

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against AT&T Communications of the Southern States, Inc. and d/b/a Connect 'N Save for violation of Rule 25-4.118, F.A.C., Interexchange Carrier Selection.

DOCKET NO. 971492-TI
ORDER NO. PSC-98-1461-SC-TI
ISSUED: October 27, 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.

ORDER TO SHOW CAUSE

BY THE COMMISSION:

BACKGROUND

On January 1, 1984, this Commission granted AT&T Communications of the Southern States, Inc. and d/b/a Connect 'N Save (AT&T) Certificate Number 69 to provide intrastate interexchange telecommunications service. As a provider of interexchange telecommunications service in Florida, AT&T is subject to the rules and regulations of this Commission.

We have investigated numerous unauthorized carrier change (slamming) complaints received by the Division of Consumer Affairs regarding AT&T. We have also received and reviewed additional information on the complaints provided by AT&T, local exchange companies and several complainants. We believe there is more than adequate justification to conclude that 183 slamming complaints against AT&T are apparent rule violations which occurred between January 1, 1997, and May 18, 1998.

In addition to our investigation into these specific slamming complaints, Docket No. 971433-TI was opened to investigate a

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FOR THE PUBLIC SERVICE COMMISSION

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complaint against AT&T for slamming, which was filed by the Office of the Attorney General and the Office of Public Counsel on behalf of Robert Flint for slamming. By Order No. PSC-98-0072-PCO-TI, Docket No. 971433-TI was consolidated with this docket.

Previously, in 1996, show cause proceedings were initiated against AT&T for apparent slamming violations. On November 20, 1996, by Order No. PSC-96-1405-AS-TI, we approved a \$30,000 settlement proposal in Docket No. 960626-TI. In that docket, a review of the complaints revealed that the five major causes of the apparent unauthorized switches were: improper procedures at the AT&T Customer Service Centers; unexplained errors; problems with direct marketing tactics; name and number mismatches; and telemarketing.

Based on the number of complaints received from January 1, 1997, through May 18, 1998, regarding apparent unauthorized carrier changes by AT&T, and the additional information received when speaking with customers, it appears the majority of complaints in this case relate to customer initiated calls into the AT&T Customer Service Centers, telemarketing, and direct marketing. These are the same problems that existed in the 1996 show cause docket. Therefore, it appears the safeguards implemented by AT&T in settlement of the previous show cause docket were not sufficient to protect Florida consumers from slamming.

Additional consumer safeguards adopted by the Commission in its slamming rule proceeding, Docket No. 970882-TP, have been delayed by the industry's challenge, including AT&T's challenge, to the rules. It appears that AT&T believes it is more cost efficient for the company to issue rate adjustments and apologies in response to complaints than to investigate the cause of and cure many of its slams. In a number of cases, AT&T's response to complaints has been that they are unable to locate or retrieve documentation required by our current rules. We are concerned that AT&T's current level of apparent violations will continue, absent additional action by the Commission to increase AT&T's incentive to investigate how slams occur and to fix those problems.

SETTLEMENT OFFER

On September 25, 1998, AT&T Communications of the Southern States, Inc. and d/b/a Connect 'N Save (AT&T) submitted a settlement offer to resolve the apparent slamming violations. AT&T's offer is attached and incorporated herein as Attachment A. In its settlement offer, AT&T agreed to do the following:

1. Make a voluntary payment to the State of Florida General Revenue Fund in the amount of \$287,493.
2. Create and maintain the Customer Slamming Resolution Centers as a dedicated resource to resolve slamming inquiries and collect data to monitor and assist in identifying trends and resolving them in furtherance of AT&T's Zero Tolerance for Slamming Policy.
3. Continue deployment of "AT&T Branding/Time At Destination" offering for 1+ calls which identifies callers as AT&T customers when a 1+ call is place.
4. Discipline employees found to have violated AT&T's Zero Tolerance for Slamming Policy up to and including termination.
5. Increase consumer awareness of the AT&T Customer Slamming Resolution Centers by the use of media advertisements and including the phone number for the center in the welcome packages of residential customers switched by AT&T.
6. Institute the "AT&T Mystery Shopper Program" as a quality control measure on AT&T's face-to-face marketing efforts.
7. Offer a warm transfer of calls from the Florida Public Service Commission to AT&T's Customer Slamming Resolution Centers to assist in resolving slamming inquiries.
8. Terminate relationships with vendors that do not comply with AT&T's Zero Tolerance for Slamming Policy against slamming.
9. Verify 100% of all letters of authorization (LOAs) received during the course of its face to face consumer marketing efforts for a period of six months after the date an Order in this docket is signed. Identification will be required by the AT&T representative and will be subsequently verbally verified by a third party prior to the change.

We believe it is appropriate to deny AT&T's Offer of Settlement. AT&T's proposal offers to implement two procedures included in the 1996 settlement. These are requiring identification when an LOA is signed and implementing the mystery shopper program. If these procedures were implemented after the 1996 settlement, they have not been effective in curbing slamming complaints. Moreover, the Customer Slamming Resolution Center, implemented as a result of the previous show cause action, became fully operational in January, 1998; yet, this Commission is still receiving slamming complaints, having identified 61 additional complaints as possible slamming infractions for the period May 19, 1998, through September 29, 1998.

We also reject the settlement offer because we do not believe that the settlement amount reflects the seriousness of the volume and repeated nature of the apparent slamming violations. AT&T's settlement offer suggests that for settlement purposes AT&T should be compared to LCI, MCI and Sprint. In each of these companies' settlements, the companies agreed to take preventative actions to specifically address the more serious categories of complaints. We do not believe AT&T's comparison to these companies is appropriate. More specifically, this comparison is inaccurate for the following reasons:

1. The Commission's recent action regarding LCI was the first action taken against LCI for apparent slamming violations. Therefore, AT&T should consider tripling the LCI settlement average to reach a more comparable monetary amount to reflect the fact that this is AT&T's second offense.
2. The Commission's recent action regarding MCI was settled for \$240,000, related to six violations. In addition, MCI has agreed to record third party verification for a period of three years. MCI was also able to provide additional information and documentation to aid in our investigation of the apparent slamming complaints. Therefore, the number of apparent slamming infractions was reduced to six.
3. The Commission's recent action regarding Sprint included measures to ensure that keypunch errors would be significantly reduced. Sprint did not have the egregious problem of forgeries.
4. We have received no indication from AT&T that inbound calls which are the main source of AT&T complaints will be recorded.

Therefore, based on the foregoing, we find it appropriate to reject AT&T's settlement offer of September 25, 1998.

APPARENT RULES VIOLATIONS

Our Division of Consumer Affairs publishes a monthly consumer activity report which tracks the level of activity for the month in various categories, including slamming. Each certificated telecommunications company is provided a copy of this report. Based upon the number of slamming complaints contained in this report, it was determined that an investigation into AT&T's slamming complaints was necessary.

Our Division of Communications reviewed the numerous complaints received from January 1, 1997, through May 18, 1998, in the Division of Consumer Affairs regarding AT&T's alleged slamming infractions. Additional information from AT&T and the local exchange companies was requested, and the consumers who filed the complaints were contacted. We have identified complaints from consumers regarding apparent unauthorized carrier changes due to forged LOAs and inbound customer service calls where the customer did not request a PIC change, in violation of Rules 25-4.118(1)(2) and (3), Florida Administrative Code.

In many of the responses submitted by AT&T, the company was unable to locate a copy of the LOA or obtain any information related to the inbound call. Therefore, it appears that AT&T has not taken the appropriate steps to maintain adequate records in compliance with Rule 25-4.118(3)(d), Florida Administrative Code, which requires that ballots or LOAs must be maintained by the IXC for a period of one year.

Rule 25-4.118(1), Florida Administrative Code, states in pertinent part, "the primary interexchange company (PIC) of a customer shall not be changed without the customer's authorization..."

Rule 25-4.118(2), Florida Administrative Code, states in pertinent part:

A LEC shall also accept PIC change requests from a certificated interexchange company (IXC) acting on behalf of the customer. A certified IXC that will be billing in its name

may submit a PIC change request, other than a customer-initiated PIC change, directly or through another IXC, to a LEC only if it has certified to the LEC that at least one of the following actions has occurred prior to the PIC change request:

(a) the IXC has on hand a ballot or letter from the customer requesting such change; ...

Rule 25-4.118(3)(c), Florida Administrative Code, states:

If a PIC change request results from either a customer initiated call or a request verified by an independent third party, the information set forth in (3)(a)1.--3. above shall be obtained from the customer.

DESCRIPTION OF COMPLAINTS

Examples of complaints received from consumers include the following which we believe establish violations of the above-cited rules:

On September 5, 1997, Mrs. Irma Rosen contacted staff and stated that her long distance service was switched without authorization. AT&T's report stated that the company received an LOA signed by Mr. Paul Rosen on August 26, 1997. The company considered it to be valid and forwarded it for processing. Mrs. Rosen informed staff that not only was his signature forged, but the city and zip code listed on the LOA were incorrect as well. This PIC change was made in apparent violation of Rule 25-4.118(2), Florida Administrative Code. (Attachment B)

On September 11, 1997, Mr. Ben Fine contacted staff and stated that his intralata service was switched without authorization. AT&T's report stated that the company received an LOA signed by Mr. Fine on July 28, 1997. The company considered it to be valid and forwarded it for processing. Mr. Fine informed staff during a telephone conversation on May 27, 1998, that not only was the signature on the LOA a forgery, but the form also was marked for AT&T long distance and local toll service. Mr. Fine was already an AT&T long distance customer. This complaint also represents an

apparent violation of Rule 25-4.118(2), Florida Administrative Code. (Attachment C)

On April 28, 1997, Mr. Bill Carthen contacted staff and stated that his long distance service was switched without authorization. (Attachment D) AT&T's report stated that the company received written authorization, but was unable to produce a copy of the LOA. Due to AT&T's inability to produce a copy of the authorization obtained, it appears that it is in violation of Rule 25-4.118(3)(d), Florida Administrative Code. (Attachment D)

On January 16, 1997, Mr. Fred Thomas contacted staff and stated that his long distance service was switched without authorization. AT&T's report stated that the service was switched based on an inbound call placed to the Customer Service center. AT&T further states that "had the representative followed procedure, there would have been notations to the extent that we could provide you with the name of the caller and some details of the actual exchange that took place." Since AT&T did not obtain the customer's name, address and telephone number and a statement from the person calling that they are authorized to make a change in service, it appears that AT&T is in violation of Rule 25-4.118(3)(c), Florida Administrative Code. (Attachment E)

On January 12, 1998, Mr. Michael Modjoros contacted staff and stated that his long distance service was switched without authorization. AT&T's report stated that the company received an LOA signed by Mr. Majors, considered it to be valid, and submitted it for processing. Upon contacting the customer on July 1, 1998, Mr. Modjoros informed staff that his name is listed in the telephone book as Mike **Majors**, but his account with the local exchange company is in the name of Michael **Modjoros**. Therefore, the LOA appears to be a forgery, and a violation of Rule 25-4.118(3)(c), Florida Administrative Code. (Attachment F)

On October 14, 1997, Mrs. Ella Warren submitted correspondence to staff regarding the unauthorized switch of her long distance service. AT&T states in its response that it relied upon a written LOA signed by Mr. James Warren, considered it valid and submitted it for processing. Mrs. Warren notified staff that Mr. Warren died on March 3, 1991. This also represents an apparent violation of Rule 25-4.118(3)(c), Florida Administrative Code. (Attachment G)

On March 3, 1997, Mr. Ben Nemser, owner of Nema Electronics, contacted the Commission and stated that his company's long

distance service had been changed without authorization. AT&T's response stated "in looking at your Letter of Agency, clearly these two lines were not listed on the line numbers you were authorizing. We were in error to pic the lines to AT&T." This appears to be an admitted violation of Rule 25-4.118(3)(c), Florida Administrative Code. (Attachment H)

RULING

Section 364.285, Florida Statutes, authorizes this Commission to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each day a violation continues, or cancel its certificate, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of chapter 364. Utilities are charged with knowledge of the Commission's rules and statutes. Additionally, "[i]t is a common maxim, familiar to all minds, that 'ignorance of the law' will not excuse any person, either civilly or criminally." Barlow v. United States, 32 U.S. 404, 411 (1833).

We believe that AT&T's apparent conduct in switching PICs without customer authorization has been "willful" in the sense intended by Section 364.285, Florida Statutes. In Order No. 24306, issued April 1, 1991, in Docket No. 890216-TL titled In re: Investigation Into The Proper Application of Rule 25-14.003, Florida Administrative Code, Relating To Tax Savings Refund for 1988 and 1989 For GTE Florida, Inc., having found that the company had not intended to violate the rule, the Commission nevertheless found it appropriate to order it to show cause why it should not be fined, stating that "In our view, willful implies intent to do an act, and this is distinct from intent to violate a rule." Thus, any intentional act, such as AT&T's conduct at issue here, would meet the standard for a "willful violation."

Further, it is a well-established legal principle in Florida that when an agent acts for his principal, and the principal accepts the fruits of the agent's efforts, the principal must be deemed to have adopted the methods employed, and he may not, even though innocent, receive the benefits and at the same time disclaim responsibility for the means by which they were acquired. Fraioli v. Bobby Byrd Real Estate, Inc., 630 So. 2d 1131 (Fla.2d DCA 1993).

Based on the 183 apparent unauthorized carrier change infractions, we believe that AT&T does not have adequate safeguards to protect consumers from unauthorized carrier changes.

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Accordingly, we find it appropriate to order AT&T to show cause in writing within 21 days of the effective date of this Order why it should not be fined \$30,000 per apparent infraction for a total of \$5,490,000 or have its certificate canceled for its apparent violations of Rule 25-4.118, Florida Administrative Code.

AT&T shall have 21 days from the issuance of this Order to respond in writing why it should not be fined in the amount proposed or have its certificate canceled. If AT&T timely responds to the show cause order, this docket shall remain open pending resolution of the show cause proceeding. If AT&T does not respond to the Commission's Order to Show Cause, the fines should be assessed. If AT&T fails to respond to the Order to Show Cause, and the fines are not received within five business days after the expiration of the show cause response period, AT&T's certificate shall be canceled and this docket closed administratively.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the settlement offer of AT&T Communications of the Southern States, Inc. and d/b/a Connect 'N Save dated September 25, 1998, is rejected. It is further

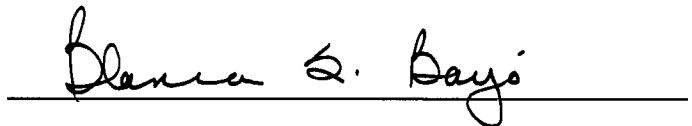
ORDERED that AT&T Communications of the Southern States, Inc. and d/b/a Connect 'N Save shall show cause in writing within 21 days of the issuance of this Order why it should not be fined \$5,490,000 for apparent violations of Rule 25-4.118, Florida Administrative Code. It is further

ORDERED that failure to respond to this Order to Show Cause in the manner and by the date set forth in the "Notice of Further Proceedings or Judicial Review," attached hereto, shall constitute an admission of the violations described in the body of this Order, waiver of the right to hearing, and will result in the automatic assessment of the appropriate fine. It is further

ORDERED that in the event that AT&T Communications of the Southern States, Inc. and d/b/a Connect 'N Save fails to respond to this Order and the fines are not received within five business days after the expiration of the show cause response period, AT&T Communications of the Southern States, Inc. and d/b/a Connect 'N Save's certificate shall be canceled and this docket will be closed administratively.

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By ORDER of the Florida Public Service Commission this 27th
day of October, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(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.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by this show cause order may file a response within 21 days of issuance of the show cause order as set forth herein. This response 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 November 17, 1998.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to

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a hearing and a default pursuant to Rule 28-106.111(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any 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.



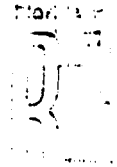
Kenneth P. McNeely
Law & Government Affairs
Vice President - Florida

September 25, 1998

Suite 700
101 N. Monroe St.
Tallahassee, FL 32301
850 425-6360
FAX: 850 425-6361

Via Hand-Delivery

Catherine Bedell
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850



1998

LEGAL DIV 5

Re: Docket No. 971492-TI Initiation of Show Cause Proceedings against AT&T Communications of the Southern States, Inc. for Violation of Rule 25-4.118, F.A.C.

Dear Ms. Bedell:

I write in response to your letter dated September 10, 1998. In that letter Staff rejected, in part, AT&T's offer of settlement in the above captioned docket. Since that time, you and I have had an opportunity to discuss Staff's concerns with AT&T's proposal. Let me take this time to thank you and other members of the Staff for your continued efforts to settle this docket and your willingness to explore options that might result in its resolution.

I am pleased that through our discussions and presentations surrounding these issues, Staff has concluded that AT&T's settlement proposal demonstrates a commitment to correct slamming problems in the future. Indeed, the essence of any inquiry should be to ensure that the remedial action taken by the offending company is sufficient to prevent future occurrences of the offending conduct. AT&T's commitment here is clear.

In addition to the efforts offered by AT&T in its letter dated September 1, 1998 (incorporated by reference and appended as Attachment A), Staff has asked AT&T to consider, as part of the settlement, an agreement to verify a percentage of written LOAs. This request is consistent with AT&T's continuing efforts to manage its face to face marketing efforts to avoid fraudulent conduct by both vendors and consumers. AT&T, therefore, will agree to verify 100% of all LOAs received during the course of its face to face consumer marketing efforts for a period of six months after the date an Order in this docket is signed. Customer identification will be required by the AT&T representative and will be subsequently verified by a third party prior to the change. This effort, in conjunction with

AT&T's Mystery Shopper Program and new Zero Tolerance Policy for vendors and employees should go far to deter fraudulent conduct.

AT&T also reiterates its offer to provide a warm transfer of calls to the Commission Consumer Affairs offices directly to the AT&T Slamming Resolution Center.

In the Staff counteroffer dated September 10, 1998, Staff noted that the \$200,000 offered by AT&T to settle this docket was woefully inadequate. Rather, Staff proposed \$4,575,000. While I do not agree with the assessment of AT&T's prior offer, AT&T sincerely wishes to assure the Staff and Commission of its commitment to eradicate slamming. I have had an opportunity to review the settlements recommended by the Staff and accepted by the Commission in several other slamming show cause dockets. AT&T will offer a monetary settlement consistent with that offered by similarly situated carriers. My review shows that MCI paid \$1,751 per alleged infraction, LCI paid \$1,549 per alleged infraction and Sprint, \$1,415 per alleged infraction. (See Attachment B) Staff's proposed fine to AT&T of \$25,000 per alleged infraction is dramatically higher than that paid by other carriers. In an effort to settle this docket, AT&T offers as a voluntary payment to the State of Florida general revenue the sum of \$287,493. This amount represents the average of the payments per complaint paid by the three largest carriers to date or \$1,571. This average was then multiplied by the 183 infractions assessed against AT&T. ($\$1,571 \times 183$) AT&T believes that this methodology is fair and reasonable and brings AT&T's payment in line with that paid by other carriers. Clearly this amount, coupled with the other procedures which AT&T has agreed to implement and which cost over \$100 Million, demonstrates AT&T's leadership and commitment to eradicate slamming.

Staff also inquired about simultaneous settlement of Case No. 98-2445RP; Florida Competitive Carriers Association, Inc. et al v. Florida Public Service Commission. AT&T is very interested in resolving this case short of litigation. Indeed, AT&T, along with other petitioners, has had many meetings with Staff and Public Counsel to draft compromise language. Several iterations have been exchanged. As I understand it, there has been substantial agreement of at least parts of the rules. Because this case encompasses several carriers, two associations, two public agencies and includes rules that would apply to the entire telecommunications industry, AT&T cannot in this docket incorporate proposed modifications to the new rules. AT&T, however, will continue its efforts to reach a resolution of these rules through the channels identified by the Staff and Public Counsel.

I understand that the Agenda before which this offer will be considered has been moved to October 6, 1998 from November 3, 1998. I also understand that a Staff recommendation may already be published. I do hope however, that you will give this offer consideration prior to the October Agenda session.

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ATTACHMENT A

Please feel free to contact me if you have any questions.

Kenneth P. McNeely



Law & Government Affairs
Vice President - Florida

cc: Richard Moses
Kelly Biegalski
Michael Gross
Charles Beck



Kenneth P. McNeely
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September 1, 1998

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Re: Proposed Settlement of Docket No. 971492-TI

I wanted to thank you for taking the time last week to meet with me and my colleagues to discuss settlement of the Florida Public Service Commission's show cause docket investigating slamming complaints against AT&T Communication's of the Southern States, Inc. ("AT&T"). As I stated during our meeting, AT&T takes very seriously its leadership role in preventing slamming nationally. Though I would have preferred that our public efforts been commenced sooner, I believe that the great strides that AT&T has taken are certain to curtail the problem and raise the bar for other carriers.

AT&T entered into a negotiated settlement of its first show cause proceeding regarding alleged slamming complaints late in 1996 and made a voluntary payment of \$30,000 in January 1997. Immediately thereafter, AT&T put into motion the necessary steps to create what is now the AT&T Customer Slamming Resolution Centers ("CSRC"s). These steps included preparing methods and procedures along

ATTACHMENT A

with training materials to begin staffing. These centers accepted their first calls on January 1, 1998. As you saw in my video presentation last week, these centers have now become the standard bearer for slamming prevention.

Admittedly, AT&T procedures in place prior to the opening of the CSRCs failed to determine the root cause of many of the complaints lodged against AT&T for slamming. AT&T's priority was to immediately restore the customer to its carrier of choice, no questions asked. These procedures were insufficient at that time to systematically identify the bad acts of contractors of AT&T charged with marketing to consumers through AT&T's face-to-face channels or to identify other systemic problems in our processes. Now that the CSRCs have opened, AT&T is now identifying the root cause, satisfying the customer in real time, and rectifying the problem by analyzing the collected data. These actions taken by AT&T address the concerns raised by Staff in its recommendation in this docket.

Because AT&T desires to settle the claims brought against it by the Florida Public Service Commission and recognizes that despite its efforts it could always improve in this very important area, AT&T, without admitting liability, proposes the following in full settlement of the claims:

1. Make a voluntary payment to the State of Florida general revenue fund in the amount of \$200,000. For purposes of settlement, AT&T concedes that its records are incomplete for 8 of the complaints subject to this investigation. Accordingly, AT&T will pay \$25,000 for each infraction pursuant to Section 364.285 F.S. Inasmuch as this is only AT&T's second investigation, this amount is reasonable and consistent with the methodology used to compute the settlement amount of other carriers.

Additionally, as discussed last week, AT&T will:

2. Create and maintain the Customer Slamming Resolution Centers as a dedicated resource to resolve slamming inquiries and collect data to monitor and assist in identifying trends and resolving them in furtherance of AT&T's Zero Tolerance Policy.
3. Continue deployment of "AT&T Branding/Time At Destination" offering for 1+ calls which identifies callers as AT&T customers when a 1+ call is placed. This new offering alerts callers that they are AT&T customers immediately.
4. Discipline employees found to have violated AT&T's Zero Tolerance Policy up to and including termination.
5. Increase consumer awareness of the AT&T Customer Slamming Resolution Centers by the use of media advertisements and including phone number in the welcome packages of residential customers switched by AT&T.

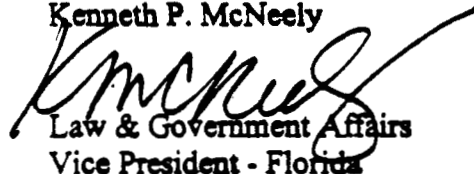
6. Institute to the "AT&T Mystery Shopper Program" as a quality control measure on AT&T's face-to-face marketing efforts.
7. Offer a warm transfer of calls from the Florida Public Service Commission to AT&T's Customer Slamming Resolution Centers to assist in resolving slamming inquiries.
8. Terminate relationships with vendors that do not comply with AT&T's Zero Tolerance Policy against slamming.

AT&T makes this good-faith attempt to settle the claims against it arising out of this docket. AT&T's efforts taken to prevent slamming are unprecedented. AT&T has spent over \$100 Million over the last two years to shore up its prevention efforts through the use of innovative technology and the addition of dedicated resources. By these actions, AT&T hopes to send a clear signal to other carriers and the vendor community that slamming has no place in our industry.

I would be happy to discuss further with Staff, Public Counsel or the Attorney General this settlement offer. If you find these terms satisfactory, I will draft a more formal settlement agreement memorializing this offer for execution by all parties.

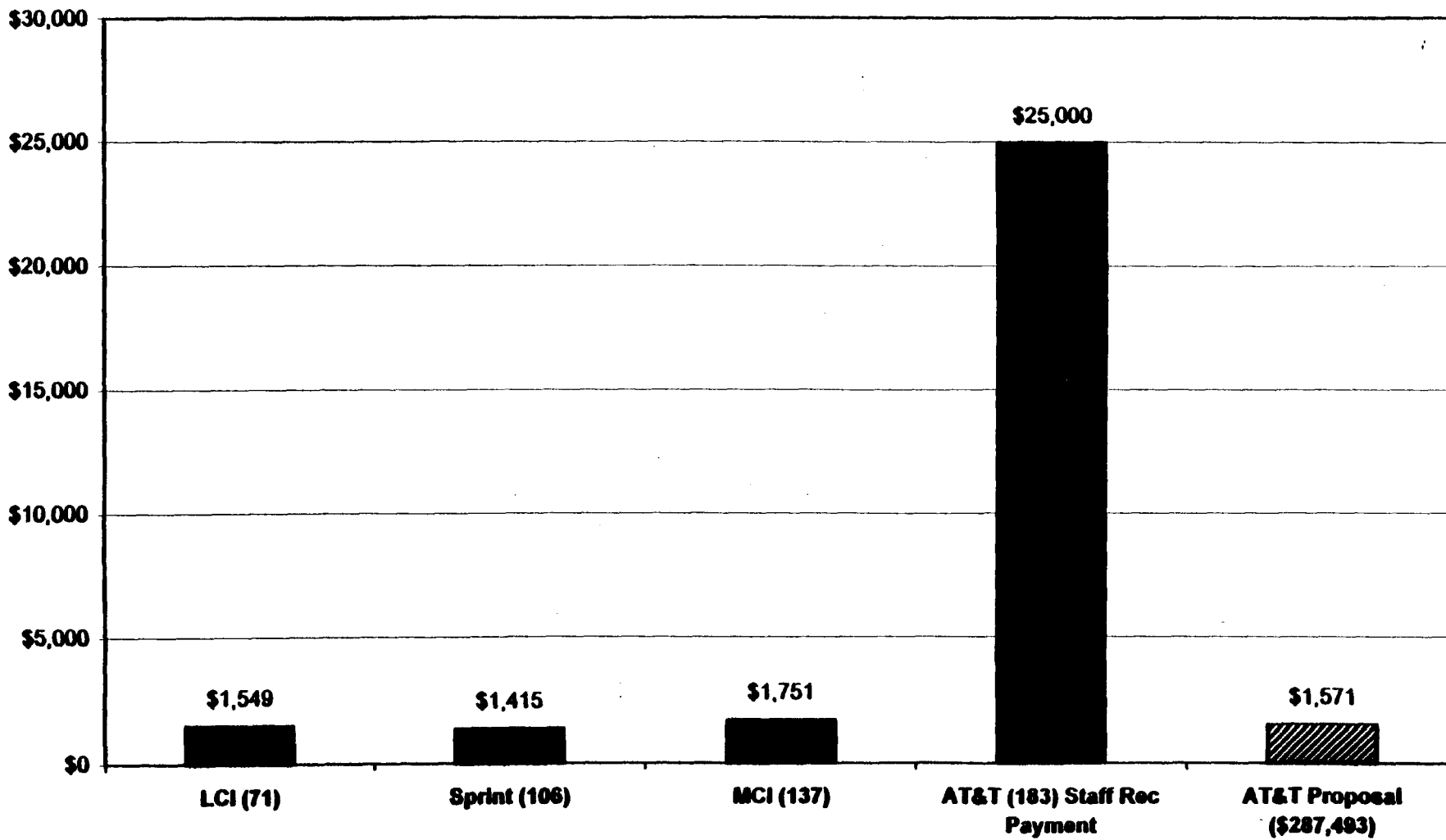
Best regards.

Kenneth P. McNeely



Law & Government Affairs
Vice President - Florida

Payment Per Complaint



Attachment B

Name ROSEN, PAUL
Address MRS. IRMA ROSEN
9685 ARBOR VIEW DRIVE, NORTH
City/Zip BOYNTON BEACH 33437 County PLB
Account Number _____
Caller's Name _____

Company AT&T COMMUNICATIONS OF THE SOUTHERN
Attn. LIZ WAY 1855701
Consumer's Telephone # (561)-369-3309
Can Be Reached (561)-392-4844
Note SH/DIR/ATTY GEN
Informal Conf. N Outreach NEWSPAPER ARTICLE

Request No. 1855701
By SAS Time 2:30 PM Date 09/05/1997
To CO Time FAX Date 09/05/1997
Type S Form Phone
Category _____
Infraction LS-13C
Closed by SAS Date 11/05/1997
Reply Received T

Her other telephone number is 561/369-5633.

Ms. Rosen says that her long distance and LOCAL long distance services were switched from LDDS Worldcom and BellSouth without her authorization on both lines. She says that she found out about the switches when she received a Welcoming letter from AT&T last week and a letter from BellSouth this week. She strongly objects to the switches, and states that AT&T charges are much higher than LDDS and BellSouth charges. With the switch, she says that her extended area calls for 25 cents were billed as long distance calls by AT&T. She wants all of calls adjusted to LDDS' and BellSouth's rates. (PLEASE INVESTIGATE AND PROVIDE ME WITH A DETAILED WRITTEN REPORT INCLUDING LOA/TAPE AND APPLICABLE CREDITS FOR ANY SWITCHING FEES AND LONG DISTANCE CALLS AFTER YOUR CONTACT WITH THE CUSTOMER AND BY THE DATE LISTED AT YOUR LOWER RIGHT.)

09-22 Interim report received and requesting an extension until October 7
10-07 Interim report received and requesting an extension until October 22
10-22 Final report received
10-31 Referral from the Attorney General's office regarding this slamming case with a copy to the Office of the Public Counsel. THEREFORE, THIS CASE WILL BE HANDLED AS AN SH.

ECTS 01197

CONSUMER REQUEST

FLORIDA PUBLIC SERVICE COMMISSION

**2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL. 32399-0850
850-413-6100**

**PLEASE RETURN THIS FORM
WITH REPORT OF ACTION TO:**

DUE: 09/22/1997

ORDER NO. ESC-88-1461-SC-TI
DOCKET NO. 97-02-TI
PAGE 19

ATTACHMENT B

Name ROSEN, PAUL

Company AT&T COMMUNICATIONS OF THE SOUTHERN

Request No. 185570I

PAGE: 2

11-05 Closed by letter explaining credit and the PSC's action regarding slamming with Bev's signature and copies to Chairman Johnson, Mr. Bob Butterworth, Attorney General, and Mr. Jack Shreve, Public Counsel.

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 20
ATTACHMENT B

STATE OF FLORIDA

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



DIVISION OF CONSUMER AFFAIRS
BEVERLEE DEMELLO
DIRECTOR
(850) 413-6100
TOLL FREE 1-800-342-3552

Public Service Commission

November 17, 1997

Mr. & Mrs. Paul Rosen
9685 Arbor View Drive, North
Boynton Beach, FL 33437

Dear Mr. & Mrs. Rosen:

This is a follow-up to your complaint regarding a change in long distance service by AT&T Communications.

An investigation reveals that your long distance service was switched as a result of a signed service agreement form, however, I understand your concern that the signature on the form did not resemble your signature. Due to the unauthorized change, AT&T has rerated the calls, and credits have been issued for \$10.30 for free-minutes credit plus an adjustment of \$1.91. Also, an order was issued to remove your name from AT&T's telemarketing list, which should take up to 60 days for completion.

The Florida Public Service Commission (PSC) shares your concern about unauthorized carrier change, that is why the PSC is developing new rules to address changes in the way the industry operates to curb unauthorized carrier changes or "slamming," about which the PSC receives more complaints than any other issue.

Customers often tell us that changes in their telephone service were not authorized; therefore, the PSC is reviewing its rules to ensure that each change is adequately validated by the company claiming a subscriber. The PSC wants to make sure that consumers have an opportunity to tell us about the problems they have encountered with companies wanting to change their preferred local or long distance service provider. The PSC has scheduled ten rule development workshops in various locations throughout Florida. At the workshop the Commissioners will listen to consumers' testimony regarding their slamming experiences, and provide consumers with information on how to guard against this unauthorized practice. The PSC staff, after considering all public testimony and evidence regarding slamming experiences, and a formal hearing scheduled for February 6, 1998, will prepare a recommendation to the Commissioners. The final slamming rules will be determined by the Commissioners' decision at a future Agenda Conference to be held in Tallahassee.

I have enclosed some information regarding the hearings and locations, along with information on how to access the live internet audio broadcast on the PSC's Home Page site.

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 22


ATTACHMENT B

Mr. & Mrs. Paul Rosen
Page 2
November 17, 1997

Although the hearing has been held in the Palm Beach County area, you can still file the attached form with your comments to the PSC. This form will be placed in the correspondence file of the slamming docket, so that your comments will be available for review by commissioners and all parties associated with this case. I have also enclosed a form for your consideration that permits you to have your name placed on a "No Sales Solicitation" list. This is an alternative way to reduce the intrusion into residential telephone privacy. Thank you for letting us know about your complaint.

If you have any questions or need further assistance, please give me a call at 1/800-342-3552 or at my direct line 1/850-413-6107.

Sincerely,



Beverlee S. DeMello, Director
Division of Consumer Affairs

BSD:pr

Enclosures

c: Chairman Julia L. Johnson
Mr. Bob Butterworth, Attorney General
Mr. Jack Shreve, Public Counsel

EXTERNAL CONTACT TRACKING ADD FORM

CONTACT NO: 01197	CHAIRMAN'S NO:	DATE OF CONTACT: 11/04/1997	DOB DATE: 11/13/1997
CONTACT TYPE: LETTER		NAURE OF CONTACT: CONSUMER CONCERN	
ENTERED BY: SIBELLY STOKES		RECEIVED BY: CAP	REFERRED BY:
<u>LAST NAME</u>	<u>FIRST</u>	<u>MI</u>	
ROSEN	PAUL	MS.	
<u>MAILING ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	
3685 AIRBOR VIEW DRIVE	BOXTON BEACH	FL	
	<u>ZIP: 33437</u>		
<u>WORK PHONE: (561)-369-3309</u>	<u>HOME PHONE:</u>	<u>FAX: (561)-369-8633</u>	
<u>NAME OF ORGANIZATION:</u>			
<u>INTERNET/E-MAIL:</u>			
<u>COMPANY NAME: ASAT COMMUNICATIONS OF THE SOUTHERN STATES, INC. (AND D/B/</u>			
<u>COMPANY CODE: TI741</u>			
<u>ACCT NO:</u>			
<u>TYPE: TS</u>	<u>SUBJECT: SLAMMING</u>		
<u>NOTES: SAS FOR DIRECTOR</u>			
<u>ASSIGNED TO: CATS 1888702</u>			
<u>ACTION TAKEN</u>		<u>ACTION DATE</u>	
		11/04/1997	
<u>DIVISION ASSIGNED:</u>			
<u>RESPONSE:</u>		<u>RESPONSE DATE:</u>	
<u>DATE CLOSED: 11/04/1997</u>			

ATTACHMENT B

OFFICE OF THE ATTORNEY GENERAL

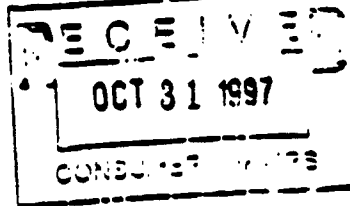


THE CAPITOL

TALLAHASSEE, FLORIDA 32399-1050

ROBERT A. BUTTERWORTH
Attorney General
State of Florida

October 29, 1997



Mr. Paul Rosen
9685 Arbor View Drive
Boynton Beach, FL 33437

Dear Mr. Rosen:

The Attorney General has reviewed your correspondence regarding the unauthorized switch of your long distance company, commonly known as slamming. The Attorney General and Office of Public Counsel have filed a joint petition with the Florida Public Service Commission requesting a full investigation and public hearing for the purpose of establishing more stringent regulations and tougher penalties to eliminate the practice of slamming. We are maintaining your complaint in our file and have forwarded a copy to the Office of the Public Counsel and the Consumer Affairs Division of the Public Service Commission.

Please contact me if you have any further comments or questions.

Sincerely,

Paula Wood
Administrative Assistant

PW/flw

cc: **Public Service Commission**
Division of Consumer Affairs
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Office of Public Counsel
812 Pepper Building
Tallahassee, Florida 32399-1400

57 THU 10:02 AM GIMELSTOB/HUNTERS RUN

FAX NO. 407 738 2661

P. 02

Irma & Paul Rosen
9685 Arbor View Drive
Boynton Beach, FL 33437
Phone (561) 369-3309 Fax (561) 369-5833

October 22, 1997

VIA FAXIMILE

Robert A. Butterworth

RE: "Slamming Inquiry"

Dear Sir:

Prior to being slammed by AT&T on July 26, 1997, my long distance carrier was Worldcom and my local service was BellSouth. AT&T slammed both of these accounts.

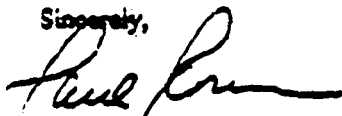
When I called to complain, they were very arrogant and claimed that they had my signature authorizing the switch to AT&T. I asked for a copy of this signature and waited five weeks before it was received by me. The authorization document was fraudulent as the signature did not resemble my signature in any way, manner or shape. In fact, the document appeared to have been filled out by an illiterate person as the city in which I live was misspelled, and the zip code was incorrect.

I notified AT&T of this and asked what disciplinary action they would take to punish the culprit who perpetrated this fraud. Although they knew exactly who it was, they stated that no action would be taken against him. As far as I am concerned, that tells me that they are condoning this type of fraud, and they do not care if the culprit does it again.

After a great deal of time and effort, I finally switched my services back to my original carriers and have put a "block" on my service so that it does not happen again. By the way, while I was fighting with AT&T, they noticed that somebody tried to "slam" my services for a second time.

Should you require any back-up documents to my story, I have retained everything, including a copy of the fraudulent change of service request.

Sincerely,



Paul Rosen

ORDER NO. PSC-98-101-SC-TI

DOCKET NO. 971492-TI

PAGE 26

ATTACHMENT B

To: 9.413-6362

From: 404 810 7076

10-22-97

10/22/97 12:11 AT+T L+GA + FPSC

NC.787 POC: /20-

Facsimile Cover Sheet

To: Shirley Stokes
Company: Consumer Affairs
Phone: (850) 413-6125
Fax: (850) 413-6126

From: Kim Coleman
Company: AT&T Law & Government Affairs
Phone: (404) 810-4947
Fax: (404) 810-7076

Date: 10/22/97

**Pages including this
cover page: 4**

Comments:

RE: Rosen, Paul 1856701

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ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 27

ATTACHMENT B

To 9.113

10/22/97 12:12 AT+T L+GA + FPSC

10/22/97 12:12 PM P. 1 001
NC.707 P003/001

10/17/97 FRI 13:17 FAX 1 800 204 2897 1 988 204 2897 AT&T CRC

004



P.O. Box 830
Bernardsville, NJ 07834

September 18, 1997

Paul Rosen
9685 Arbor View Dr.
Boyton, FL 33435

Dear Mr. Rosen:

This letter is in response to your recent complaint that your telephone service was changed to AT&T without your permission.

We apologize for any inconvenience you may have experienced. We have investigated your concern and have determined the following. The order which changed your service to AT&T Long Distance and Local Toll was generated as a result of our receipt of the enclosed AT&T Service Agreement Form. After the form was completed, it was forwarded to our processing center. When the form was processed, the representative entering the order assumed by the information provided that the change to AT&T was authorized and the order was entered.

Thank you for the opportunity to serve you. If you have any questions, please contact me, in writing, at the above address.

Sincerely,

Grace Miller

Grace Miller
Customer Relations Center

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI

120 PAGE 29

ATTACHMENT B

NC 153 10/1/97

Facsimile Cover Sheet

To: Shirley Stokes
Company: Consumer Affairs
Phone: (850) 413-8100
Fax: (850) 413-8362

From: Kim Coleman
Company: AT&T Law & Government Affairs
Phone: (404) 810-4947
Fax: (404) 810-7076

Date: 10/7/97

**Pages including this
cover page: 2**

Comments:

RE: Rosen, Paul 1865701

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ORDER NO. PSC-98-1461-SC-TI

DOCKET NO. 971492-TI

1a PAGE 30

ATTACHMENT B

NC. 158 P002/001



LIZ WAY
Associate Debit Manager
Law & Government Affairs

1200 Peachtree Street, NE
Room 4047
Atlanta, GA 30309
(404) 810-4136
(404) 810-7076 (fax)

October 7, 1997

Ms. Shirley Stokes
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RE: Rosen, Paul
1855701

Dear Ms. Stokes:

AT&T is still investigating the above-referenced complaint. We have not received the information from other company contacts necessary to conclude our investigation. Please allow another extension of the date due until October 22, 1997. As soon as we receive the results of our investigation, we will forward them to your office.

As stated in our letter dated September 22, 1997, an AT&T representative contacted Mr. Paul Rosen and apologized for the inconvenience of the switch. Mr. Rosen confirmed that his service has been returned to his preferred long distance and regional toll carrier. The AT&T representative advised the customer that the AT&T charges on his bill would be re-rated to \$.10 per minute for inter area calls and \$.25 each for intra area call; with the free minutes credit of \$10.30. The adjustment amounted to \$1.91, leaving a balance due AT&T at \$6.77.

The AT&T representative also issued an order to remove the customer from AT&T telemarketing lists and advised that it would take up to 60 days. The customer was also provided with the AT&T representative's name and telephone number, if further personal contact is necessary.

If you have any questions, please call me on (404) 810-4136.

Sincerely,

A handwritten signature in cursive script that reads "E. B. Way".

E. B. Way

Facsimile Cover Sheet

To: Shirley Stokes
Company: Consumer Affairs
Phone: (850) 413-6100
Fax: (850) 413-6362

From: Kim Coleman
Company: AT&T Law & Government Affairs
Phone: (404) 810-4947
Fax: (404) 810-7076

Date: 9/22/97
Pages including this cover page: 2

Comments:

RE: Rosen, Paul 1665701

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Information from the AT&T Law & Government Affairs which is intended only for the use of the individual or entity to whom it is addressed, and which may contain information that is privileged, confidential, and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent of the intended recipient, any disclosure, dissemination, distribution, copying or other use of this communication or its substance is prohibited. If you have received this communication in error, please notify us by telephone to arrange for the destruction of the communication or its return to us at our expense.

ORDER NO. PSC-98-1461-SC-TI
09 DOCKET NO. 971492-TI
PAGE 32

ATTACHMENT B

NO. 025 PSC/022



LIZ WAY
Associate Doctet Manager
Law & Government Affairs

1200 Peachtree Street, NE
Room 4047
Atlanta, GA 30309
(404) 810-4136
(404) 810-7076 (fax)

September 22, 1997

Ms. Shirley Stokes
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RE: Rosen, Paul
1855701

Dear Ms. Stokes:

AT&T has received and is still in the process of investigating the above-referenced complaint. We have not received the information from other company contacts necessary to conclude our investigation. Please allow an extension of the date due until October 7, 1997. As soon as we receive the results of our investigation, we will forward them to your office.

An AT&T representative contacted Mr. Paul Rosen and apologized for the inconvenience of the switch. Mr. Rosen confirmed that his service has been returned to his preferred long distance and regional toll carrier. The AT&T representative advised the customer that the AT&T charges on his bill would be re-rated to \$.10 per minute for inter late calls and \$.25 each for intra late call; with the free minutes credit of \$10.30. The adjustment amounted to \$1.91, leaving a balance due AT&T at \$6.77.

The AT&T representative also issued an order to remove the customer from AT&T telemarketing lists and advised that it would take up to 60 days. The customer was also provided with the AT&T representatives name and telephone number, if further personal contact is necessary.

If you have any questions, please call me on (404) 810-4136.

Sincerely,

Handwritten signature of E. B. Way in cursive script.
E. B. Way

FINE
1053 LAKESIDE BLVD
BOCA RATON 33434 County PLB
Int Number
my Contact

Company AT&T COMMUNICATIONS OF THE SOUTHERN
Attn. LIZ MAY 186212
Consumer's Telephone # (561)-852-9475
Can Be Reached
Note ifp
Informal Conf. N

Request No. 1862121
By SRG Time 2:29 PM Date 09/11/97
To CO Time FAX Date 09/11/97
Type S form Phone
Category
Infraction LS-130
Closed by SRG Date 10/08/97
Reply Received I

The customer said that his local toll service was switched from BellSouth to AT&T without authorization. The customer would like his calls rerated and credit for any switching fees. Please, provide proof of authorization LOA/TAPE, follow up with the customer, send the PSC a detailed written report, and respond by the date below.

Inquiry taken by JOHN PLESCOM.

09-19 - Inquiry FAXed today. The new due date is 10-06./JFP

10/6/97 Report received. Customer will receive a credit of \$3.15, and customer has also been contacted and is satisfied with results.

10/28/97 Report received. Additional information with the form with the customer's information.

CONSUMER REQUEST

FLORIDA PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL. 32399-0050
904-413-6100

PLEASE RETURN THIS FORM WITH REPORT OF ACTION TO:

Sam Gonzalez

DUE: 10/06/97

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 33
ATTACHMENT C

Facsimile Cover Sheet

To: Sam Gonzalez
Company: Consumer Affairs
Phone: (850) 413-8100
Fax: (850) 413-6362

From: Kim Coleman
Company: AT&T Law & Government Affairs
Phone: (404) 810-4947
Fax: (404) 810-7078

Date: 10/8/97

**Pages including this
cover page: 2**

Comments:

RE: Fine, Ben 1862121

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ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 35

ATTACHMENT C

LIZ WAY
Associate Doctist Manager
Law & Government Affairs

1200 Peachtree Street, NE
Room 6047
Atlanta, GA 30309
(404) 810-4136
(404) 810-7076 (fax)

October 6, 1997

Mr. Sam Gonzalez
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RE: Fine, Ben
186212I

Dear Mr. Gonzalez:

AT&T has received and is investigating the slamming portion of the above referenced complaint. We have not received the information from other company contacts necessary to conclude our investigation. As soon as we receive the results of our investigation, we will forward it to your office. Please allow an extension of the date due until October 21, 1997.

An AT&T representative contacted Mr. Ben Fine and extended an apology for any inconvenience experienced due to the switch of service. The AT&T representative explained that the customer will be receiving a letter stating how the switch of service occurred and confirmed that the customer's intra lata service is back with his preferred carrier, advising the customer of the availability of a PIC restriction. On September 24, 1997, the customer received a full adjustment for the intra lata calls on the September 1997 bill in the amount of \$3.15. Mr. Fine accepted and is satisfied with the resolution of this complaint.

If you have any questions, please call me on (404) 810-4136.

Sincerely,


E. B. Way

Facsimile Cover Sheet

To: Sam Gonzalez
Company: Consumer Affairs
Phone: (850) 413-8131
Fax: (850) 413-8132

From: Kim Coleman
Company: AT&T Law & Government Affairs
Phone: (404) 810-4947
Fax: (404) 810-7078

Date: 10/28/97

**Pages including this
cover page: 4**

Comments:

RE: Fine, Ben - 1882121

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ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 37

ATTACHMENT C



LIZ WAY
Assistant District Manager
Law & Government Affairs

1200 Peachtree Street, NE
Room 6067
Atlanta, GA 30309
(404) 810-4136
(404) 810-7070 (fax)

October 28, 1997

Mr. Sam Gonzalez
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RE: Fine, Ben
1862121

Dear Mr. Gonzalez:

AT&T has concluded its investigation into the above referenced complaint. The attached letter and LOA was mailed to Mr. Fine on October 28, 1997 regarding the switching of his service.

If you have any questions, please call me on (404) 810-4136.

Sincerely,

E. B. Way

Att.

To: 9. ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 39

ATTACHMENT C

NOV 21 1998 11:00 AM
NO. 678 POC: / 802

Facsimile Cover Sheet

To: Sam Gonzalez
Company: Consumer Affairs
Phone: (850) 413-8131
Fax: (850) 413-8132

From: Kim Coleman
Company: AT&T Law & Government Affairs
Phone: (404) 810-4947
Fax: (404) 810-7076

Date: 10/21/97

**Pages including this
cover page: 2**

Comments:

RE: Fine, Ben 1882121

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Company AT&T COMMUNICATIONS OF SOUTHERN STA
Address 1276 APACHE DRIVE
City GENEVA State 32732 County SEM
Unit Number _____
Any Contact _____

Company AT&T COMMUNICATIONS OF SOUTHERN STA
Attn. SANDY HINTON - 1701311
Consumer's Telephone # (407)-349-1130
Can Be Reached _____
Note _____
Limited Response N

Request No. 1701311
By CRP Time 10:14 AM Date 04/28/97
To CO Time FAX Date 04/28/97
Type S Form Phone
Category _____
Infraction LS-131
Closed by CRP Date 07/26/97
Reply Received I

Customer says the following:

His long distance services were switched without his knowledge.

Customer's PIC is EXCEL.

Please provide proof of authorization.

May 13, 1997: Received report with a copy of a letter forwarded to the customer and the awarded credit.

July 26, 1997: *This inquiry is closed.

CONSUMER REQUEST

FLORIDA PUBLIC SERVICE COMMISSION

2500 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL. 32399-0850
904-413-6100

PLEASE RETURN THIS FORM WITH REPORT OF ACTION TO:

Carmen Pena

DUE: 05/13/97

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 40
ATTACHMENT D

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI

05/1 PAGE 41

ATTACHMENT D

NC.033 FOC1/004

Facsimile Cover Sheet

To: Carmen Pena
Company: Consumer Affairs
Phone: (904) 413-6100
Fax: (904) 413-6362

From: Liz Way
Company: AT&T Law & Government Affairs
Phone: (404) 810-4138
Fax: (404) 810-7076

Date: 05/13/97

**Pages including this
cover page: 4**

Comments:

RE: Carmen, SM - 1701311

CONFIDENTIALITY NOTICE

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ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI

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ATTACHMENT D

NC.039 POC2/00-



LIZ WAY
Assistant District Manager
Law & Government Affairs

1208 Peachtree Street, NE
Room 6067
Atlanta, GA 30309
(404) 810-4136
(404) 810-7076 (fax)

May 13, 1997

Ms. Carmen Pena
Florida Public Service Commission
2540 Shurnard Oak Boulevard
Tallahassee, FL 32399-0850

RE: Carthen, Bill
1701311

Dear Ms. Pena:

Attached please find a letter sent to the above referenced customer regarding being switched to AT&T.

The matter has been investigated and \$20.00 credit has been issued to his account. In addition, the customer has been given an AT&T Long Distance Certificate to cover any additional switching fees.

If I can be of further assistance or if you have any questions, please call me on (404) 810-4136.

Sincerely,

A handwritten signature in cursive script that reads "E. B. Way".

E. B. Way

AR

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 43

05/13 1

NC. 339 P003/004

08/08/87 1

ATTACHMENT D

000



Customer Relations Center
1 Essex Avenue
Barnesville, NJ 07924

May 6, 1997

Bill Carthen
1276 Apache Drive
Geneva, FL 32732

Dear Mr. Carthen:

Please accept our sincere apologies for the delay in responding to your concerns. It was brought to my attention that you were concerned over the possibility of having been switched to AT&T without your authorization.

Upon our initial investigation, as per our record of your account, there was reference to our receipt of written authorization. I made three individual attempts to obtain a hard copy of the authorization as per our records without success. Each time my request was returned "unmatched".

Given this and your account of the situation, there was evidently some mishap. Although we try to insure that all of our customer information is correct, occasionally, there is an error. We regret such may have been the case in this instance.

As a courtesy, we have enclosed AT&T Long Distance Certificates to reimburse you for any fee your local telephone company may have charged you to change long distance carriers and additional certificates for your use. To use your certificates simply print your name, area code and telephone number on the back of each one and send them in along with your regular monthly telephone bill. Your local telephone company will apply the certificates as cash towards any AT&T Long Distance charges or any local telephone company billed charges.

Please accept our sincere apologies for any inconveniences you may have been caused by this occurrence. We thank you for taking the time to contact us. It is from feedback such as yours that we are better able to ensure that we maintain the quality AT&T demands and every customer deserves.

If you have any questions, please contact me, in writing, at the above address.

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 44

NC.073 P001/004

ATTACHMENT D

03/13

05/06/07

000



Customer Relations Center
4 Essex Avenue
Barnesville, NJ 07824

Thank you for the opportunity to serve you.

Sincerely,

Grace Miller

Grace Miller
Customer Relations

THOMS, I
4907 NW 91 TERRACE
SUNRISE 33351 County DRD
Number
Contact

Company AT&T COMMUNICATIONS OF THE SOUTHERN
Attn. LINDY HINTON 155663
Consumer's Telephone # (954)-749-5961
Can Be Reached
Note 800 call in
Limited Refence Y

Reg. Est No. 1556631
By DBM jlm 2:10 PM Date 01/16/97
To CO, jlm FAX Date 01/16/97
Type S form Phone
Category
Infraction 15-130
Closed by NEP Date 02/26/97
Reply Received I

When the customer called AT&T to inquire why his calling plan had not been changed as he had requested, he found that AT&T had taken over his intra state long distance service without his permission. Please contact the customer, investigate and provide a report.

Report and letter to customer with explanation. File closed.

CONSUMER REQUEST

FLORIDA PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL. 32399-0050
904-413-6100

PLEASE RETURN THIS FORM WITH REPORT OF ACTION TO:

Doug Martin

DUE: 02/03/97

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 45
ATTACHMENT E

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 46

ATTACHMENT E

01/29/97

NC. 217 P002/002



Sandy Hinton
Staff Associate
Law and Government Affairs

Room 6061, Promenade I
1200 Peachtree St.
Atlanta, GA 30308
(404) 810-4887
(404) 810-7078 • FAX

January 29, 1997

Doug Martin
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0878

RE: Thoms, Fred
1558831

Dear Mr. Martin:

The attached letter was forwarded to Mr. Thoms to explain the results of our investigation. An AT&T billing representative reviewed the account and determine that no charges had posted on the account. The representative contacted Mr. Thoms and apologized for any inconvenience he may have experienced in dealing with AT&T and provided his name and can be reached number if any charges should appear in the future.

Please call me if you have any questions.

Sincerely,


Sandy Hinton

ORDER NO. PSC-98-1461-SC-TI

DOCKET NO. 971492-TI

PAGE 47

ATTACHMENT E

21.

01/28/97 10:05

NO. 217 P003/003

NO. 308 P002/003



January 28, 1997

Customer Relations Center
4 Essex Avenue
Barnegat, NJ 07824

Fred Thoms
4907 NW 91st Terrace
Sunrise, FL 33351

Dear Mr. Thoms:

It has been brought to my attention that you were concerned over having your Intralata Service switched to AT&T without your permission.

We have investigated the matter thoroughly and have determined the following. The order we show that changed your residential phone, 954-749-5961, to AT&T was generated as a result of a telephone call placed from your residence telephone number to one of our Customer Service Centers. According to our call summary report, a call was placed from your residence to our center on 1-9-97. The records do not detail the exchange except that the order was placed at that time. Had the representative followed procedure, there would have been notations to the extent that we could provide you with the name of the caller and some details of the actual exchange that took place. Perhaps there was some misunderstanding or mishap at the time of the call.

AT&T has paid the switching fee charge through your local telephone company. Thank you for this opportunity to serve you.

Sincerely,

Cynthia M. Manning
Customer Relations

Name MODJOKOS MAEL

Company AT&T COMMUNICATIONS OF THE SOUTHERN

Request No. 2001911

Address 631 ENGEL DRIVE

Attn. LIZ WAY 2001911

By SRG Time 11:22 AM Date 01/12/98

Consumer's Telephone # (407)-658-9171

To CO Time FAX Date 01/12/98

City/Zip ORLANDO 32807 County ORL

Can Be Reached _____

Type S Form Phone

Account Number _____

Note NJS

Category _____

Caller's Name _____

Informal Conf. _____

Infraction LS-13C

Closed by SRG Date 02/03/98

Reply Received I

Customer says the following:

His long distance service was switched without his knowledge.

Customer's PIC is National TELCOM.

Please provide the PSC with a full report and proof of authorization.

1/27/98 Report received. The company will be issuing the customer a total of \$11.61 for the charges incurred due to the change. The company has contacted the customer concerning this matter, but he should contact the company or the FPSC if there are any further concerns. The company's report is not satisfactory because of the fact that the information on the LOA is fraudulent.

7/1/98 spoke w/customer the LOA Mike Major is the way his name appears in the phone book; the correct spelling is MODJOKOS, does not know either

CONSUMER REQUEST

FLORIDA PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL. 32399-0850
850-413-6100

PLEASE RETURN THIS FORM WITH REPORT OF ACTION TO:

DUE: 01/27/98

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 48
ATTACHMENT F

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 49

ATTACHMENT F

T-400 P 01/04 1-008

Facsimile Cover Sheet

To: Sam Gonzalez
Company: Consumer Affairs
Phone: (850) 413-6131
Fax: (850) 413-6132

From: Kim Coleman
Company: AT&T Law & Government Affairs
Phone: (404) 810-4947
Fax: (404) 810-5901

Date: 1/27/98

**Pages including this
cover page: 4**

Comments:

RE: **Madjros, Michael 2001911**

CONFIDENTIALITY NOTICE

The facsimile transmission cover sheet, and any documents which may accompany it, contain information from the AT&T Law & Government Affairs which is intended only for the use of the individual or entity to which it is addressed, and which may contain information that is privileged, confidential, and/or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, any disclosure, dissemination, distribution, copying or other use of this communication or its substance is prohibited. If you have received this communication in error please immediately notify us by telephone to arrange for the destruction of the communication or its return to us at our expense. Thank you.



LIZ WAY
Associate Director Manager
Law & Government Affairs

1200 Peachtree Street, NE
Room 6047
Atlanta, GA 30309
(404) 810-4136
(404) 810-7876 (fax)

January 27, 1998

Mr. Sam Gonzalez
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RE: Modjoros, Michael
2001911

Dear Mr. Gonzalez:

AT&T has concluded its investigation of the above referenced complaint. Attached is a copy of the letter and other documentation forwarded to Mr. Michael Modjoros to explain how the switching of service occurred.

On January 22, 1998, the customer spoke with a CSA manager at AT&T, who sent a \$5.00 long distance certificate to the customer. On January 23, 1998, an AT&T representative extended an apology to the customer and adjusted \$1.05 from bill dated December 23, 1997 and adjusted \$5.56 from bill dated January 23, 1998 for the balance of the AT&T billed charges. Mr. Modjoros was also forwarded a long distance certificate for reimbursement of any switching fees.

If you have any questions, please call me on (404) 810-4136.

Sincerely,

E. B. Way
E. B. Way

Att.

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 51

ATTACHMENT F

T-480 P 03/04 1-000



Customer Care Center

January 23, 1998

P.O. Box 767
Lee's Summit, MO 64063-0767

Michael Modjores
631 Engel
Orlando, FL 32807-4831

407-658-9171

Dear Mr. Modjores,

It has been brought to my attention that you were concerned over having been switched to AT&T without your authorization.

We apologize for any inconvenience you may have experienced. We have investigated your concern thoroughly and have determined the following: The order which changed your long distance service to AT&T generated as a result of our receipt of the enclosed AT&T Service Agreement Form. After the form was completed, it was forwarded to our processing center. Evidently, when the form was processed, the representative entering the order assumed by the information provided that the switch to AT&T was authorized and the order was entered.

It is evident that there was some mishap as the Service Agreement Form shows a different customer name than your own, while the telephone number is exactly the same. At this time, I have credited the AT&T charges on your January 23, 1998 bill date for a total of \$5.56 and \$1.05 for the December 23, 1997 bill. These credits are the charges that resulted from the unauthorized switch to AT&T. The credit will appear on your local portion of the phone bill within one to two bill cycles. AT&T will also be reimbursing the switching fee cost. You will receive this under separate cover within 15 business days.

Please accept our apologies for any inconvenience you may have experienced with AT&T. If you have questions regarding this matter, you can call 1-800-222-7613. If you have questions about AT&T products and services in the future, feel free to contact our Customer Service Department at 1-800-222-0300.

Sincerely,

A handwritten signature in cursive script that reads "Karen Hamilton".

Karen Hamilton
Executive Appeals Manager

Jan. 21 1998



Residential Service Agreement/ Contrato de servicio Residencial

Please Print Clearly/Por favor escriba en tinta de imprenta

Name/Nombre y apellidos DOYLE HOFSEMAN
First Name/Nombre Last Name/Apellido

Name on Phone Bill/Nombre en cuenta telefónica MIKE MICHAEL
First Name/Nombre Last Name/Apellido

Home Phone Number/Telefono casa 407-658-9171

Address/Direccion 631 Engel Ct Apt No./Nº Apt. _____

City/Ciudad Orlando State/Estado FL Zip Code/Código postal 32801

Will you make an international call within the next 3 months?
 Yes No

- Yes, switch me to AT&T Long Distance Service/
Si, quiero cambiarme al Servicio de Larga Distancia de AT&T
- Also, switch me to AT&T Local Toll Service* if available in my area/
También quiero cambiarme al Servicio Interurbano de AT&T

INTERNET USE
RESERVED

Signature/Firma [Signature] Date/Fecha 1/21/98

I acknowledge that I have read the AT&T Service Agreement on the back of this form...
 YES I authorize AT&T to use information about my calling patterns with AT&T to help it to improve its AT&T products and services. Please note: Information gathered in this way will be used only for the purposes stated in this agreement and will not be shared with other AT&T products or services.

Confirma que he leído el Contrato de Servicio de AT&T en la parte posterior de este formulario...
 SI Autorizo a AT&T a usar la información que voy a dar de mis hábitos de llamadas para ayudar a AT&T a mejorar sus productos y servicios de AT&T. Por favor, tenga presente que la información que voy a dar será usada únicamente para los fines mencionados en este contrato y no será compartida con otros productos o servicios de AT&T.

International/Internacional

- AT&T One Rate International Plan (\$3.00 monthly fee/Plan internacional de AT&T de Tarifa Única pagando mensual de US\$3.00)
- AT&T One Rate International Plan 1 (no fee/Plan internacional 1 de AT&T de Tarifa Única (sin recargo))

Other/ Otro CURTIS

Domestic/Nacional

- AT&T One Rate Plan (no fee/Plan de Tarifa Única de AT&T)
- AT&T One Rate® Savings (no fee/Plan de ahorro de AT&T)
- Other/ Otro _____

For Internal Use Only/Para uso interno

MA ID: 3153 SA ID: 06837 FIC ID: 001

Language/Idioma: ENG MAN CAN FR ESP PRT JPN KOR HAN PIN VIT

15745568

ATTACHMENT G

CONSUMER REQUEST

**FLORIDA PUBLIC
SERVICE
COMMISSION**

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL. 32399-0850
904-413-6100

PLEASE RETURN THIS FORM
WITH REPORT OF ACTION TO:

Richard Durbin

DUE: 10/30/97

Company AT&T COMM 1 AS OF THE SOUTHERN
Attn. LIZ MAY
Consumer's Telephone # (850)-438-3977
Can Be Reached _____
Note _____
Limited Response M

PENSACOLA 32503-3103 County ESC
Address _____
Street _____

attached correspondence concerning unauthorized PIC change. Customer filed
complaint with the FCC and received the attached LOA. The signature is a
forgery since her husband has been dead for several years. Please advise what
is AT&T will take concerning forged LOAs.

Closed by _____ Date 1/1
Reply Received _____

Request No. 1901271
By JRD Time 3:14 PM Date 10/14/97
To CO Time FAX Date 10/15/97
Type S form MAIL

Category _____
Infraction _____

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 54

ATTACHMENT G

3705 N. 12TH Avenue
Pensacola, FL 32503-3103
October 9, 1997

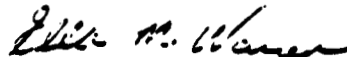
Mr. Durbin,

I am one of the consumers who attended the Pensacola hearing on "Slamming."

We spoke briefly afterward and you asked me to send a copy of the AT&T Service Agreement.

Enclosed is a copy of the service agreement, the response from AT&T to the FCC and a copy of my response to the FCC.

Thanks,



Ella M. Warren

OCT 14 1997

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 55

ATTACHMENT G



George Bacon
District Manager

Room 1117L2
298 N. Maple Ave.
Basking Ridge, NJ 07920
(908) 221-6400

May 27, 1997

Incmtteam
Federal Communications Commission
Common Carrier Bureau
Enforcement Division
Step Code 150023
Washington, DC 20534

Re: Ella M. Warren
IC-97-12894 (Incmtteam)
Type: (SLAM)
Notice of Informal Complaint dated April 28, 1997

Dear Incmtteam Analyst:

This is in response to the referenced Notice of Informal Complaint. Ms. Warren alleges that her telephone service was switched to AT&T without authorization.

AT&T notified the customer's local exchange carrier to substitute AT&T as the customer's interexchange carrier based on a written authorization form. Attached is a copy of the authorization form dated September 30, 1996. Although the name differs from the complainant's, the address and billing telephone number are the same.

Ms. Warren's billing telephone number remained with AT&T from October 10, 1996 until October 17, 1996. AT&T billed the customer on November 19, 1996 in the amount of \$6.36. AT&T rerated its billed charges and issued a credit adjustment in the amount of \$2.02 on May 27, 1997. This adjustment should appear on the complainant's billing statement within 1-2 billing cycles. Account records indicate that the local exchange carrier waived the fee associated with switching this telephone service.

We trust this provides your office with the information required in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "G. Bacon".

Attachment
cc: Ella M. Warren
/cdc



AT&T Service Agreement

Please Print Clearly

C10-788-644

Name: JAMES WALLEN
Last Name First Name
Name on JAMES
Pure Bill
Home Phone Number: 904-958-5979
Address: STUBBINS NORTH AVE Apt. #
PENSACOLA State FL Zip Code 32503

Yes, I choose AT&T as my Long Distance Telephone Company. If AT&T is not my long distance carrier, please switch me to AT&T.

Signature: James Wallen Date: 9/20/16
M A M B O T Y
By signing here, I authorize AT&T to switch my long distance carrier to AT&T.
I acknowledge that I have read the AT&T Service Agreement on the back of this form.

AT&T Savings Plans

Yes, please enroll me in AT&T True Reach InternationalSM Savings (\$3.00 per month). — RS4PM
The Country I call most is

Yes, please enroll me in AT&T True CountrySM Savings (no monthly fee). — OCP1M
The Country I select is

Yes, please enroll me in AT&T True ReachSM Savings (no monthly fee). — OCP2C

Other AT&T Savings Plans (Specify):

507-97
807a
816

NFW

AT&T Use Only

Event ID: CF3202916 0 11 12 0
Staffer ID: CF35
Association ID:
Promo:
Receive Date:
Reject Code:
REP ID: CF3
CID: D
TRWCS
Language Preference: ENG MAN CAN JPN KRN POL POR RUS SPN TAG VTN

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 57

ATTACHMENT G

3705 N. 12TH Ave.
Pensacola, FL 32503
June 5, 1997

Incmtteam
Federal Communications Commission
Common Carrier Bureau
Enforcement Division
Stop Code 1600A2
Washington, DC 20554

Re: Ella M. Warren
IC-97-12894 (Incmtteam)
Type: (Slam)
Complaint dated 17 Oct 96

Dear Incmtteam Analyst:

This is in response to the response letter sent to you from AT&T. The AT&T Service Agreement was never signed by me. I have never seen this form before. If I wanted to switch to AT&T, I would have signed and cashed any or all of their \$80 and \$50 checks sent to me through their promotions. I have always torn them up. I received one today, 4 Jun, for \$50 (in my name). There is absolutely no reason for me to sign an agreement when I can sign the back of their check.

Secondly, my telephone is in my name. It appears this way on Bell South and the checks sent by AT&T.

Thirdly, my husband, James Warren, is deceased. He has been deceased since 3 Mar 91.

This service agreement from AT&T is a fraud. This is not my signature and definitely not my husband's.

I have never once switched my telephone service from MCI since I've had it. My telephone service was slammed and the signature on the agreement is forged.

If so advised, I will file a formal complaint. As I stated in my previous letter, I will take this matter as far as I must.

Sincerely,

Ella Warren

Attachment
cc: AT&T

ORDER NO. PSC-91461-SC-TI
DOCKET NO. 971492-TI
PAGE 58

ATTACHMENT G

STATE OF FLORIDA

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



DIVISION OF CONSUMER AFFAIRS
BEVERLEE DEMELLO
DIRECTOR
(850) 413-6100
TOLL FREE 1-800-342-3552

Public Service Commission

October 16, 1997

Ms. Ella M. Warren
3705 North 12th Avenue
Pensacola, FL 32503-3103

Dear Ms. Warren:

Thank you for your recent letter concerning AT&T Communications of the Southern States.

We will look into the matter you outlined, advise the company to contact you to resolve the problem, and require the company to provide the Florida Public Service Commission with a letter outlining its resolution of the matter.

If you have any questions, I can be reached at 1-800-342-3552.

Sincerely,

A handwritten signature in cursive script that reads "Dick Durbin".

Dick Durbin
Regulatory Supervisor/Consultant
Division of Consumer Affairs

DD:ewe

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 59

ATTACHMENT G

*** TRANSMISSION REPORT ***

Oct 15 '97 14:51

FL PUBLIC SERVICE COMM—> 614048107076	
No.	0013
Mode	NORMAL
Time	2'42"
Pages	6 Page(s)
Result	OK

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 60

ATTACHMENT G

3705 N. 12TH Avenue
Pensacola, FL 32503-3103
October 9, 1997

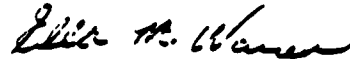
Mr. Durbin,

I am one of the consumers who attended the Pensacola hearing on "Slamming."

We spoke briefly afterward and you asked me to send a copy of the AT&T Service Agreement.

Enclosed is a copy of the service agreement, the response from AT&T to the FCC and a copy of my response to the FCC.

Thanks,



Ella M. Warren

OCT 14 1997

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 61

ATTACHMENT G



George Bacon
District Manager

Room 1117L2
295 N. Maple Ave.
Basking Ridge, NJ 07920
(908) 221-8400

May 27, 1997

Incmtteam
Federal Communications Commission
Common Carrier Bureau
Enforcement Division
Step Code 150022
Washington, DC 20534

Re: Ella M. Warren
IC-97-12894 (Incmtteam)
Type: (SLAM)
Notice of Informal Complaint dated April 28, 1997

Dear Incmtteam Analyst:

This is in response to the referenced Notice of Informal Complaint. Ms. Warren alleges that her telephone service was switched to AT&T without authorization.

AT&T notified the customer's local exchange carrier to substitute AT&T as the customer's interexchange carrier based on a written authorization form. Attached is a copy of the authorization form dated September 30, 1996. Although the name differs from the complainant's, the address and billing telephone number are the same.

Ms. Warren's billing telephone number remained with AT&T from October 10, 1996 until October 17, 1996. AT&T billed the customer on November 19, 1996 in the amount of \$6.36. AT&T rerated its billed charges and issued a credit adjustment in the amount of \$2.02 on May 27, 1997. This adjustment should appear on the complainant's billing statement within 1-2 billing cycles. Account records indicate that the local exchange carrier waived the fee associated with switching this telephone service.

We trust this provides your office with the information required in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "G. Bacon".

Attachment
cc: Ella M. Warren
/cde

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 63

ATTACHMENT G

3705 N. 12TH Ave.
Pensacola. FL 32503
June 5, 1997

Incmtteam
Federal Communications Commission
Common Carrier Bureau
Enforcement Division
Stop Code 1600A2
Washington, DC 20554

Re: Ella M. Warren
IC-97-12894 (Incmtteam)
Type: (Slam)
Complaint dated 17 Oct 96

Dear Incmtteam Analyst:

This is in response to the response letter sent to you from AT&T. The AT&T Service Agreement was never signed by me. I have never seen this form before. If I wanted to switch to AT&T, I would have signed and cashed any or all of their \$80 and \$50 checks sent to me through their promotions. I have always torn them up. I received one today, 4 Jun, for \$50 (in my name). There is absolutely no reason for me to sign an agreement when I can sign the back of their check.

Secondly, my telephone is in my name. It appears this way on Bell South and the checks sent by AT&T.

Thirdly, my husband, James Warren, is deceased. He has been deceased since 3 Mar 91.

This service agreement from AT&T is a fraud. This is not my signature and definitely not my husband's.

I have never once switched my telephone service from MCI since I've had it. My telephone service was slammed and the signature on the agreement is forged.

If so advised, I will file a formal complaint. As I stated in my previous letter, I will take this matter as far as I must.

Sincerely,

Ella Warren

Attachment
cc: AT&T

NAME NEMAL ELECTRONICS

Company AT&T COMMUNICATIONS OF THE SOUTHERN

Request No. 1631141

Address BEN NEMSER, OWNER

Attn. SANDY HINTON 163114

By DBM Time 11:06 AM Date 03/03/1997

12240 NE 14TH AVENUE

Consumer's Telephone # (305)-892-1507

To CO. Time FAX Date 03/03/1997

City/Zip NORTH MIAMI 33161 County DADE

Can Be Reached (305)-892-2599

Type S Form Phone

Account Number _____

Note _____

Category _____

Order's Name _____

Informal Conf. N Outreach _____

Infraction LS-131

Closed by DBM Date 06/16/1997

Reply Received I

Customer's long distance carrier was changed from World Pass to AT&T without authorization. Please provide proof of authorization, (LOA/tape). Appropriate credits are requested to reflect a refund of switching fees/ service charges as well as an adjustment of rates to those of the customer's preferred carrier. Please send the customer a copy of your response to this inquiry.

03-18-97- Request for extension until 3-24.

03-24-97- Report received with explanation, credit and copy of LOA.

06-16-97- File closed.

CONSUMER REQUEST

FLORIDA PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL. 32399-0850
850-413-6100

PLEASE RETURN THIS FORM WITH REPORT OF ACTION TO:

DUE: 03/24/1997

ORDER NO.: C-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 64
ATTACHMENT H

ORDER NO. PSC-98-1461-SC-TI
DOCKET NO. 971492-TI
PAGE 65

ATTACHMENT H



Sandy Hinton
Staff Associate
Law and Government Affairs

Room 9051, Promenade I
1200 Peachtree St.
Atlanta, GA 30309
(404) 810-4867
(404) 810-7078 - FAX

April 21, 1997

Doug Martin
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0876

RE: Nema1 Electronics
163114

Dear Mr. Martin:

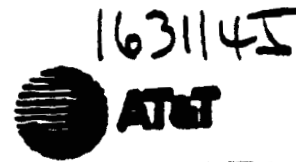
The attached letter was forwarded to Mr. Beagle at Nema1 Electronics to advise of the credits issued to his account and to explain the results of our investigation.

Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandy Hinton", with a stylized flourish at the end.

Sandy Hinton



Miami, April 2, 1997

Mr. James W Beagle
Nemal Electronics International Inc.
12240 N.E. 14th Avenue
Miami, FL 33161

Dear Mr. Beagle,

I received your fax of March 31 and am responding in writing per your request.

I have been working on a resolution of your problems with AT&T since I became involved with your account on Friday, March 7. This was the day that AT&T collections restricted your outgoing long distance calls. As I am sure you recall, I worked on this issue Friday evening and Saturday until I was certain that your service had been restored.

The main issues we discussed at that time were: 1). The need to rerate your long distance calls from your October 1996 billing period through your January 1997 billing period. This would give you an Option 5 contract price retroactively even though a new contract was not signed until February 1997. 2). The status of a \$1,000 credit promised to you by Mike Singh.

On March 7, I asked our collections department to move your past and current billing to a "disputed" billing category, until I could do further research on your account.

The following week I asked Mr. Dennis Holcomb to rerate your calls and fax you a letter per your request, advising you that your bills were rerated. Your account has now been credited with \$945.61. He faxed you a letter stating this on March 12, 1997. I also found that Mike Singh had previously moved an amount of \$1,000 into the "Disputed" billing category. This was the amount he had estimated the rerating of your calls would total.

On March 20, I received a complaint Mr. Nemser had filed with the Florida Public Service Commission. The complaint was dated March 3. It stated that your long distance carrier was changed from World Pass to AT&T without your authorization. Your company asked for a credit to reflect a refund of switching fees and service charges, as well as an adjustment of rates to World Pass rates. The complaint pertained to 2 lines you had not authorized. In looking at your Letter of Agency, clearly these two lines were not listed on the line numbers you were authorizing. We were in error to pic the lines to

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DOCKET NO. 971492-TI

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ATTACHMENT H

P. 3

1631145

AT&T. In our conversation of March 31, you provided me with these line numbers and estimated your bill to be approximately \$27 from AT&T for these long distance calls.

On April 1 I visited your office and gave you \$300 in AT&T Long Distance Certificates. These certificates represent the following: 1). To give you credit for ALL AT&T usage and pie change charges on the 2 lines involved in the PSC complaint, not just a rerate of the \$27. 2). To provide the difference between the \$1,000 and the \$949.61 you received from the rerating of your bills. 3). To provide \$200 to you as a gesture of good faith and for the miscommunication between our two companies. You are free to apply these toward your AT&T Long Distance bill. As I answered to your concern yesterday, using these certificates does not mean that you are in agreement with the amount. This equates to your monthly commitment of Long Distance usage with AT&T.

I appreciate your comment yesterday, as well, acknowledging that I have been working very hard on your behalf. I will continue to handle your account directly. I can be reached at 654-4302. In addition my home number is 557-8551 in case of emergency.

Sincerely,

LeAnne Mantaro

LeAnne Mantaro
Account Consultant Manager

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ATTACHMENT H

Sandy Hinton
Staff Associate
Law and Government Affairs

Room 6081, Promenade I
1200 Peachtree St.
Atlanta, GA 30308
(404) 810-4867
(404) 810-7078 - FAX

March 24, 1997

Doug Martin
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0878

RE: Nemat Electronics
163114

Dear Mr. Martin:

Attached is a copy of the Letter of Agency for this customer from the AT&T Account Executive. The lines listed on this LOA do not show the line that has been disputed by Mr. Nemser. It appears that an error occurred on this account and that the 1507 number was transferred to AT&T when the other six (authorized) lines were transferred.

An AT&T Business Account Billing Specialist attempted to reach Mr. Nemser to apologize and to offer re-rates on the account. Mr. Nemser was unavailable and the representative spoke to James Beagle regarding the claim. The representative agreed to contact Mr. Nemser on April 3 regarding any re-rates to the account. Please extend until April 4.

Please call me if you have any questions.

Sincerely,


Sandy Hinton

813-1001 28 '97 15:24 AT&T FAX 902275 WIA

FAX NO. 305 895 8178

P.3 2

813-1001 28 '97 08:13 AT&T FAX 902275 X

P.2

LETTER OF AGENCY


I appoint AT&T as my agent to handle all arrangements with the local telephone company(s) for AT&T Dial '1' and Local Toll Service (where applicable) for all telephone lines listed below or in the Attachment, and to issue instructions to said telephone company(s) regarding the same. It is understood that only one Dial '1' Long Distance Company may be designated for Long Distance Service, and only one company may be designated for Local Toll Service for a designated telephone number, and that the selection of more than one carrier for either Dial '1' Long Distance or Local Toll Service will invalidate any choice. It is further understood that there may be a charge per line by the local telephone company(s) if there is a change in choice of carrier for either the Dial '1' Long Distance Service or the Local Toll Service following this selection.

This Appointment is for:

Dial '1' Long Distance (InterLATA) yes no
Local Toll (IntraLATA) yes no

This Appointment may be revoked at any time

Normal Electronics
(Company)
12240 NE 142 Avenue
(Address)
North Miami, Florida 33161
(City & State)
(305) 899 0900
(Telephone #)


(Signature)
Don Nemesic, Pres
(Name & Title)
2-8-97
(Date)

Additional Lines:
(305) 895 8178 (305) 895 3528
(305) 892 2599 _____
(305) 893 3924 _____
(305) 893 3584 _____

C500853366
Due Date: Feb 10th 1997.

M E M O R A N D U M

October ~~26~~²⁷ 1998

RECEIVED-AT&T

98 OCT 27 AM 10:50

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (BEDELL) *CB MCB*

RE: DOCKET NO. 971492-TI - Initiation of show cause proceedings against AT&T Communications of the Southern States, Inc. And d/b/a Connect 'N Save for violation of Rule 25-4.118, F.A.C., Interexchange Carrier Selection.

98-1461-SC-T1

Attached is an **Order to Show Cause, with attachments**, to be issued in the above-referenced docket. (Number of pages in order - *69*)

CB/slh
Attachment
cc: Division of Communications
I:971492or.cb

ATTACHMENT(S) NOT ON-LINE

See ID

*1 Certified
2 mailed - RAR.*

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 10/30/98
Number of Originals 69 Copies Per Original 15
Requested By Ruth W.

Item Presented

Agenda For (Date) _____ Order No. 98-1461 In Docket No. 971492
Notice of _____ For (Date) _____ In Docket No. _____
Other _____

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>15</u>	<u>Commission Offices</u>	<u>11</u>	<u>Certified 10/27/98</u>
<u>(2)</u>	<u>Docket Mailing List - Mailed</u>		
	<u>Docket Mailing List - Faxed</u>		

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 8 Verified By Michael
Date and Time Completed 11/4 Job Checked For Correctness and Quality (Initial) U

Mail Room Verification

Date Mailed / Verified By /