

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Generic Investigation) DOCKET NO. 941000-TP
into billing of Pay Per Call) ORDER NO. PSC-95-0684-FOF-TP
services and related issues.) ISSUED: June 6, 1995
_____)

The following Commissioners participated in the disposition of this matter:

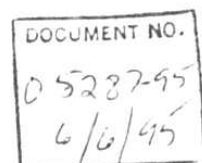
SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER CLOSING DOCKET

BY THE COMMISSION:

The Commission's Division of Consumer Affairs first began receiving complaints about 976 information services shortly after BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell) began offering the service in 1984. These complaints increased each year and increased dramatically in 1991, when 900 information service numbers were offered by AT&T Communications of the Southern States, Inc. and other interexchange carriers. The increase in customer complaints, and a joint petition filed by the Office of the Attorney General and the Public Counsel caused the Commission to adopt rules governing the provision of pay per call services to protect customers. Rule 25-4.110(10), Florida Administrative Code became effective November 11, 1991. By the following year, 1992, there was a dramatic decrease in the number of customer complaints filed regarding pay per call services. However, in 1993 and 1994, such complaints began increasing.

In the past, consumers complaining about 900 and 976 charges were advised that while the amount charged for these calls was not regulated, the Commission did regulate the billing of the calls under Rule 25-4.110,(10), Florida Administrative Code, Customer Billing. If it appeared that the local exchange company or interexchange carrier had not billed the charges in accordance with this rule, or had failed to issue credit under the terms specified in the rule, a complaint was lodged against the utility. Customers were also advised of their right to obtain free blocking of pay per call services from the local exchange company in accordance with



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Rule 25-4.110(10), Florida Administrative Code. Florida customers seemed to learn quickly that placing calls to 900 and 976 numbers could result in high charges being billed and the Division of Consumer Affairs' complaint handling procedures appeared to be effective. Consequently complaints about these type of services continued to decrease until 1993.

Beginning in late 1993 the Commission began to see an increase in complaints about so called "dial-a-porn" and other pay per call services. After January 1, 1994, the Division of Consumer Affairs received over 500 complaints and inquiries about the billing of pay per call services via interstate, international, and 800 numbers. Upon reviewing many of these complaints, communications staff filed recommendations to show cause American Telnet, Telamerica Communications, Inc., GTE Florida Incorporated, and Southern Bell, for failing to separately list pay per call charges and specify that such charges are nonregulated in violation of the Commission's rules on pay per call services, Rule 25-4.110(10), Florida Administrative Code (Dockets 940266-TP and 940608-TP).

We considered the recommendations at the July 5, 1994 Agenda Conference. After hearing from the parties, we concluded that there were numerous issues that needed to be explored further before show cause orders should be issued. Consequently, Order PSC-94-0886-FOF-TP, issued July 20, 1994, directed staff to launch a generic investigation into billing of pay per call services and related issues.

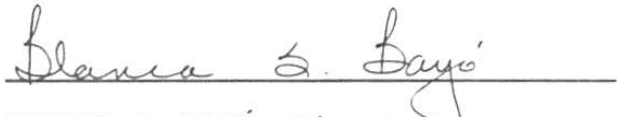
The results of the investigation were presented at the May 16, 1995 Agenda Conference. We are now in the position to act upon our findings. Therefore, since the investigation has concluded this docket shall be closed and other dockets opened as appropriate.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that this docket is hereby closed.

By ORDER of the Florida Public Service Commission, this 6th day of June, 1995.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

MMB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.