

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of Gulf  
Long Distance, Inc. for  
incorrect billing of intrastate  
0+ calls made from pay  
telephones and intrastate 0+  
calls made in a call aggregator  
context.

DOCKET NO. 990675-TI  
ORDER NO. PSC-99-1628-PAA-TI  
ISSUED: August 19, 1999

The following Commissioners participated in the disposition of  
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER ACCEPTING REFUND

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 interest are  
substantially affected files a petition for a formal proceeding,  
pursuant to Rule 25-22.029, Florida Administrative Code.

Gulf Long Distance, Inc. (Gulf) was issued certificate number  
3493 to operate as an interexchange telecommunications company on  
November 17, 1993. On April 29, 1999, a customer complaint  
regarding the high cost of an intrastate call made from a pay  
telephone station located in a confinement facility was received.  
On May 3, 1999, Commission staff informed Gulf that its operator  
service rates apparently exceeded the rate caps provided in Rule 2-  
24.630, Florida Administrative Code. Subsequently, on May 12, 1999,  
Gulf responded and acknowledged that its charges for 0+ intrastate  
toll calls exceed the rate caps provided in Rule 25-24.630, Florida  
Administrative Code. When the rule went into effect February 1,  
1999, Gulf failed to revise its tariff and lower its 0+ intrastate  
toll rates to comply with the rate caps.

DOCUMENT NUMBER-DATE

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In its response, Gulf proposed to refund overcharges, occurring between February 1, 1999 and May 26, 1999, with interest, by crediting customers' bills. Gulf submitted an additional response stating that approximately 45,000 customers' calls were overcharged. Further, Gulf calculated the total refund amount to be \$86,562.10. Of this amount, \$31,322.49 was attributed to overcharges for 0+ intrastate toll calls made from inmate pay telephones and for 0+ intrastate toll calls made in a call aggregator context. The remainder of the proposed refund, \$55,239.61, was attributed to 0+ local calls made from inmate pay telephones for which there are no applicable rate caps.

Based on the foregoing, we find it appropriate to accept that portion of Gulf's refund calculation regulated by our rate cap rule relating to 0+ intrastate calls of \$31,322.49, plus interest of \$526.40, for a total of \$31,848.89. We also find Gulf's proposal to credit customer bills between August 1, 1999, and September 15, 1999, for overcharges occurring from February 1, 1999 through May 26, 1999, to be appropriate. In accordance with Rule 25-4.114, Florida Administrative Code, Gulf shall submit refund reports to the Commission commencing August 20, 1999. At the end of the refund period, any amount not refunded, including interest, should be remitted to the Commission. We will forward it to the Office of the Comptroller for deposit in the General Revenue Fund, pursuant to Chapter 364.285(1), Florida Statutes.

Because of the proactive approach and cooperation by Gulf in expeditiously resolving this issue, no show cause action against Gulf is necessary at this time.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the portion of the offer of refund by Gulf Long Distance, Inc. relating to 0+ intrastate calls is approved. It is further

ORDERED that Gulf Long Distance, Inc. shall refund \$31,322.49 plus \$526.40 to customers pursuant to Rule 25-4-114, Florida Administrative Code. It is further

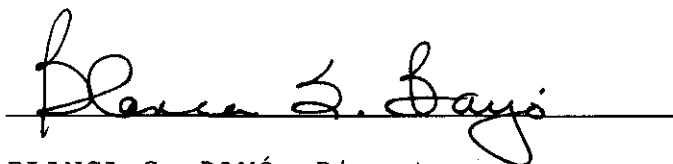
ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee,

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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 this docket shall remain open pending the completion of the refund or the resolution of a protest filed within 21 days of the issuance date of the Order by a person whose substantial interests are affected. If the Proposed Agency Action portion of this Order is not protested, it will become final upon issuance of a Consummating Order.

By ORDER of the Florida Public Service Commission this 19th day of August, 1999.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

CBW

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 that is available under Section 120.57, 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 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.

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The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, 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 September 9, 1999.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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.