

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Investigation and determination of appropriate method for refunding overcharges due to call duration errors on long distance calls by ACN Communication Services, Inc.

DOCKET NO. 050390-TI
ORDER NO. PSC-05-0826-PAA-TI
ISSUED: August 16, 2005

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
LISA POLAK EDGAR

NOTICE OF PROPOSED AGENCY ACTION
ORDER 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.

From July 26, 2004, through August 24, 2004, the Florida Public Service Commission (Commission) evaluated the timing and billing accuracy of calls placed from an access line presubscribed to ACN Communication Services, Inc. (ACN). Our staff calculated the amount that should be charged for each call based on the length of the call and ACN's tariffed rates. When our staff compared its calculations with the bill from ACN, it identified some possible timing and overcharge problems.

Upon investigation of these findings, ACN found that its underlying carrier, Global Crossing, had overstated the duration of some calls by up to five seconds. For calls that were between 56 and 59 seconds in duration, Global Crossing reported the call durations to be between 61 and 64 seconds. This caused these calls to be erroneously rounded up to the next full minute for billing purposes, resulting in overcharges. Global Crossing has identified and corrected the problem in its system that caused the error.

ACN determined that the problem started in June 2004 and continued until February 2005. ACN reported that a total of 8,442 customers were overcharged a total amount of \$2,438.67, with an average refund of \$0.29 per customer. Our staff calculated the interest on

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these overcharges to be \$62.63. ACN believes that issuing such small refunds to so many customers is impractical and cost-prohibitive, and has proposed issuing the refund to this Commission for deposit in the State of Florida General Revenue Fund.

Based on the above, we accept ACN Communication Services, Inc.'s proposal to issue a refund of \$2,438.67, plus interest of \$62.63, for a total of \$2,501.30, to this Commission for overcharging end-users on intrastate calls made using services provided by ACN Communication Services, Inc. from June 2004 through February 2005, and require the company to remit the refund, plus interest, to this Commission for deposit in the State of Florida General Revenue Fund within 30 days of the issuance of the Consummating Order. We have jurisdiction over this matter pursuant to Section 364.604, Florida Statutes.


Therefore it is hereby

ORDERED by the Florida Public Service Commission that ACN Communication Services, Inc. shall issue a refund of \$2,438.67, plus interest of \$62.63, for a total of \$2,501.30, to this Commission within 30 days of the issuance of the Consummating Order. 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 this docket shall be closed administratively upon receipt of the refund and interest as set forth in the body of this order.

By ORDER of the Florida Public Service Commission this 16th day of August, 2005.



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

(SEAL)

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 September 6, 2005.

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.