

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Mel Citron  
against Supra Telecommunications  
and Information Systems, Inc.  
regarding quality of service.

DOCKET NO. 020999-TX  
ORDER NO. PSC-03-0394-PCO-TX  
ISSUED: March 21, 2003

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON  
BRAULIO L. BAEZ  
CHARLES M. DAVIDSON

ORDER REFERRING DOCKET TO THE  
DIVISION OF ADMINISTRATIVE HEARINGS

BY THE COMMISSION:

On October 11, 2001, Mr. Mel Citron ("Mr. Citron" or "customer") contacted the Division of Consumer Affairs to register a complaint against Supra Telecommunications and Information Systems, Inc. (Supra). This complaint was logged as Consumer Activity Tracking System Request No. 411314T. Mr. Citron claimed that he asked Supra to provide him with the access numbers for programming his phone, to put a 900 call block on both his accounts and to place a call block on both of his accounts that would not allow calls to be completed through directory assistance. Mr. Citron alleged that Supra told him the blocks were in place, but he was billed for calls that should have been blocked. The customer further alleged that he was billed by and paid both Supra and BellSouth for the same service.

Supra responded to our staff's inquiry on November 21, 2001. Supra indicated in its report that a credit in the amount of \$25 was issued for each line for the inconvenience. As a result, the account for telephone numbers 954-921-0287 and 954-921-0322 had a balance of \$287.02. The customer also had a second residence with telephone numbers 305-932-4893 and 305-932-3546. A credit of \$50 for inconvenience and \$150 for misbilling were applied to this

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account. Supra reported that Mr. Citron was satisfied with the resolution for the 305 telephone numbers but not for the 954 account. Supra alleges that it is not responsible for the calls placed to directory assistance via "555-1212" as the calls were dialed from the customer's home.

On February 1, 2002, staff closed the customer's complaint. On July 24, 2002, Mr. Citron notified staff that he was not satisfied with the proposed resolution to his complaint by requesting to participate in the informal conference process.

On September 11, 2002, an informal conference was held with Mr. Citron, Supra representatives and Commission staff. During the informal conference, Mr. Citron stated his position that Supra was billing him for services it did not provide and that he believed that he was due credits for these services. Supra stated its position that it had corrected all the problems reported to it by the customer and that it was not responsible for the directory assistance calls made from his home. Supra declined to provide any additional credits and stated that the customer was not paying for the service he had and was utilizing the service. The informal conference ended without a settlement.

On January 8, 2003, Order No. PSC-03-0066-PAA-TX, was issued denying Mr. Citron's complaint. On January 29, 2003, staff received Mr. Citron's protest to Order No. PSC-03-0066-PAA-TX.

This Order addresses Mr. Citron's protest.

We are vested with jurisdiction in this matter pursuant to Section 364.604, Florida Statutes.

As stated previously, Order No. PSC-03-0066-PAA-TX, was issued January 8, 2003, denying Mr. Citron's complaint. In our decision, we decided that Supra had given Mr. Citron the appropriate credits for misbilling and accordingly denied this complaint. On January 29, 2003, Mr. Citron sent an original copy of his protest to the Division of Consumer Affairs (Consumer Affairs), disputing a number of factual allegations in our order. We note that on January 24, 2003, Mr. Citron had been advised to file an original copy with the Clerk's office but instead sent it to the Consumer Affairs office.

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Subsequently, our staff forwarded Mr. Citron's protest letter to the Clerk's office.

In his protest letter, Mr. Citron states that Supra misrepresented the issues in this case. Mr. Citron explains that his complaint was not exclusively about information calls but about a lack of dial tone and his inability to make or receive phone calls for an extended period of time. Mr. Citron maintains that Supra failed to notify him that if Supra blocked information calls that it would prevent him from being able to make calls. Mr. Citron asserts that Supra wrote a number of service tickets to resolve the problem. However, Mr. Citron states that Supra was unable to identify the problem. Mr. Citron declares that there were a number of instances in which he could not get a dial tone on his phone. Mr. Citron maintains that every service that Supra committed to provide and provided had to be disconnected because the services failed to work.

Section 350.125, Florida Statutes, provides that ALJs (Administrative Law Judges) are to be utilized to conduct hearings not assigned to members of the Commission, but it gives no guidance on what sort of cases may be assigned to DOAH (Division of Administrative Hearings). Nevertheless, we believe that since this case is one of factual disputes, it is appropriate to send this case to DOAH for further proceedings. Therefore, we refer this docket to DOAH for fact finding pursuant to Sections 120.569 and 120.57, Florida Statutes. Further, this docket shall remain open for further DOAH proceedings.

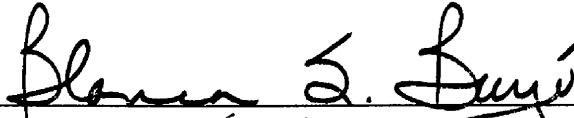
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that this docket be referred to the Division of Administrative Hearings for fact finding pursuant to Sections 120.569 and 120.57, Florida Statutes. It is further

ORDERED that this Docket shall remain open, pending consideration of the Administrative Law Judge's Recommended Order.

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By ORDER of the Florida Public Service Commission this 21st  
day of March, 2003.

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

( S E A L )

FRB

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.

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.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme

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Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.