

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Ron Johnson
on behalf of International Media
Solution against Sprint-Florida,
Incorporated for alleged
improper billing.

DOCKET NO. 001753-TL
ORDER NO. PSC-01-0546-FOF-TL
ISSUED: March 9, 2001

The following Commissioners participated in the disposition of
this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER DENYING THE COMPLAINT OF RON JOHNSON ON BEHALF
OF INTERNATIONAL MEDIA SOLUTION

BY THE COMMISSION:

I. BACKGROUND

On June 6, 2000, our Division of Consumer Affairs (CAF) received a complaint from Mr. Ronald E. Johnson of R. T. Communications, Inc., on behalf of his client, International Media Solutions (customer or client) regarding alleged improper billing by Sprint-Florida, Inc., (Sprint or company). In his complaint, Mr. Johnson alleged that his client was improperly charged by Sprint for installation of 16 rotary lines. Mr. Johnson claims that he contacted Sprint's representative by phone the day the lines were to be installed and canceled the service.

Mr. Johnson provided to CAF documentation detailing the circumstances which he alleges resulted in Sprint's improperly billing his client. On February 11, 2000, Mr. Johnson sent a memo to Sprint requesting that his client's service be changed back to Sprint from U.S. Lec for his client's two offices at 435 Douglas Avenue, Suite 2305, Altamonte Springs, Florida 32714 and 375 Douglas Avenue, Suite 2115, Altamonte Springs, Florida 32714. In

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this memo, Mr. Johnson also requested 16 additional rotary lines be installed in each office. However, we note that the complaint only involves the Sprint bill for the installation of the 16 additional lines in the first office located at 435 Douglas Avenue, Suite 2305, Altamonte Springs, Florida 32714.

In addition to the service request memo, Mr. Johnson provided to CAF a copy of the Sprint's Firm Order Confirmation (FOC) which listed the 16 additional rotary lines requested for the first office. The FOC assigned the installation with a Service Order Number of N817311 WNPk. Also, Mr. Johnson provided to CAF a copy of his February 18, 2000, memo to the company requesting cancellation of Service Order Number N817311 WNPk, that stated "[c]ustomer does not want this service." In addition, he provided a copy of Sprint's FOC dated February 18, 2000, canceling the 16 lines to the office at 435 Douglas Avenue, Suite 2305, Altamonte Springs, Florida 32714. However, Sprint noted at the bottom of the FOC that it was unable to "cancel" Order N817311 WNPk because this installation had been completed. Mr. Johnson also provided several letters between Sprint and himself regarding his billing dispute. Mr. Johnson provided a copy of the February 2000 Sprint bill in the amount of \$1,544.25. We note that the address listed on the bill is the office at 435 Douglas Avenue, Suite 2305, Altamonte Springs, Florida 32714.

Mr. Johnson's complaint was forwarded to Sprint for its response. On June 22, 2000, Sprint requested additional time to respond to Mr. Johnson's complaint. On July 10, 2000, Sprint submitted its response to CAF regarding Mr. Johnson's complaint. At this time, Sprint offered to settle Mr. Johnson's complaint by crediting his client's account for \$952.90.

Sprint provided its final report of its investigation into Mr. Johnson's complaint to CAF in a letter dated July 10, 2000. In its July 10, 2000 letter, Sprint acknowledged that Mr. Johnson contacted it on behalf of his customer and requested 16 lines to be installed on February 17, 2000. The company reported that Mr. Johnson filed a complaint with the company on April 3, 2000, contending that the service for the 16 lines had not been canceled as requested. Sprint stated that in his complaint, Mr. Johnson stated that he had a three-way conversation to cancel the service. Sprint stated that it determined that no three-way conversation had

taken place. Rather, on February 17, 2000, the Sprint technician found Mr. Johnson's business card taped on the demarcation point with instructions for the technician to call him after the lines were installed. Sprint contended that the technician contacted Mr. Johnson who expressed satisfaction with the installation. Sprint stated that on February 18, 2000, it received a faxed letter from Mr. Johnson requesting service disconnection since the service was no longer needed. The company stated that the service was disconnected on February 24, 2000, with an effective billing date of February 18, 2000. Sprint reported that the customer owed \$1,544.25 on its February 2000 bill. The company stated that it notified International Media Solutions on May 12, 2000, and Mr. Johnson on May 26, 2000, that no credit would be issued since the 16 lines had been installed and disconnected as requested by Mr. Johnson.

However, in its letter, Sprint indicated that it was willing to waive \$952.90 associated with the minimum one-month charge since the customer had not used the service to place or receive calls and Mr. Johnson had submitted written cancellation request. Nevertheless, the company stated that the customer would continue to be responsible for the "unrecoverable costs" of \$585, which is associated with the service order (\$25) and access line activation of the 16 lines at \$35 each (\$560) in accordance with its General Exchange Tariff, Section A5, Original Sheet 19, B, 9, a, 4.

On July 12, 2000, CAF sent Mr. Johnson a letter outlining the results of its investigation. The letter indicated that Sprint had not violated any rules or tariffs, but that Sprint had, nevertheless, proposed settlement. On July 13, 2000, our staff met with Mr. Johnson to discuss the letter. However, Mr. Johnson was dissatisfied with the outcome of our staff's investigation and Sprint's proposed resolution.

On August 8, 2000, Mr. Johnson submitted an informal conference request. Form X was provided by CAF in accordance with Rule 25-22.032 (8)(b), Florida Administrative Code, and returned by Mr. Johnson on August 25, 2000. In Form X, Mr. Johnson alleged that his client was improperly billed for installation charges and for one line which was not installed. Mr. Johnson requested that his client be credited the full amount due on the account of \$1,544.25.

II. INFORMAL CONFERENCE

On October 25, 2000, an informal conference was held with the parties and a staff member. Mr. Johnson maintained that he had a three-way conversation on February 17, 2000, with Sprint's technician and Sprint representative, Ron Long, Administrator Carrier of Accounts, in which he requested that service be canceled. Mr. Johnson asserted that he confirmed with the Sprint representative, Mr. Long, that a technician had gone out the day before and had completed the installation for the office located at 375 Douglas Avenue, Suite 2115. However, Mr. Johnson contended that the installation for the office located at 435 Douglas Avenue, Suite 2305, had not been completed at that time. He stated that he notified Mr. Long that his customer did not want service. Mr. Johnson asserted that the technician was at the site of installation or very close to it during this conversation. Mr. Johnson alleged that he told Mr. Long, "We need to see if we can get that stopped." He maintained that the technician was paged, and the technician called his telephone number or Mr. Long's telephone number, resulting in a three-way telephone conversation. Mr. Johnson claimed that he visited the site and the RJ21X jack was never placed. Mr. Johnson maintained that Mr. Long told him to send a memo requesting cancellation. He also implied that Sprint had previously resolved similar problems without a charge. Mr. Johnson asserted that Sprint should issue a full credit on the account. Later, Mr. Johnson offered to pay one-half of the \$585 outstanding balance. We show, however, that the amount in dispute relates to the installation of 16 lines at his client's office at 435 Douglas Avenue, Suite 2305, Altamonte Springs, Florida 32714.

In the conference, Sprint acknowledged that it received a request from Mr. Johnson to install lines. Sprint stated that on February 15, 2000, it issued Service Order N817311 for installation of the 16 lines to be activated on February 17, 2000. We note that Service Order N817311 corresponds to a Firm Order Confirmation which lists the 16 lines to be installed at the first office at 435 Douglas Avenue, Suite 2305, Altamonte Springs, Florida 32714. The company stated that it faxed a completed FOC to Mr. Johnson. Sprint stated that the FOC form is used to fax confirmations upon receipt of written request from vendors.

The company maintained that on February 17, 2000, a technician was dispatched to International Media Solutions' site. The company stated that the technician found Mr. Johnson's business card taped to the demarcation point requesting a telephone call to him upon completion of the installation to activate the 16 lines. Sprint asserted that the technician called Mr. Johnson, and explained that the 16 lines had been activated. The company stated that Mr. Johnson expressed satisfaction that the installation was completed. Sprint contended that at no time during this conversation with the technician did Mr. Johnson request service disconnection or express a need to talk with Mr. Ron Long. Sprint denied that Mr. Long and the technician participated in a three-way telephone conversation with Mr. Johnson on February 17, 2000, regarding the cancellation of the disputed 16 lines.

The company contended that the central office portion of the work relating to Service Order N817311 was completed on February 16, 2000. Sprint stated, "This work activated the 16 lines to the field terminal. This is prior to technician dispatch." Sprint stated that at 4:45 p.m. on February 17, 2000, the service order was closed which began the billing process. Sprint maintained that the first time that Mr. Johnson requested disconnection of the disputed lines was in his memo dated February 18, 2000, containing the statement the "[c]ustomer does not want this service." Sprint stated that an order was issued to disconnect the service on February 24, 2000, with an effective billing date of February 18, 2000, to correspond with the disconnection request date. The company stated that it waived the charges associated with the minimum monthly billing in an effort to settle the dispute. However, Sprint maintained that the customer is responsible for payment of the outstanding \$585 balance. The informal conference was concluded without a settlement.

III. CONCLUSION

Rule 25-4.112, Florida Administrative Code, states, "[a]ny customer may be required to give reasonable notice of his intention to discontinue service. Until the telephone utility shall be notified, the customer may be held responsible for charges for telephone service." In reviewing the documentation submitted by Mr. Johnson, it is clear that the 16 lines to the first office at 435 Douglas Avenue, Suite 2305, Altamonte Springs, Florida 32714,

were installed before Mr. Johnson requested written cancellation of those lines. We find that even if Mr. Johnson contacted Sprint the day service was being installed that would not be reasonable notice to Sprint. We conclude that pursuant to Rule 25-4.112, Florida Administrative Code, Sprint can hold International Media Solutions responsible for the charges related to the installation of the 16 lines to the first office. Therefore, we find that Sprint did not improperly bill International Media Solutions' account.

However, Sprint stated that it was willing to waive the local service charges associated with the minimum one-month bill in an effort to resolve the complaint because the customer had not placed or received calls on the disputed 16 lines. The \$585 outstanding balance is for the "unrecoverable costs" associated with the service ordering and access line charges. Sprint's tariff Section A5, B9, a, 4, states:

Cancellation Charge - If the customer cancels the order prior to the start of service, a cancellation charge will apply. The charge will include all unrecoverable costs incurred by the Company up to and including the time of cancellation for the provision of the specific customer request.

Therefore, we find that the customer is responsible for the expenses associated with the service installation. We conclude that International Media Solutions is responsible for payment of the \$585 balance, which included \$25 Service Ordering Charge and \$560 Access Line Activation Charge (\$35 x 16) for the 16 disputed lines. These charges are consistent with Sprint's tariff. Moreover, we find that Sprint did not violate any of our rules when it installed and activated the service for International Media Solutions based on Mr. Johnson's request. We further find that Sprint did not improperly bill International Media Solutions for the installation and subsequent cancellation of service and, therefore, Sprint shall not be required to credit or refund International Media Solutions for the remaining disputed balance of \$585.

Based on the foregoing, it is

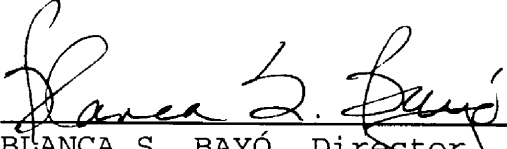
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ORDERED by the Florida Public Service Commission that the complaint of Ron Johnson on behalf of his client, International Media Solutions, is hereby denied. Therefore, Sprint-Florida, Inc. shall not be required to credit or refund International Media Solutions for the disputed balance of \$585. It is further

ORDERED that every finding set forth in the body of this Order is hereby approved in every respect. It is further

ORDERED that this docket shall be closed..

By ORDER of the Florida Public Service Commission this 9th day of March, 2001.



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 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.

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Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.