

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by Lorenzar  
Brown against BellSouth  
Telecommunications, Inc.  
regarding transfer and  
installation of service.

DOCKET NO. 010422-TL  
ORDER NO. PSC-01-2372-AS-TL  
ISSUED: December 7, 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 AGREEMENT

BY THE COMMISSION:

BACKGROUND

On February 23, 2000, Mr. Lorenzar Brown (Mr. Brown or customer) filed a complaint with the Division of Consumer Affairs (CAF) alleging that BellSouth Telecommunications, Inc. (BellSouth) failed to connect his service as ordered. He stated that he had requested that BellSouth transfer his primary line and an additional line to his new apartment on Rock Island Road in Fort Lauderdale, Florida. CAF forwarded Mr. Brown's complaint to BellSouth.

On March 1, 2000, CAF received BellSouth's response to Mr. Brown's complaint. In its response, BellSouth confirmed that Mr. Brown had requested the transfer of his primary residential line and the installation of an additional residential line. BellSouth stated that an appointment was scheduled for the installation of the additional line between 8:00 a.m. and 1:00 p.m. on February 22, 2000. Subsequently, BellSouth also stated that Mr. Brown would not provide access to the apartment and would provide the inside wiring himself. On February 22, 2000, BellSouth provided both the main and additional lines to the apartment's meter room. Since Mr. Brown's apartment was equipped with two-line Inside Network Interface (INI), BellSouth properly advised Mr. Brown to connect his new inside wire to the INI.

DOCUMENT NUMBER-DATE

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On March 8, 2000, CAF sent a letter to Mr. Brown. In the letter, our staff indicated that based upon the information received it did not appear that BellSouth had violated its tariff nor Commission rules and regulations in its handling of this matter. Mr. Brown was informed in the letter that if he had any unresolved concerns and wished to pursue the matter further, he could request an informal conference in writing.

On April 11, 2000, CAF received Mr. Brown's written request for an informal conference to discuss his unresolved concerns regarding his complaint. In addition, Mr. Brown asserted that he was still paying for service that was ordered and never received. On April 12, 2000, CAF sent a letter acknowledging receipt of Mr. Brown's request and informing him our staff would contact him to discuss his concerns.

Our staff continued to work with Mr. Brown to resolve his concerns. On May 5, 2000, CAF contacted BellSouth to discuss the demarcation point for Mr. Brown's service. On May 8, 2000, BellSouth confirmed that the demarcation point for the additional line was the first jack inside Mr. Brown's apartment. BellSouth stated that it would contact the customer to arrange to install the lines, however it would not credit Mr. Brown's account because he initially stated he would do his own inside work. In its May 10, 2000 report, BellSouth stated that it had installed an Inside Network Interface which resolved Mr. Brown's service problem on the additional line. On June 7, 2001, we learned that BellSouth replaced the first INI with an INI that provided both a demarcation point and a jack for connection to his additional line.

Despite the resolution of the service problem, Mr. Brown continued to request an informal conference. On June 12, 2000, our staff phoned Mr. Brown to discuss his informal conference request. During this conversation, Mr. Brown was informed that a request for informal conference may be denied if it appears no Commission rules or regulation had been violated. Per Mr. Brown's request, he was sent a copy of the customer complaint rules.

Mr. Brown's complaint was referred to the Division of Legal Services and the Division of Competitive Services. On October 10, 2000, BellSouth sent copies of Mr. Brown's monthly bills for the period of November 1999 to April 2000. On October 30, 2000, Mr.

Brown was sent a letter regarding the status of the Division of Legal Services and Division of Competitive Services review. In that letter, our staff indicated that a recommendation to deny his request for an informal conference would be filed because it appeared that Mr. Brown was not only seeking credits but damages for the period of time his additional line was not in service. Additionally, Mr. Brown was informed that a civil court would be the appropriate forum for him to pursue his damages claim. In addition, our staff suggested that Mr. Brown might consider withdrawing his complaint because damages could not be addressed.

Subsequently, it was determined that Mr. Brown should be granted an informal conference since Mr. Brown had not withdrawn his request for an informal conference. By a letter dated August 20, 2001, Mr. Brown was informed that an informal conference in the above referenced matter would be held on September 27, 2001.

On September 27, 2001, an informal conference was held by telephone at the Commission. Present were representatives from BellSouth, Mr. Brown and his attorney, and our staff. BellSouth and Mr. Brown were able to reach a settlement agreement as a result of the informal conference. On October 29, 2001, we received the settlement agreement with the original signatures of the parties.

#### SETTLEMENT AGREEMENT

As stated in the Background, on February 23, 2000, Mr. Brown filed a complaint with CAF alleging that BellSouth failed to connect his service as ordered. He stated that he had requested that BellSouth transfer his primary line and an additional line to his new apartment on Rock Island Road in Fort Lauderdale, Florida.

On September 27, 2001, an informal conference was held between BellSouth representatives, Mr. Brown and his attorney and our staff. During the informal conference, Mr. Brown reiterated the allegations of his complaint that the additional line did not work. BellSouth again indicated that the additional line was working on the day of installation. However, Mr. Brown indicated for the first time that the additional line was being used for business purposes rather than residential use as indicated on his account. Further, it was confirmed that BellSouth had issued credits on Mr. Brown's account regarding the additional line.

ORDER NO. PSC-01-2372-AS-TL  
DOCKET NO. 010422-TL  
PAGE 4

We received the settlement agreement with original signatures on October 29, 2001, a copy of which is attached hereto and incorporated by reference. By signing the settlement agreement, the parties agreed that a satisfactory resolution of the complaint has been reached, that the settlement agreement is binding on the parties, and the parties waive any right to further review or action by us. The parties agreed that BellSouth had issued the appropriate credits to the additional line account. Further, BellSouth agreed not to charge Mr. Brown business rates on his residential additional line account.

For the foregoing reasons, we approve the settlement agreement between Mr. Brown and BellSouth resolving Complaint No. 307124-T.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the settlement agreement between Mr. Lorenzar Brown and BellSouth Telecommunications, Inc. resolving Complaint No. 307124-T is hereby approved. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 7th day of December, 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

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ORDER NO. PSC-01-2372-AS-TL  
DOCKET NO. 010422-TL  
PAGE 5

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.