

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed refund of
overcharges by One Call
Communications, Inc. d/b/a
Opticom, a Division of One Call
Communications, Inc.

DOCKET NO. 980552-TI
ORDER NO. PSC-98-0759-FOF-TI
ISSUED: June 1, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING REFUND OF OVERCHARGES

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On January 13, 1997, One Call Communications, Inc. d/b/a Opticom, a Division of One Call Communications, Inc. (One Call), was notified that it had been selected as one of the interexchange companies (IXCs) to be evaluated as part of the Commission's normal service quality evaluation. Toll timing and billing tests were conducted on January 22 and January 30, 1997. Upon review of the results of the testing an overtiming problem in One Call's billing was discovered. On September 3, 1997, our staff issued the Interexchange Service Evaluation Report and requested an outline of corrective action taken to resolve the overtiming problem discovered during the evaluation. One Call responded on September 22, 1997, explaining the corrective action made to its billing system. Further exchanges of information occurred, culminating on March 23, 1998, when One Call offered a plan to refund the excess.

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revenues from its inadvertent overtimeing (Attachment A). One Call estimated that \$7,500 was overcharged and offered to refund that amount through a rate reduction for its customers for a period of six months or until the \$7,500 is refunded.

Based on our review of the bills in the evaluation, One Call was overtimeing fifty five (55) percent of our test calls, which are purposely focused on the beginning and ending of billing increments to evaluate One Call's rounding methodology. One Call states that it has taken corrective measures to prevent overtimeing in the future. Based on our review and investigation of the overtimeing, we find \$7,500 to be a reasonable amount for determining the amount to refund for the overcharges.

One Call's primary customer base is pay phone consumers, it cannot easily determine the identity of the callers who were overcharged. Therefore, we find it appropriate to require One Call to refund the amount of revenue related to overtimeing through a rate reduction method for its customers for a period of six months, or until \$7,500 has been refunded.

This docket will remain open pending completion of the refund. One Call shall prepare a report to the Commission every thirty days until the refund is complete. One Call will have one hundred and eighty days from the date this Order becomes final to provide documentation of the refund. If, however, One Call Communications fails to timely complete the refund, the Commission will consider issuing an Order to Show Cause why One Call should not be fined for overcharging Florida consumers.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that One Call Communications, Inc. d/b/a Opticom, a Division of One Call Communications, Inc., shall refund \$7,500 to its customers through the rate reduction method described in the body of this Order. It is further

ORDERED that One Call Communications, Inc. d/b/a Opticom, a Division of One Call Communications, Inc., shall prepare a report

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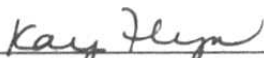
to the Commission every thirty days until the refund is complete.
It is further

ORDERED that One Call Communications, Inc. d/b/a Opticom, a Division of One Call Communications, Inc. , will have one hundred and eighty days from the date this Order becomes final to provide documentation of the refund. If, however, One Call Communications, Inc. d/b/a Opticom, a Division of One Call Communications, Inc. fails to timely complete the refund, the Commission will consider issuing an Order to Show Cause why One Call Communications, Inc. d/b/a Opticom, a Division of One Call Communications, Inc., should not be fined for overcharging Florida consumers. It is further

ORDERED that this docket will remain open pending completion of the refund.

By ORDER of the Florida Public Service Commission this 1st day of June, 1998.

BLANCA S. BAYÓ, Director
Division of Records and Reporting



Kay Flynn, Chief
Bureau of Records

(S E A L)

CB

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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 22, 1998.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water 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 of the effective date 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

LAW OFFICES
MESSER, CAPARELLO & SELF
A PROFESSIONAL ASSOCIATION

215 SOUTH MONROE STREET SUITE 701
POST OFFICE BOX 876
TALLAHASSEE, FLORIDA 32302-1876
TELEPHONE (904) 222-0720
TELECOPIERS (904) 224-4359 (904) 425-1942

March 23, 1998

RECEIVED

MAR 23 1998

CMU

BY HAND DELIVERY

Mr. Don McDonald
Division of Communications
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Dear Mr. McDonald:

On behalf of One Call Communications, Inc. d/b/a Opticom, this is in response to your letter of November 21, 1997 and our subsequent meeting March 11, 1998. Your November letter requested additional information with respect to the results of the service evaluation of Opticom performed January 21st through February 17, 1997. In that evaluation, Staff found some overtimed calls among the test calls that were made. In previous service evaluations Staff had determined that Opticom was undertiming some of the test calls that had been made. As a result of these earlier results adjustments were made to the billing system to eliminate the undertiming. In the most recent evaluation some calls are now being overtimed and as expressed to you during our meeting we want to correct this.

According to our records, the possibility for overtiming of calls would have existed from November 28, 1995 through February 18, 1997 or a period of approximately fifteen (15) months. The overtiming occurred because of the rounding of the timing of the calls, in part due to the earlier correction. During this period Opticom's billing system rounded start to end time up to the nearest 1/10th of a minute and start to answer time down to the nearest 1/10th of a minute before determining billed minutes. To calculate billed minutes, start to answer time is subtracted from the start to end time and the remaining time would give you the billed minutes. We have again revised our billing system and now both start to end time and start to answer time are rounded up before determining billed minutes. This should correct this overtiming situation but may again result in undertiming. We intend to incorporate the attached language in our present tariff as part of our corrective action.

In your letter and in our subsequent meeting you asked about the revenue implications of the overtiming and our plans to refund any "excess" revenues. First, we do not have records for the period in question. To determine the possible effect of overtiming we utilized records from

ATTACHMENT A

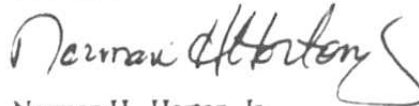
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September 1997 which we believe to be a representative period. For the month of September, 1997 our records indicate a total of 82,813 calls consisting of 269,059.3 minutes and \$36,365.87 in revenue or an average of 13.5¢ per minute. If all calls were overtimed, which was not the case, the total "excess" revenue in question would be \$1,117.97 per month or approximately \$15,000.00. Recognizing that not all calls were overtimed as reflected in your service evaluation, we propose to refund \$7,500 or 50% of the "excess" revenue. We propose to refund this amount by way of a prospective reduction over a period of 6 months or until the \$7,500 has been returned, whichever occurs first.

We recognize that revenues are generally refunded or credited to customers but our proposal for a prospective reduction is the most appropriate method because of the customer base served by Opticom. Most of the customers of Opticom are other providers of services, such as pay telephone providers or travel card users. We serve very few end user residential or business customers. To make a refund to the other providers would not be refunding anything to the actual end user and we do not have the necessary records in order to enable us to make that type of refund. Moreover, since most of the users of the service we offer are transient and many probably did not make more than one or two phone calls, the amount of money to credited or refunded to those customers, assuming they could ever be found, would be very minimal, in fact in some instances less than 2 cents a call. Because of this, we believe our proposal to reduce our revenue by \$7,500.00 on a going forward basis by a rate reduction process would be fair to the consumers.

We believe that our actions and proposal best resolve the present situation and would urge approval by the Commission. Should you have any questions as to the proposal please do not hesitate to call. Finally, I want to thank you for taking the time to meet with Ms. Bernard and I recently.

Sincerely,



Norman H. Horton, Jr.

NHH/amb

cc: Ms. Ann Bernard
✓ Mr. Clayton Lewis

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ATTACHMENT A

Florida Proposed Tariff Language

3.2.7 Company determines billed minutes by subtracting start to answer time from start to end time. Both start to end time and start to answer time are rounded up to the nearest tenth of a minute before determining billed minutes.