Money Order at the time of purchase and (2) you remit the loss or theft to Integrated Payment Systems Inc. in writing immediately issued by Integrated Payment Systems Inc., Englewood, Colorado

* 06062931749 *



LOAD THIS DIRECTION, THIS SIDE UP

PAM WARREN
1575 DAYTONA AVENUE

HOLLY HILL, FL 32117

February 19, 2003
Customer ID: 131427

Thank you for choosing **NewPhone** as your local service provider. We are dedicated to serving your needs.

Please mail your monthly payment to us in the enclosed postage paid envelope. If you prefer, you may call our office for instructions on how to pay at MoneyGram via "Express Payment", Western Union via "Quick Collect", or to use your credit or debit card. Since we do not require a deposit, we must receive your monthly payment on or before the due date below. Only your initial payment may be made at the bank. The bank will not accept your monthly payment.

Additional charges may apply on returned checks, suspended services, and orders to change service. Please call our Customer Service Department for additional information

Current Features and Blocks	Price
911 and other Municipal Taxes	\$0.56
FCC Local Number Portability Line Charge	\$0.35
FCC Charge for Network Access	\$6.00
SOMEK Amortization Fee	\$1.00
Federal Excise Tax	\$0.90
Local Telephone Service, 911 Fee & TASA	
Basic Service	\$29.95

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CASE #
521294T

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LOAD THIS DIRECTION, THIS SIDE UP

January 15, 200

Pam Warren
1575 DAYTON/
Holly Hill, FL 32

Dear Pam Warren:

Thank you for considering **NewPhone!** We are providing pre-paid phone service to thousands of customers just like you throughout the Southeastern United States. We know your phone is important to you and we look forward to getting you hooked up as quickly as possible. Then you'll find out what great personal service is all about.

Please review the information below to confirm what you have requested.

Basic Service	\$29.95
Taxes and Fees	\$8.81
Your Monthly Amount	\$ 38.76
Order Processing Charge to Switch Carriers	\$15.00
Total Amount Due	\$ 53.76

Regardless of what you have ordered, we know of no lower price anywhere. With **NewPhone**, there's no small print, no surprises, and no hassles! Your first payment covers a full month, not just ten days like others do. Since we do not ask for a deposit, we must receive your monthly payment before the start of each billing period. Each month we will send you a renewal notice far enough in advance for you to be able to mail your next month's payment in our postage paid envelope.

For fastest service, you may pay through MoneyGram, Western Union Quick Collect, or credit card. Call our office at 800-444-4080 for instructions or information

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MONEY ORDER RECEIPT - NON NEGOTIABLE

New Phone Payment + Deposit

*P.O. Box 75117 Metairie Louisiana 70010
1-877-301-3131 504 834 9365 Fax 504-*

833-4419

Payable to: Retain this purchaser's copy. It must be included with all refund requests. Be sure to read important information below and on back.
PURCHASE AGREEMENT: You the purchaser agree that Integrated Payment Systems Inc. need not pay payment on, or replace, or refund a lost or stolen Integrated Payment Systems Inc. Money Order unless (1) you fill in the back of the Money Order at the time of purchase and (2) you report the loss or theft to Integrated Payment Systems Inc. in writing immediately issued by Integrated Payment Systems Inc. Englewood Colorado.



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2830 34th Street South
St Petersburg, FL 33711-3817
(727) 867-3700 Fax (727) 867-3711



Fax

To: FL PSC	From: Dayna Moss
Fax: 850-413-17168	Pages: 2
Phone:	Date: 3/11/03
Re: Complaint # 521294T	CC:

ATTENTION: Joy Anderson

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Talk Unlimited Now, Inc.
2830 34th Street S.
St. Petersburg, FL 33711
727-867-3700 or Fax: 727-867-3711

March 11, 2003

Florida Public Service Commission
Division of Competitive Services
2540 Shumard Oak Boulevard
Tallahassee, Fl. 32399-0850
Attention: Joy Anderson

RE: Case #521294T / Pam Warren / 386-671-7804

In response to the above complaint concerning the local service being slammed, I have researched the account.

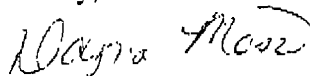
I have found that Ms. Warren has been an existing customer of Talk Unlimited. She states that she ordered her service to be migrated to another carrier but we were never notified of the change of service. Unless the carrier sends notification that they are migrating a line we are unaware of any changes.

Recently we implemented a new system causing all of our Bell South serviced lines to be temporarily disconnected and Ms. Warren's line was included in the list with the others in error not knowing that she was no longer a customer of ours. When the lines came back up her service was showing to belong to Talk Unlimited.

One of our supervisors has spoken with Ms. Warren and explained what had happened and advised her to contact her new carrier to have her line migrated back to them because we are unable to do this for her. We also asked that she fax over a copy of her billing from her new carrier. The bill will show us the actual dates so that we may adjust her billing accordingly and take her out of our billing system.

If you should have any questions concerning this matter, please feel free to contact my office.

Sincerely,



Dayna Moss

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