

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of show cause ) DOCKET NO. 960841-TI  
proceedings against LDM Systems, ) ORDER NO. PSC-97-0352-AS-TI  
Inc. for violation of Rule 25- ) ISSUED: March 28, 1997  
4.118, F.A.C., Interexchange )  
Carrier Selection. )  
\_\_\_\_\_ )

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING PROPOSED  
SETTLEMENT OFFER FOR RULE VIOLATION

BY THE COMMISSION:

LDM Systems, Inc. (LDM) is a certified provider of interexchange telecommunications services. Between January 1, 1995 and June 21, 1996, 163 complaints were filed against LDM for slamming (unauthorized carrier changes). A show cause proceeding was initiated against LDM requiring it to show cause why it should not be fined or have its certificate cancelled for violations of Rule 25-4.118, Florida Administrative Code, Interexchange Carrier Selection.

LDM was granted an extension of time to respond to the Commission's Order to show cause. During this period LDM filed a proposed settlement offer wherein it offered to: 1) review all pending unresolved complaints and make adjustments, including refunds as necessary; 2) review and revise its internal operating policies to insure timely responses to the Commission's inquiries; 3) modify its telemarketing scripts to ensure that it is clear to consumers that its independent verification company is not affiliated with LDM; 4) contribute \$30,000 to the Commission for deposit in the general revenue fund within 30 days after the Order accepting the proposed settlement becomes final; and, 5) continue to comply with the Commission's rules.

The company is further required to file a report with the Commission, which details its review of outstanding complaints and refunds or adjustments that were made, within 45 days of the issuance of the Order accepting the settlement. Upon review of the proposed settlement, we have determined that it is appropriate and reasonable.

DOCUMENT NUMBER-DATE

03237 MAR 28 5

FPSC-RECORDS/REPORTING

ORDER NO. PSC-97-0352-AS-TI  
DOCKET NO. 960841-TI  
PAGE 2

Based on the foregoing,

It is ORDERED by the Florida Public Service Commission that LDM Systems, Inc.'s proposed settlement offer is accepted, and the company must file a report detailing its review of outstanding complaints and refunds or adjustments that were made within 45 days of the issuance of this Order. It is further

ORDERED that LDM Systems, Inc. pay \$30,000 to the Comptroller for deposit in the State's General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. It is further

ORDERED that upon payment of the \$30,000 to the State's General Revenue Fund, and upon receipt of LDM Systems, Inc.'s report within 45 days of the issuance of this Order, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 28th day of March, 1997.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

MES

ORDER NO. PSC-97-0352-AS-TI  
DOCKET NO. 960841-TI  
PAGE 3

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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.