

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation and
determination of appropriate
method for refunding overcharges
assessed on intrastate calls
made using calling card services
provided by AmeriVision
Communications, Inc. d/b/a
LifeLine Communications.

DOCKET NO. 030960-TI
ORDER NO. PSC-03-1454-PAA-TI
ISSUED: December 22, 2003

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

NOTICE OF PROPOSED AGENCY ACTION ACCEPTING REFUND PROPOSAL

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 February 15, 1991, AmeriVision Communications, Inc. d/b/a
LifeLine Communications (ACI) obtained Florida Public Service
Commission (Commission) interexchange telecommunications company
(IXC) certificate number 2497. On January 9, 2003, our staff
notified ACI via the United States Postal Service (U.S.P.S.)
regular mail that the Commission's Bureau of Service Quality was
scheduled to evaluate ACI in the Quincy exchange during the period
February 3, 2003, to February 21, 2003.

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On February 3, 2003, through February 21, 2003, our staff evaluated the quality of service from access lines presubscribed to ACI in the Quincy exchange. On February 14, 2003, ACI reported \$500,000.00 in intrastate operating revenues. During the evaluation of ACI's calling card services, our staff determined that ACI was adding a surcharge to each call that was not included in its tariff.

On May 29, 2003 we informed ACI via U.S.P.S. regular mail of the results of its service quality evaluation. A review of the evaluation results and ACI's tariff indicated that ACI apparently overcharged users of its Family Connections Calling Card Plan. Our staff requested that ACI provide information concerning the apparent overcharges by June 27, 2003. On June 27, 2003, ACI responded to our staff's May 29, 2003, letter by submitting a revised tariff.

On July 10, 2003, our staff again requested via U.S.P.S. regular mail that ACI provide information concerning the apparent overcharges by July 25, 2003. By August 6, 2003, ACI did not respond to our staff's July 10, 2003, letter. Thus our staff sent ACI another request for a response via U.S.P.S. certified mail.

On August 27, 2003, ACI responded to our staff's August 6, 2003, letter with the requested information and a proposal to issue the affected customers a prepaid calling card that would total the amount of overbilling the customer experienced. On September 24, 2003, ACI amended its refund proposal to reflect that it would issue a credit to the affected customers on the billing cycle following this Commission's approval of its refund proposal.

On November 10, 2003, ACI submitted a letter clarifying that it would remit any unrefundable amount to the Commission for deposit in the General Revenue Fund.

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As stated above, ACI acknowledges and admits to overbilling calls which resulted in overcharges to some of its customers. Section 364.04, Florida Statutes, Schedules of Rates, Tolls, Rentals, Contracts, and Charges; Filing; Public Inspection; states, in pertinent part:

Companies shall charge only the rates contained in their tariff

Section 364.285(2), Florida Statutes, Penalties; states in pertinent part that

The Commission may, at its discretion, . . . compel the accounting and refund of any moneys collected in violation of this chapter or commission rule.

Inherent in this Commission's authority to refund moneys is the ability to calculate the refund with interest. ACI has therefore proposed to credit to customers \$438.90, plus interest of \$6.29, for a total of \$445.19.

Based upon the aforementioned, this Commission approves AmeriVision Communications, Inc. d/b/a LifeLine Communications's proposal to issue a credit of \$438.90, plus interest of \$6.29, for a total of \$445.19, to its affected customers for overcharging end-users on intrastate calls made using calling card services provided by AmeriVision Communications, Inc. d/b/a LifeLine Communications. The proposed amount to be paid was calculated by multiplying the total number of calling card calls made by the customers in Florida (2,926) by the surcharge amount (\$0.15): 2,926 calls X \$0.15 = \$438.90. After receiving ACI's proposal, our staff then used the proposed amount of \$438.90 as the basis for calculating interest of \$6.29.

Furthermore, any amount that the company determines is unrefundable should be received by this Commission within 90 calendar days after the issuance of the Consummating Order and should identify the docket number and the company's name. This Commission shall forward the contribution to the Division of Financial Services for deposit into the General Revenue Fund.

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The company shall be required to file a report with this Commission within 90 days after the issuance of the Consummating Order detailing the amount refunded and identifying any monies it determined were unrefundable. If AmeriVision Communications, Inc. d/b/a LifeLine Communications fails to pay in accordance with its proposal and file its refund report with this Commission within 90 days after the issuance of the Consummating Order, the company's tariff shall be canceled and registration number TI962 shall be removed from the register. If AmeriVision Communications, Inc. d/b/a LifeLine Communications's tariff is canceled and registration number TI962 is removed from the register, then the company shall be required to immediately cease and desist providing intrastate interexchange telecommunications services in Florida.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that AmeriVision Communications, Inc. d/b/a LifeLine Communications shall issue a credit of \$438.90, plus interest of \$6.29, for a total of \$445.19, to its affected customers for overcharging end-users on intrastate calls made using calling card services it provided. It is further

ORDERED that any amount that the company determines is unrefundable should be received by this Commission within 90 calendar days after the issuance of the Consummating Order and should identify the docket number and the company's name. This Commission shall forward the contribution to the Division of Financial Services for deposit into the General Revenue Fund. It is further

ORDERED that the company shall be required to file a report with this Commission within 90 days after the issuance of the Consummating Order detailing the amount refunded and identifying any monies it determined were unrefundable. If AmeriVision Communications, Inc. d/b/a LifeLine Communications fails to pay in accordance with its proposal and file its refund report with this Commission within 90 days after the issuance of the Consummating Order, the company's tariff shall be canceled and registration number TI962 shall be removed from the register. If AmeriVision Communications, Inc. d/b/a LifeLine Communications's tariff is

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canceled and registration number TI962 is removed from the register, then the company shall be required to immediately cease and desist providing intrastate interexchange telecommunications services in Florida. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket should remain open pending the receipt of the refund report. Upon receipt of the refund report, this docket shall be closed administratively.

By ORDER of the Florida Public Service Commission this 22nd day of December, 2003.

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)

JPR

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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 12, 2004.

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/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.