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State of Florida



# Public Service Commission

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

**DATE:** April 7, 2004

**TO:** Blanca S. Bayó, Commission Clerk and Administrative Services Director

**FROM:** Melinda H. Watts, Engineer III, Division of Competitive Markets & Enforcement *MHW*

**RE:** Docket No. 040196-TI – Compliance investigation of Globcom, Inc. for apparent violations of Sections 364.02(13) and 364.336, Florida Statutes.

Please add the attached document, staff's February 10, 2004, letter to Globcom requesting corroborating data for its audit, to the Docket file for Docket No. 040196-TI.

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FPSC-COMMISSION CLERK

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DIVISION OF AUDITING & SAFETY  
DANIEL M. HOPPE, DIRECTOR  
(850) 413-6480

# Public Service Commission

February 10, 2004

CERTIFIED MAIL

Mr. Glenn Kofman  
Globcom, Inc.  
2100 Sanders Road, Suite 150  
Northbrook, IL 60062-6140

Re: Refund of Overcharges

Dear Mr. Kofman:

In response to a complaint, we audited Globcom, Inc. to determine if the company had overcharged on intrastate calls. In February 2003, we issued an audit report stating that we had reviewed the billing records for September 2002 and found that the company had overcharged intrastate calls in the amount of \$132.14. Globcom, subsequently provided a listing indicating total monthly overcharges. However, this listing did not agree with the overcharges we calculated for September 2002. Therefore, we reopened our audit to reconcile the differences.

We have requested additional data as listed on Attachment A. We have made many attempts to contact the company by phone and e-mail and have not received a response. Ms. Sue Jackson has spoken briefly with Mr. Joseph A. Vitale but has not been successful in obtaining the requested information. Your company has not responded to any of Ms. Jackson's phone calls or e-mails. As of today, we have not received the requested information, nor been contacted with information regarding a delay. I do not believe that the company has been making a good faith effort to respond to our requests. Therefore, I believe we are forced to set a final deadline of February 25, 2004.

Section 364.285, Florida Statutes (F.S.), provides that the Commission has the power to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each offense if it is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission. Each day that such refusal or violation continues constitutes a separate offense. Section 364.02(13), F.S., states, in part, that each intrastate interexchange telecommunications company shall provide the commission with such current information as the Commission deems necessary to contact and communicate with the company.

Mr. Glenn Kofman

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Tuesday, February 10, 2004

If you do not provide the requested information to the auditor by the close of business on February 25, 2004, or provide good reason why you should have an additional delay, we shall be forced to initiate further proceedings to determine if the company should be penalized for failure to comply with Commission statutes.

If you should have any questions regarding this letter or the specific information to be provided, please feel free to call Ms. Sue Jackson, at (850) 413-6972 or myself, at (850) 413-6487.

Sincerely,



Denise N. Vandiver  
Bureau Chief of Auditing

cc: Division of Auditing and Safety (S. Jackson, Buckley)  
Division of Competitive Markets and Enforcement (Watts)

Mr. Joseph A. Vitale  
Globcom, Inc.  
2100 Sanders Road, Suite 150  
Northbrook, IL 60062-6140

**ATTACHMENT A**

1. Company letter indicated intrastate minutes as follow:

<b>Date</b>	<b>Worldcom</b>	<b>Williams</b>
08/01/2002	25,377.00	5.90
09/01/2002	25,816.00	2,461.00
10/01/2002	21,253.00	3,069.00
11/01/2002	22,308.00	2,827.00
12/01/2002	25,675.00	2,730.00
01/01/2003	27,592.00	3,783.00
02/01/2003	21,827.00	5,994.00
03/01/2003	18,936.00	4,980.00
	188,784.00	25,849.90
<b>TOTAL</b>		<b>214,633.90</b>

Using the company's EDP billing data, we identified total September minutes for Williams as 2,952.53. Reconcile the difference of 492.53 (2,461-2,952.53) minutes. Provide a discussion addressing the time period used to identify total minutes of 2,461 for Williams for September. Address if a billing period different than the calendar month (September 1 – 30) was used.

2. Electronic Billing data for August 2002
3. Electronic Billing data for October 2002
4. Electronic Billing data for November 2002