

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Initiation of Show Cause ) DOCKET NO. 961551-TI  
Proceedings Against Discount ) ORDER NO. PSC-97-0438-AS-TI  
Network Services, Inc. for ) ISSUED: April 18, 1997  
Violation of Rule 25-4.118, )  
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 SETTLEMENT OFFER

BY THE COMMISSION:

I. Background

Discount Network Services, Inc. (DNS) is a provider of interexchange telecommunications service and was certificated to provide service in Florida on October 12, 1995. The company holds Certificate No. 4077.

By Order No. PSC-96-0721-FOF-TI, issued May 29, 1996, in Docket No. 960434, we required DNS to pay a \$250 fine for violation of Rule 25-24.480, Florida Administrative Code, by failing to inform us of its new address, telephone number, and contact person within 10 days of the change. The company paid the \$250 fine, provided our staff with the required information, and the docket was closed.

Between January 1 and November 30, 1996, our Division of Consumer Affairs received a total of 72 complaints against DNS concerning unauthorized carrier changes in violation of Rule 25-4.118, Florida Administrative Code (slamming). The majority of the complainants stated that DNS's telemarketers used misleading sales tactics and led customers to believe that the customers were speaking with AT&T representatives. As a result, this docket was opened to investigate whether DNS should be required to show cause why it should not be fined or have its certificate cancelled for slamming. Prior to our consideration of whether DNS should be

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FPSC-RECORDS/REPORTING

ordered to show cause, the company's attorney contacted our staff with a proposed settlement offer. We postponed consideration of this matter in order to review DNS's proposal. On March 18, 1997, DNS amended its original settlement offer. The amended settlement offer is attached to and incorporated in this Order as Attachment A.

## II. Amended Settlement Offer

Discount Network Services, Inc.'s proposed settlement offer is as follows:

- 1) DNS will credit customer billings in the amount of \$8,631.59 in accounts receivable. (We note that DNS has already issued the credits which appeared on the March 3, 1997, billing cycle.)
- 2) DNS will refund to customers within 30 days of the issuance of the Commission's Order all previously collected revenues in the amount of \$10,062.37.
- 3) Effective February 1, 1997, DNS removed all references to AT&T in its telemarketing scripts and implemented an employee training program.
- 4) DNS promises to comply with all Commission rules and orders.
- 5) DNS will promptly refund or credit customer billings for the primary interexchange carrier (PIC) change fee for any other Florida consumer who complains that their service was switched without proper authorization.
- 6) DNS will promptly refund or credit customer billings for the difference between the consumer's preferred carrier and DNS' rates, if any, for any other Florida consumer who complains that their service was switched without proper authorization.
- 7) DNS will provide a detailed billing report of the customers who filed complaints with the Commission's Division of Consumer Affairs. The billing report is attached to this Order as Attachment B.
- 8) DNS will pay \$5,000 to the Commission within 90 days of the date this Order becomes final.

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Upon review, we find that the company's amended settlement proposal is reasonable, and adequately addresses our concerns regarding the slamming complaints. We shall, however, also require DNS to submit a report to our staff within 45 days of the issuance of this Order outlining the dates upon which any refunds or credits are issued. In addition, DNS shall forward the \$5,000 to the Office of the Comptroller for deposit in the State General Revenue Fund in accordance with Section 364.285 (1), Florida Statutes. Furthermore, if we do not see an improvement in the number of complaints against DNS, we will not hesitate to investigate.

Based on the foregoing, it is therefore

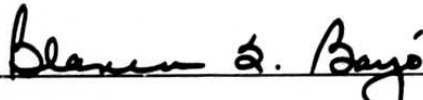
ORDERED by the Florida Public Service Commission that the amended Settlement Offer proposed by Discount Network Services, Inc. is, hereby, approved. It is further

ORDERED that Discount Network Services, Inc. shall submit a report to Commission staff within 45 days of the issuance of this order outlining the dates upon which any refunds or credits are issued. It is further

ORDERED that Discount Network Services, Inc. shall remit \$5,000 to the Office of the Comptroller for deposit in the State General Revenue Fund, in accordance with Section 364.285(1), Florida Statutes. It is further

ORDERED that upon remittance of the \$5,000 and receipt by Commission staff of Discount Network Services, Inc.'s report, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 18th day of April, 1997.

  
\_\_\_\_\_  
BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

BC

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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.



ATTACHMENT A

Lance J.M. Steinhart  
Attorney At Law  
6455 East Johns Crossing  
Suite 285  
Duluth, Georgia 30155

Also Admitted in New York  
and Maryland

Telephone: (770) 232-9200  
Facsimile: (770) 232-9208

March 18, 1997

VIA FACSIMILE AND  
FIRST CLASS MAIL

Beth Culpepper, Esq.  
Florida Public Service Commission  
2540 Shunard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Discount Network Services, Inc.  
Docket No. 961551-TI

Dear Ms. Culpepper:

Pursuant to my discussions with Paula Isler of your office and to address Commission concerns, on behalf of Discount Network Services, Inc. ("DNS"), I am hereby making this revised offer of settlement in the above-referenced matter.

In regard to the Florida customers which filed complaints with the Commission in 1996, DNS collected revenue in the amount of \$10,062.37. As of the end of January, DNS had accounts receivable of approximately \$8,600 (intrastate, interstate and international) for such customers. DNS in light of the foregoing, DNS proposes the following:

1. Credit customer billings in the amount of the \$8,600 in accounts receivable. Please note that DNS has already processed these credits.
2. Return all collected revenues (interstate, intrastate and international) in the amount of \$10,062.37 to customers. These refunds will be processed within 30 days.

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3. Remove all references to AT&T in its telemarketing scripts to insure that all customers are affirmatively selecting DNS as its long distance carrier. DNS ceased using AT&T's name in its telemarketing as of February 1, 1997 and DNS promises to immediately institute an employee training program. Please see the attachments to this letter which include a letter from Patrick Corrigan, President of DNS, a revised tape verification script without reference to AT&T, and new sales and verification procedures.
4. DNS promises to comply with all Commission rules and orders.
5. DNS will promptly refund or credit customer billings for the PIC change fee for any other Florida consumer who complains that their service was switched without proper authorization.
6. DNS will promptly credit customer billings for the difference between the consumer's preferred carrier and DNS' rates, if any, for any other Florida consumer who complains that their service was switched without proper authorization.
7. DNS will provide a detailed billing report to the Commission for the customers which filed complaints with the Commission.
8. DNS will pay \$5,000 to the Commission within 90 days of the adoption of this settlement by the Commission.

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This offer is made for settlement purposes and is not to be used against DNS in any pending or future proceeding. DNS neither admits nor denies any wrongdoing.

Please return a stamped copy of the extra copy of this letter in the enclosed preaddressed prepaid envelope.

If you have any questions or if I may provide you with any additional information, please do not hesitate to call me.

Sincerely,



Lance J.M. Steinhart, Esq.  
Attorney for Discount  
Network Services, Inc.

Enclosures  
cc: Mr. Pat Corrigan  
LJS/as

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# DNS

DISCOUNT NETWORK SERVICES INC.  
20217 Ann Arbor Trail • Ste 101  
Dearborn Mts. MI 48127  
313-982-3001  
Fax 313-982-3014

January 30, 1997

Lance Steinhart  
500 Northpark Town Center  
1100 Abernathy Road  
Suite 112  
Atlanta, GA 30328

Re: Florida PSC

Dear Lance,

Following up and confirming our previous conversations, effective February 1, 1997 we will be making numerous changes to our selling and verification procedures for all orders sold in the state of Florida.

Attached please find an overview for the new procedures and our new verification script. As I stated before we have dropped all references to "AT&T" during the verification process. Apparently there was too much confusion created this past year when our staff tried to explain to the customer how a reseller of a major carrier operates.

Although we are instituting these new procedures immediately, we may still have some customers in the "pipe-line" at AT&T that have not yet received an invoice. Hopefully there will be few, if any, customer inquiries between now and when these customer receive their first invoice.

We feel very confident that these new procedures will eliminate virtually all customer complaints in the future.

Thanks for your assistance.

Sincerely,  
  
Patrick Carrigan

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*Business Long Distance Service Utilizing the AT&T Network*

000/000 01 (0) 4000:90 16-02-10 4100 000 010  
LANCE STEINHART

DISCOUNT NETWORK SERVICES  
11:48 000 000 0200 FAX 710 000 0200



### TAPE VERIFICATION SCRIPT

HELLO, MR/MRS. \_\_\_\_\_ THIS IS \_\_\_\_\_ FROM  
NETWORK VERIFICATION, I AM FOLLOWING UP ON YOUR PREVIOUS  
CONVERSATION WITH: \_\_\_\_\_ ABOUT THE LONG  
DISTANCE SAVINGS PROGRAM THROUGH DISCOUNT NETWORK SERVICES  
IN ORDER TO PROCESS THIS DISCOUNT PLAN WE ARE REQUIRED BY THE  
FCC TO RECORD YOUR AUTHORIZATION.

THIS WILL ONLY TAKE A COUPLE OF MINUTES, AND WITH YOUR  
PERMISSION I WOULD LIKE TO START THE RECORDED PORTION NOW.

1. DID YOU RECEIVE AND REVIEW THE INFORMATION SHEET SENT TO YOU  
BY (SALES REPRESENTATIVE NAME)
2. COULD YOU PLEASE CONFIRM YOUR COMPANIES NAME AND PHYSICAL  
ADDRESS ?
3. IS THAT ALSO THE BILLING ADDRESS ?
4. YOUR COMPANY WISHES TO CHANGE YOUR LONG DISTANCE SERVICE  
TO DISCOUNT NETWORK SERVICES ?
5. THE TELEPHONE LINES THAT WILL PLACED ON THIS PROGRAM ARE:  
  
LIST LTN AND WTN'S
6. YOUR COMPANY'S AVERAGE LONG DISTANCE BILL PER MONTH IS?
7. YOUR POSITION WITH YOUR COMPANY IS \_\_\_\_\_ AND YOU ARE  
AUTHORIZED TO CHANGE YOUR COMPANY'S LONG DISTANCE CARRIER.
8. THE SAVINGS PROGRAM WILL BE BILLED THROUGH DISCOUNT  
NETWORK SERVICES. YOUR LOCAL PHONE COMPANY MAY CHARGE YOU  
\$5.00 FOR THE MIC CHANGE, WHICH DNS WILL REIMBURSE.
9. THERE WILL BE A WELCOME PACKAGE SENT OUT WITHIN A WEEK IF  
YOU HAVE ANY QUESTIONS AT THAT TIME, PLEASE CALL THE 800 #  
INCLUDED IN THE PACKAGE.

## SALES AND VERIFICATION PROCEDURES

### 1. Initial Sale

- A. Sales representatives are responsible for explaining the long distance program to prospective customers.
- B. Sales representatives must either fax or mail information sheet to all prospects that wish to change long distance service to Discount Network Services.
- C. Orders can only be submitted to the verification center after confirmation that the perspective customer has reviewed the information sheet.

### 2. Verification Center Procedure

#### A. Verifiers

- 1. Orders submitted by sales agent must be verified within a 24 hour period from the time delivered by the sales agent.
- 2. The verification script must be followed.
- 3. If the customer has questions regarding service DO NOT STOP TAPE, answer the question, and if the customer still wishes to change service continue with the verification.

4. Please keep a detailed log sheet of the orders that are verified. This log sheet will be used to locate the tape if there is a PIC dispute.
5. Clearly mark orders that do not verify, with a detailed explanation of why the customer did not want the service. This will aid the sales agents in the future.

## B. Supervisors

1. Supervisors will be responsible for 5 verifiers.
2. Please make sure that verifiers follow the script, and are completing the log sheets correctly.
3. Review the orders that do not pass verification for weekly meetings with VP of Sales at Discount Network Service .
4. Report any major discrepancies with manager so that problems can be handled immediately with Discount Network Services.

ATTACHMENT B

NETWORK SERVICES

313 982 3814 03-18-97 11:58AM (00) 81



3/16/97

4 pages

TO: LANCE STEINHART  
FR: PATRICK CORRIGAN  
RE: FLORIDA

THANKS FOR HAVING THE FLA PUC  
FAX US THEIR LISTING OF CUSTOMER  
COMPLAINTS, SO WE COULD BOTH USE  
THE SAME INFORMATION.

ATTACHED ARE TWO REPORTS, "A" + "B"

"A" ARE COMPANIES WHO NEVER RECEIVED  
A BILL FROM OUR COMPANY. THEY EITHER  
CANCELLED UPON RECEIVING "WELCOME LETTER"  
OR WE NEVER EVEN HAD THEM LISTED IN OUR  
PROSPECT FILES.

"B" ARE COMPANIES WHO WERE ON OUR  
SERVICE. THIS REPORT SHOWS TOTAL  
CHARGES, PAYMENTS AND CREDITS.

HOPE THIS HELPS YOU CONCLUDE THIS MATTER.



NETWORK SERVICES  
 FLORIDA PUBLIC SERVICE COMMISSION REPORT

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DISCOUNT NETWORK SERVICES INC.

(A)

FOLLOWING COMPLAINTS NEVER PLACED ON LONG DISTANCE SERVICE

ACCOUNT	BTN	COMPLAINT #	NAME	PAYMENTS	ADJUSTMENTS	TOTAL CHARGES
NONE	043-791-1289	1371988	AMERICAN INSURANCE AGM GROUP	00.00	00.00	00.00
NONE	041-884-3745	1371988	AMERICAN SPEEDY PRINTING	00.00	00.00	00.00
NONE	004-785-8807	1371988	BACKWATER MARINE	00.00	00.00	00.00
NONE	943-484-2977	1371984	INDEPENDENT INVENTORY SERVICE	00.00	00.00	00.00
NONE	382-423-4888	1374623	OCALA'S BREEDERS FEED & SUPPLY	00.00	00.00	00.00
NONE	004-475-0118	1374623	SANOFFER SPORTSWEAR	00.00	00.00	00.00

NETWORK SERVICES  
 FLORIDA PUBLIC SERVICE COMMISSION REPORT

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(B)

DISCOUNT NETWORK SERVICES INC.

ACCOUNT	BTM	COMPLAINT #	Name	PAYMENTS	ADJUSTMENTS	TOTAL CHARGES
700017	487-287-2847	130145	CROSSCOON ENTERPRISES	00.00	(00.10)	00.10
700019	801-287-2820	100270	LOUSET POOL MAINTENANCE	00.00	(000.20)	000.20
700020	305-236-2010	117012	WALLEY INC.	00.00	(014.10)	014.10
700077	305-226-2070	107341	WESLEY & WESLEY ENTERPRISES	00.00	(044.00)	044.00
700078	487-223-2000	120112	ZYTER INC.	(0147.70)	(0147.70)	0295.47
700084	487-470-2004	021100	ALLEN SAW CO.	00.00	(007.10)	007.10
700085	487-720-2000	100411	PAK MAIL CENTERS OF AMERICA	(0140.00)	(0140.00)	0280.00
700086	801-724-2000	110700	DOAN AND CO.	00.00	(0107.00)	0107.00
700087	013-207-0111	102010	RUMMEL COMPANIES	(0200.00)	(012.00)	0212.00
700100	304-400-2070	110400	CHARTERS BY TUCKER	00.00	(00.00)	00.00
700172	303-091-1004	120000	PREST PEST CONTROL	00.00	(003.04)	003.04
700210	305-000-2070	112000	COUNTY WIDE ELECTRIC	00.00	(0120.07)	0120.07
700200	487-400-0040	110070	JACKSON ENGINEERING & MANUFACT	(0000.00)	(0000.00)	0000.00
700200	004-700-0010	110700	GULF STATE PLASTER	00.00	(0007.10)	0007.10
000712	013-000-0001	112000	PETAL HEAVEN	(070.00)	00.00	070.00
000701	013-070-0004	127010	DESIGN TRAVEL INTERNATIONAL INC	(0100.00)	(0112.00)	0212.00
000705	004-700-0000	110000	INTERNATIONAL BARTENDING INST	(0004.00)	00.00	0004.00
000700	004-700-0000	120000	REGAN INSURANCE SYSTEMS	00.00	(010.70)	010.70
000703	305-700-1107	124070	THE ALTERNATIVE PROGRAM INC	(03.00)	(007.24)	000.00
000704	487-200-3447	120400	ALTHAM	(070.00)	(00.12)	000.12
000706	001-000-3100	110077	MORGAN & SONS INC	00.00	(0200.00)	0200.00
000707	487-700-0100	120000	FOUNTAIN ENTERPRISES	(041.07)	00.00	041.07
000708	013-700-0000	121070	JIM MASHLEY CONSTRUCTION	00.00	(000.01)	000.01
000709	004-077-0000	120000	ERIC GLEATON REALTY	00.00	(000.00)	000.00
000710	302-700-0000	120000	M & M PRENTEL	00.00	(000.00)	000.00
000711	004-000-0014	100000	BUDDY POWELL CONSTRUCTION	00.00	(000.00)	000.00
000712	001-000-0000	100000	RAINBOW FOREST	00.00	(000.70)	000.70
000713	001-000-0000	100000	ACTION AIR CONDITIONING & HEAT	00.00	(000.00)	000.00
000714	001-000-0000	100000	LEO BLOOM REAL ESTATE	(0100.00)	00.00	0100.00
000715	004-000-0000	010000	SANT JONES SCHOOL OF REAL ESTA	(070.00)	(017.12)	000.00
010000	487-000-0000	120000	GAMBLE REALTY	00.00	(00.00)	00.00
010001	305-000-0004	120700	TELE MART INC	00.00	(0010.00)	0010.00
010002	487-000-0007	000000	DIOCESE OF CENTRAL FLORIDA	(01200.00)	00.00	01200.00
010010	487-070-0004	100000	NEW LIFE WORKSHOP	(000.00)	00.00	000.00
010017	302-070-0000	101400	AMERICAN RED CROSS	(0104.70)	(0104.77)	000.00
010020	004-000-0000	100100	COBONE INSURANCE AGENCY	(0110.00)	(010.00)	0120.00
010021	004-070-0111	007100	000 STATE ORGANIZATIONAL SVCS.	(010.00)	(021.17)	031.17

NETWORK SERVICES  
 FLORIDA PUBLIC SERVICE COMMISSION REPORT

313 982 3014 03-18-97 11:51AM (88) 84

0188721	884-479-0887	12278 N	ALL STATE INSURANCE	(8188.18)	(88.27)	\$188.48
0188238	881-479-0185	13813 N	BJ'S AUTO SALES	88.88	(871.17)	\$71.17
0302298	385-882-4929	1388478	CARD DISTRIBUTING CO	(888.88)	(881.28)	\$111.28
0302217	385-882-8881	1228881	FAST FLOW INC	(8882.82)	(81,288.87)	\$2,188.82
0302288	385-882-8818	1381488	ADOLE PAUL HAROLD OPTICAL	88.88	(888.88)	888.88
0302213	487-479-8881	1378888	COVENANT CHRISTIAN SCHOOL	(888.88)	(822.42)	888.47
0302288	487-481-3528	1284888	ORLANDO HOME & FITTINGS INC	(8721.87)	(8428.88)	\$1,147.88
0311288	813-788-3381	1381488	FASSON SALVAGE & EQUIPMENT	(888.27)	88.88	888.27
0311488	383-343-8873	1284788	JAYMARK BUILDERS & DEVEL	(8487.88)	(8478.31)	888.21
0311488	884-388-3275	1288811	BATH FURNITURE INC	(818.88)	88.88	\$14.88
0312288	881-488-3111	1388882	BAY WEST NURSERY	(878.88)	(888.27)	\$784.78
0312274	881-781-8878	1288882	SOUTHWFLA FLORIDA FRANCHISES	(8187.88)	(888.22)	\$743.87
0312488	884-824-8884	1288884	BUTTERS & SHUTTERS INC	(84.82)	(884.88)	\$28.88
0328788	487-423-7818	1288888	COLINS CO	(848.88)	(888.11)	\$131.28
0328887	881-422-7488	1281288	OVILLETTE SVC CO	88.88	(828.88)	\$28.88
0328811	881-427-1888	1318888	MARINE CONSTRUCTION INC	88.88	(818.88)	\$18.88
0328828	881-488-7488	1481288	PALMOLE OIL CO INC	88.88	(8188.82)	\$788.82
0328884	813-828-8888	1288884	DESTINATION MARKETING & SVC IN	(8821.81)	(81,481.82)	\$2,112.82
0328888	813-828-1878	1288882	GERORAPIC ARTS INC	88.88	(843.28)	\$43.28
0328889	884-388-4888	1288884	REMAJ REAL ESTATE SPECIALTY	(887.84)	(828.27)	888.47
0328888	881-847-8188	1221288	SPECTRUM COMMUNICATIONS INC	(8188.88)	(8817.84)	\$377.84
0328888	884-427-8288	1287884	CHARLE COBB STATE FARM INSURA	(8372.18)	88.88	\$372.18
0328818	884-448-4888	1288788	STATE FARM INS.	(8188.88)	(888.27)	\$218.28
0318487	487-488-8488	1287882	PAYROLL 1 INCORP	(81,272.41)	88.88	\$1,272.41
0318207	813-848-2887	1282488	FRISSE'S MOVING SVC	88.88	(88.78)	88.78
0318882	881-888-1728	1284882	FLORIDA MARINE CONSTRUCTION	(8184.28)	(881.47)	\$788.28
0318278	385-284-3888	1488288	EMERALDS INTERNATIONAL	88.88	(831.84)	\$31.84
0318288	385-882-8888	1288888	K.Y.T. ENTERPRISES INC	(8728.82)	(8888.28)	\$1,281.28
0318288	487-478-8242	1288881	MP MANAGEMENT GROUP INC	(8188.27)	88.88	\$188.21
0341288	813-884-4718	1282881	UNIVERSITY PRODUCTS INC	88.88	(888.88)	888.88
0341288	813-882-1188	1282811	BARTER WORLD USA	88.88	(888.82)	\$88.82
0341887	884-823-8242	1278881	LEWIS FUNERAL HOME	88.88	(828.88)	888.88
0328847	813-388-1878	1284114	AAA TAX AND LMB CO	88.88	(847.48)	\$47.48
0328884	813-828-7884	1488888	PRIME888	(878.88)	(827.82)	\$788.82
0328748	881-484-7228	1448888	DE SOTO APPLIANCE	88.88	(817.78)	\$17.78
0328882	884-487-4288	1288888	LEIGH ROSSIGNON KEHR & ASSOC. I	(887.88)	88.88	\$87.88
			<b>TOTALS</b>	<b>(818,882.27)</b>	<b>(84,821.88)</b>	<b>\$18,882.88</b>