

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Network Plus, Inc. d/b/a Hale and Father, Inc. for apparent violation of Rule 25-22.032(5)(a), F.A.C., Customer Complaints.

DOCKET NO. 010190-TI  
ORDER NO. PSC-01-1480-AS-TI  
ISSUED: July 16, 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 APPROVING SETTLEMENT OFFER

BY THE COMMISSION:

On August 23, 1992, Network Plus, Inc. d/b/a Hale and Father, Inc. (Hale and Father) obtained Florida Public Service Commission Interexchange (IXC) Telecommunications Certificate No. 2994. Commission Staff attempted to investigate four customer complaints against Hale and Father's IXC Certificate from June 20, 2000, to January 12, 2001. After receiving no written response to the customer complaints, staff opened this docket to initiate show cause proceedings against Hale and Father for apparent violation of Rule 25-22.032(5)(a), Florida Administrative Code, on February 9, 2001.

On May 23, 2001, Hale and Father initiated negotiations with staff to discuss the method for resolving issues in Dockets 010190-TI and 010191-TX. Hale and Father submitted an offer to settle both dockets on May 31, 2001. In its settlement Hale and Father proposed the following:

DOCUMENT NUMBER-DATE

08644 JUL 16 2001

FPSC-RECORDS/REPORTING

ORDER NO. PSC-01-1480-AS-TI

DOCKET NO. 010190-TI

PAGE 2

- The company will make a voluntary contribution of \$7,500 - \$6,000 for the 4 violations in Docket No. 010190-TI against its IXC Certificate and \$1,500 for the one violation in Docket 010191-TX against its ALEC Certificate.
- The company will create new policies and procedures, as well as a new department, solely dedicated to regulatory compliance. This department will be headed by Lisa Korner-Butler, Vice President of Regulatory and Industry Affairs, a Compliance Administrator, and two additional staff members.
- The company will form a Dispute Resolution Team (DRT), currently staffed by eight employees plus a team leader and Manager, whose responsibilities include research of all complaints, timely communications to customers, and ensuring that customer accounts reflect any necessary changes.
- To ensure instances of "slamming" do not happen in the future, the company will create an Order Quality Control group that looks at every order and verifies information with the customer before the order is processed and provisioned.
- The company will respond to all current outstanding complaints within ten business days.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer.

Hale and Father must comply with these requirements within ten business days from the date this Order becomes final. The contribution shall be identified with the docket number and the company name. Upon timely receipt, the contribution will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. Hale and Father has waived any objection to the administrative cancellation of its certificate if it does not comply with its settlement agreement and added that if there is a factual dispute as to the manner or level of compliance with any provision in the settlement, staff will bring the matter to the Commission for consideration. Upon remittance of the \$6,000 contribution or cancellation of the certificate, this docket shall

ORDER NO. PSC-01-1480-AS-TI  
DOCKET NO. 010190-TI  
PAGE 3

be closed. The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.337, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Network Plus, Inc. d/b/a Hale and Father's settlement proposal set forth in the body of this Order is hereby approved. It is further

ORDERED that this docket shall remain open pending receipt of the \$6,000 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that if Network Plus, Inc. d/b/a Hale and Father fails to pay the voluntary contribution of \$6,000, Certificate No. 2994 shall be canceled administratively. It is further

ORDERED that upon receipt of the \$6,000 contribution or cancellation of the certificate this docket shall be closed.

By ORDER of the Florida Public Service Commission this 16th day of July, 2001.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

( S E A L )

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ORDER NO. PSC-01-1480-AS-TI  
DOCKET NO. 010190-TI  
PAGE 4

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.

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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and Administrative Services 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.