

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Refund of overcharges by Coastal Telephone Company (presently Broadwing Telecommunications Inc.) for overtime intrastate long distance services, and initiation of show cause proceedings against Coastal Telephone Company for violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

DOCKET NO. 991861-TI
ORDER NO. PSC-00-0382-PAA-TI
ISSUED: February 22, 2000

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION ORDER
APPROVING METHOD OF REFUND AND SETTLEMENT OFFER

BY THE COMMISSION:

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

Coastal Telephone Company, presently Broadwing Telecommunications, Inc., (Coastal) is a provider of interexchange telecommunications services, pursuant to certificate granted by Order No. PSC-96-1122-FOF-TI issued on September 4, 1996.

From August 10 through October 2, 1998 our staff conducted an Interexchange Carrier Service Evaluation of Coastal Telephone Company's service. It was determined that the company had apparently overtime and overrated all 54 calling card test calls. Staff forwarded the results of the tests to Coastal by letter dated

DOCUMENT NUMBER-DATE

02430 FEB 22 8

FPSC-RECORDS/REPORTING

ORDER NO. PSC-00-0382-PAA-TI
DOCKET NO. 991861-TI
PAGE 2

March 9, 1999, and asked that Coastal report corrective action taken by April 9, 1999.

On April 22, 1999, Coastal responded that the overtimeing was the result of an apparent network synchronization problem with its vendor, and the problem had been corrected.

It was determined from Coastal that the overtimeing problems affected 2,796 Florida subscribers, and the company's estimate of the intrastate revenue effect of the overtimeing problems from March 1998 to March 1999 was \$4,892.36. Coastal has offered to refund the overtimeing overcharges to the State of Florida General Revenue Fund because it could only estimate the overtimeing amount and because it lacks the automated systems necessary to determine a specific refund amount per end-user account. We have reviewed Coastal's computation of the overcharges and accept the company's explanation for its inability to refund directly to the 2,796 affected subscribers. We, further, recognize that the company's ability to refund directly to Coastal's subscribers has been adversely affected because it was acquired twice since the 1998 testing.

We also accept Coastal's explanation that the overrating problem was specific to the Commission's account and was caused by a clerical error. It appears that a company clerk established our test account in a non-traditional manner, causing it to default to a Texas travel card plan. Accordingly, it did not affect other Florida subscribers. Therefore, no Commission action will be taken with respect to the overrating problem.

We will accept Coastal's offer to refund and its refund calculation of \$4,892.36, with interest of \$410.35, for a total of \$5,302.81. If no timely protest is filed by a person whose substantial interests are affected by our acceptance of Coastal's offer, the company shall remit the refund payment to us for forwarding to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), F.S., within 5 business days after the issuance of the consummating order. If the company fails to pay in accordance with the terms of this Order, the company's certificate shall be canceled administratively.

Coastal responded 17 days late to our staff's March 9, 1999 request for corrective actions taken in this matter. Coastal also failed to respond within 15 days to our staff's certified request, dated May 19, 1999. After granting a 30-day extension to July 14,

ORDER NO. PSC-00-0382-PAA-TI
DOCKET NO. 991861-TI
PAGE 3

1999, we received the company's response by fax on July 30, 1999, 16 days late.

Rule 25-4.043, Florida Administrative Code, Response to Commission Inquiries, provides that:

The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.

By PAA Order No. PSC-99-0833-FOF-TI, dated April 23, 1999, and by Consummating Order PSC-99-1021-CO-TI, issued May 21, 1999, Eclipse Telecommunications, Inc. acquired ownership and control of Coastal Telephone Company. Coastal's Certificate No. 4737 was canceled effective February 2, 1999. Then by Order No. PSC-00-0053-FOF-TI, issued January 7, 2000, we approved Eclipse's request for a name change to Broadwing Telecommunications Inc., making Broadwing the holder of Certificate No. 3178. The company has cooperated in resolving all issues; therefore, we will accept Coastal's settlement offer of \$2,500 for violation of Rule 25-4.043, Florida Administrative Code. The contribution must be received by us within ten business days from the issuance date of this Order and shall identify the docket number and company name. We will then forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of this Order, the company's certificate will be canceled administratively.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Coastal Telephone Companies' offer of settlement is hereby accepted as set forth in the body of this Order. It is further

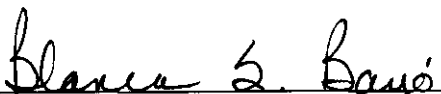
ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth

ORDER NO. PSC-00-0382-PAA-TI
DOCKET NO. 991861-TI
PAGE 4

in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, and all monetary obligations imposed herein are satisfied, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 22nd day of February, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

CLF

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.

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

ORDER NO. PSC-00-0382-PAA-TI
DOCKET NO. 991861-TI
PAGE 5

Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on March 14, 2000.

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.