

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
AUG 29 PM 4:13
COMMISSION CLERK

DATE: August 23, 2004

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

FROM: Rhonda L. Hicks, Chief of Complaint Resolution, Division of Regulatory Compliance & Consumer Assistance *RH*
 Lee Fordham, Senior Attorney, Office of the General Counsel *L.F.*
 Melinda Watts, Competitive Markets and Enforcement *MW*

RE: Docket No. 031001-TP; Complaints of Leonardo Da Silva against BellSouth Telecommunications, Inc. and AT&T Communications of the Southern States, for alleged unauthorized changes of service and improper billing.

The initial complaint was received on June 28, 2002, and assigned CATS No. 461228T. Staff negotiated with the telephone providers at length regarding the portions of the complaint within PSC jurisdiction, and resolved those issues. However, a large component of the complaint involved internet problems over which this agency has no jurisdiction.

An informal conference was held on September 17, 2003, resulting in no definitive resolution. Therefore, on October 28, 2003, this Docket was opened in the event further action was required. However, Mr. Leonardo Da Silva was recently contacted regarding the above-referenced complaints. Mr. Da Silva acknowledged that AT&T is not responsible for his phone service being switched and is no longer a party to this complaint. He also acknowledged that the PSC obtained a credit from BellSouth Telecommunications for the entire amount that Mr. Da Silva placed in dispute upon filing his complaint. All remaining issues relate to internet service provided by BellSouth.net.

Mr. Da Silva stated that he was previously advised by PSC staff that internet charges are not within the PSC's jurisdiction, and he assumed the case was closed. Although he is not happy with the PSC's lack of authority over internet charges, he advised staff that he does not wish to continue with this case.

No agency action has been taken in this Docket, other than staff efforts to reconcile the Complaint. With the withdrawal of the Complaint, there is no further action required or requested of this Commission on this matter. Accordingly, pursuant to APM 2.07(C)(2)(d)(4), the docket should now be administratively closed.

DK to B/23/04 RW

cc: Rhonda Hicks
Lee Fordham
Melinda Watts

DOCUMENT NUMBER-DATE

09207 AUG 23 04

FPSC-COMMISSION CLERK