

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation and
determination of appropriate
method for refunding interest
and overcharges on intrastate 0+
calls made from pay telephones
and in a call aggregator context
by Intellicall Operator
Services, Inc. d/b/a ILD.

DOCKET NO. 000530-TI
ORDER NO. PSC-00-1184-PAA-TI
ISSUED: June 30, 2000

The following Commissioners participated in the disposition of
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER REQUIRING INTELICALL OPERATOR SERVICES, INC. D/B/A ILD TO
REFUND OVERCHARGES

BY THE COMMISSION:

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

On October 18, 1988, Intellicall Operator Services, Inc. d/b/a
ILD (ILD) was granted Certificate No. 2177 to provide interexchange
telecommunications services. On February 1, 1999, Rule 25-24.630,
Florida Administrative Code, was amended to cap rates on intrastate
toll 0+ calls placed from pay telephones or a call aggregator
context to \$.30 per minute plus \$3.25 for a person-to-person call
or \$1.75 for a non person-to-person call. On August 4, 1999, our
staff reviewed ILD's tariff for compliance with Rule 25-24.630,
Florida Administrative Code, and found that ILD's tariffed rates
appeared to exceed the rate cap.

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Our staff compared ILD's tariff for operator service rates to the rate cap established in Rule 25-24.630, Florida Administrative Code. Based on the comparison, it appeared that ILD was charging an operator-dialed surcharge of \$1.15 for interlata 0+ calls in addition to the tariffed rates for the surcharge element on person to person and non person-to-person calls. Therefore, it appeared that the rates ILD was charging exceeded the rate cap. On August 5, 1999, our staff wrote to ILD and advised it of the discrepancy and requested information by August 20, 1999. Immediately upon receipt of our staff's request, an ILD representative contacted our staff and asked for an extension until September 11, 1999 to respond to staff's information request.

On September 13, 1999, ILD's initial reply was received. In its response, the company stated that although its tariff listed the operator dialed surcharge, it was never implemented in its billing system. Therefore, no overcharges occurred.

The company's tariff, which became effective June 27, 1997, included an operator-dialed surcharge in addition to the per minute rate and the person-to-person and non person-to-person surcharge. The company revised its tariff to remove the operator dialed surcharge on September 13, 1999.

On March 6, 2000, upon review of a billing received for test calls initiated by the evaluation staff, it was determined that ILD was apparently charging in excess of the rate cap implemented on February 1, 1999. On April 27, 2000, ILD responded to staff's additional inquiry regarding the apparent overcharges. ILD states that when updating its rate tables to comply with the rate caps, it did not reset the location surcharge to zero, therefore causing the apparent overcharges. ILD stated that apparently 63,010 calls were overcharged a total of \$15,752.25.

Based on the foregoing, the Commission accepts ILD's proposed refund calculation, including interest as required by Rule 25-4.114, Florida Administrative Code. We believe the amount of refunds should be \$16,551.66, including interest of \$799.41 and to credit end users' local exchange telephone bills for the overcharge plus interest beginning August 1 and ending October 31, 2000. In addition, at the end of the refund period, any amount not refunded, including interest, shall be remitted to this Commission by November 10, 2000, and forwarded to the Comptroller for deposit in the General Revenue Fund, pursuant to Chapter 364.285(1), Florida

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Statutes. ILD shall submit a final report as required by Rule 25-4.114, Florida Administrative Code by November 10, 2000.

By Section 364.285, Florida Statutes, we are authorized to impose upon any entity subject to our jurisdiction a penalty of not more than \$25,000, 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, Florida Statutes. We do not believe that ILD's conduct rises to the level that warrants an Order to Show Cause. ILD corrected the problem and cooperated fully with our staff during the investigation. Moreover, ILD has agreed to refund those overcharged customers, including interest. Therefore, we find that it is not appropriate to initiate a Show Cause at this time.

It is therefore

ORDERED by the Florida Public Service Commission that ILD, Communications, Inc. d/b/a ILD's calculation of \$15,752.25, adding interest of \$799.41, for a total of \$16551.66, and proposal to credit customer bills beginning August 1, 2000, and ending October 31, 2000, for overcharging customers for 0+ intrastate toll calls placed from pay telephones and in call aggregator contexts between February 1, 1999, and March 31, 2000, is accepted. The refunds shall be made through credits to customers' bills beginning August 1, 2000. It is further

ORDERED that at the end of the refund period, any amount not refunded, including interest, shall be remitted to the Commission by November 10, 2000, and forwarded to the Comptroller for deposit in the General Revenue Fund, pursuant to Chapter 364.285(1), Florida Statutes. It is further

ORDERED that Intellicall Operator Services, Inc. d/b/a ILD shall submit a final report as required by Rule 25-4.114, Florida Administrative Code, by November 10, 2000. It is further

ORDERED that if no person, whose interests are substantially affected by the proposed action, files a protest within the 21 day protest period, the order shall become final and effective upon issuance of a Consummating Order. This docket shall remain open pending the completion of the refund and receipt of the final report on the refund. After completion of the refund and receipt of the final report, this docket shall be closed administratively.

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By ORDER of the Florida Public Service Commission this 30th
day of June, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing 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 Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 21, 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.