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State of Florida



Public Service Commission

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COMMISSION

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

DATE: August 19, 2005

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

FROM: Ray E. Kennedy, Utilities System/Engineering Spec Supr - SES, Division of Competitive Markets & Enforcement *RK*

RE: Docket No. 050484-TI – Investigation and determination of appropriate method for refunding overcharges for 0+ calls made from pay telephones by Network Communications International Corp. d/b/a Mundo Telecom d/b/a 1800Call4Less.

Please place the attached settlement proposal and e-mail correspondence in the file for Docket No. 050484-TI. The proposal was submitted electronically by Mr. Bruce Renard, Counsel for Network Communications International Corp. on August 4, 2005.

Cc: Kira Scott, Office of the General Counsel

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DOCUMENT NUMBER: CAT

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FPSC-COMMISSION CLERK

MEMORANDUM

TO: RAY KENNEDY
FROM: BRUCE RENARD
RE: NCIC SETTLEMENT PROPOSAL
DATE: AUGUST 4 2005
CC: BILL POPE, PRESIDENT-NCIC

Ray—As discussed, this is the proposal submitted on behalf of Network Communications International Corp. (“NCIC”) to make payment of inadvertent misbillings on intrastate operator services calls occurring over approximately the last year period.

1. NCIC will make payment of \$35,000, representing an estimated and stipulated amount, into the General Revenue Fund of the State of Florida, or such other general fund as the Commission may direct. Given the nature of its business operations, this is the only practical and effective means to disgorge the subject misbilled amounts. Specifically, NCIC has no name or address information for the affected customers and would have to rely on the billing LECs and other third party billing entities to attempt to effectuate refunds. This effort would entail a substantial cost to NCIC, approaching fifty percent (50%) of the amount to be refunded. In addition, changes in serving LECs, credit card providers, billed-to phone numbers and mailing addresses over the timeframe involved will result in a substantial number of failed refund attempts even if such an effort were to be undertaken.
2. NCIC would propose to make this payment in three installments: \$15,000 payable thirty (30) days after the Commission’s Order approving the refund plan; \$10,000 payable thirty (30) days thereafter; \$10,000 payable thirty (30) days thereafter. NCIC would look to Staff to convert this proposal to calendar dates, based on when the Commission votes, issues an order and the order becomes final, and advise NCIC of the resulting dates.
3. NCIC hereby confirms that it has already adjusted its rates to conform to its tariffs and Commission rate caps, and its rates are in full compliance with these requirements. NCIC has reviewed its tariffs and engaged my services in a good faith effort to assure no reoccurrence of this type of issue going forward.
4. NCIC will submit a final report to the Commission within thirty (30) days of making the last payment referenced in item 2. above, to verify the completion of this process and conformance with the terms and conditions of the Commission’s Order approving this proposal.
5. The calls at issue were exclusively 0+/- intrastate calls made from independently owned public pay telephones in the State of Florida.

MEMORANDUM

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NCIC Settlement Proposal

August 4, 2005

Thank you for your attention to and consideration of this settlement proposal, and please advise us if there is anything further required in order to proceed toward a final resolution of this matter.

Best Regards,

_____/s/_____

Bruce W. Renard

Consultant to NCIC

Ray Kennedy

From: renardconsulting@aol.com
Sent: Thursday, August 04, 2005 12:07 PM
To: Ray Kennedy
Cc: Bill.Pope@ncic.com
Subject: NCIC Settlement Proposal
Attachments: NCIC SETTLEMENT PROPOSAL-FINAL 08-04-05.doc

Ray--Attached, as discussed, is the Settlement Proposal submitted on behalf of NCIC for the Commission's consideration. Thank you for your attention to this submission and please advise if anything further is required in order to move forward in presenting this matter to the commission for resolution. Please also advise when the Staff Recommendation is filed in this matter, so we can make sure to be available for the Commission Agenda at which it will be taken up. Thank you once again for your assistance in having this item expeditiously processed and fairly considered.

Best Regards,
Bruce