

REQUEST TO ESTABLISH DOCKET

Date 4/8/91

ORIGINAL FILE COPY

- 1. Division Name/Staff Name Division of Consumer Affairs / Nancy Pruitt
- 2. OPR Legal
- 3. OCR Communications (Roben Norton), Consumer Affairs (Pruitt)
- 4. Suggested Docket Title Complaint of GHF Associates against Southern Bell regarding the billing for ESSX service.

5. Suggested Docket Mailing List (attach separate sheet if necessary)

A. Parties (Provide names of regulated companies; provide names and addresses of nonregulated companies)

Southern Bell

Mr. Steven Gray

GHF Associates

145 Madeira Ave.

Coral Gables, FL 33134

B. Interested Persons/Companies (Provide names and complete mailing addresses)

C. This is a generic proceeding and the Interested Persons mailing list should be expanded to include the industries checked below:

- Investor-Owned Electrics
- Electric Cooperatives
- Municipal Electrics
- Gas Utilities
- Sewer Utilities

- Water Utilities
- Local Exchange Telephone Cos.
- Interexchange Telephone Cos.
- Coin-Operated Telephone Cos.
- Shared Tenant Telephone Cos.

6. Check One:

Documentation attached.

Documentation will be provided with recommendation.

NOTE: Informal Conference already held - Do NOT serve utility.

Name GHF ASSOCIATES
Address STEVEN GRAY
145 MADEIRA AVE
City/Zip CORAL GABLES 33134 County DADE
Account Number _____

Company SOUTHERN BELL
Attn. MARIE MURRAY
Consumer's Telephone (305)-447-0001
Can Be Reached (305)-567-1801

Request No. 38202P
By KDB Time 1:09 PM Date 01/09/
To CO Time fax Date 01/10/
Complaint Type tb-45

Has consumer contacted company? Yes No _____ Who SHARON BASS/TOM WHITAKER/599-6132

1. Nature of Request 2. Report of Action

Justification N
Closed By KDB Date 01/31/
Reply received T

NOTE: THIS COMPLAINT FAXED TO PROVIDE BETTER DETAIL

July 10, 1989 customer had 30 ESSX lines installed & 3 976 lines. In Aug. 89 he decided the ESSX lines were costing him too much per month & so he called and asked to have them temporarily suspended. He was told this would be done. He later received bill of \$14,875 & was told SB does not suspend only terminates ESSX service. Mr. Gray's argument is that if he had been told by the service rep. that suspension was not an option he would have left the service on. Instead the service rep. made the decision to terminate service which resulted in bill for \$14,875. He was not told any of this at the time he placed the order to have service suspended. He has since paid \$6,000 toward this bill but still feels he was improperly charged under the circumstances. 1/23, Customer said SB had called him & did not want to settle, he feels he should have \$6,000 refunded & no more charges on the \$14,875.

CONSUMER REQUEST

FLORIDA
PUBLIC
SERVICE
COMMISSION



101 EAST GAINES STREET
TALLAHASSEE, FLORIDA 32399

PLEASE RETURN THIS FORM WITH
REPORT OF ACTION TO:

Kathryn Dyal Brown

By _____
Date 01/25/1991

January 31, 1991, discussed SB response w/Mr. Gray and explained that I had no evidence that would allow me to order SB to give him a refund or credit the charges he was billed for the ESSX service. He disagreed & asked how he might appeal the matter further & I told him I would write him to explain. See attached close-out letter./kdb

2/7 letter received from customer requesting informal conference. Nancy Pruitt to handle.

2/8 calls placed to customer and to Southern Bell informing them of receipt of request. Asked parties to try to resolve dispute.

2/14 Carmen Sola-Llonch of Southern Bell called to report that a meeting had been held with customer and another one would be scheduled. Confirmed meeting with customer.

2/22 Ms. Sola-Llonch called to report that next meeting would be on 2/27.

2/28 Spoke with customer who said that no agreement was reached with Southern Bell.

3/7 Called customer and Southern Bell to set informal conference for 3/25.

3/8 Letter sent to customer with copy to Southern Bell for 3/25 meeting.

3/13 Mr. George Frazee of Southern Bell delivered copy of ESSX Service contract, 1990 customer letters, 10/90 SB letter and review 2/13/91 and 2/27/91 meetings with customer.

Called SB requested additional information on total amount due and previous payments. Received information 3/14. Received additional information 3/21.

3/25 Informal conference held in Miami District Office of PSC.

3/27 Post Conference filing by SB.

3/29 Post Conference filing by Mr. Gray.

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Audio Adventures Inc.

Electronic Telecommunications

(305)567-1801

March 26, 1991

Ms Nancy Pruitt,
PUBLIC SERVICE COMMISSION,
Tallahassee, Florida



Dear Ms Pruitt;

I thank you for your extreme courtesy yesterday in addressing my complaint against Southern Bell Telephone.

I am especially troubled by their closing argument which stated that they would entertain neither your suggestions, nor mine, because to do so would 'reflect negatively' on the Company.

This posture is to say that no degree of error on their part would be considered. The fact that I called and ordered a 'suspension' of my ESSX lines from the Customer Representative operator at the regular S.B. Business office on March 26, 1990 has been acknowledged. The fact that the service was very promptly discontinued has not been denied.

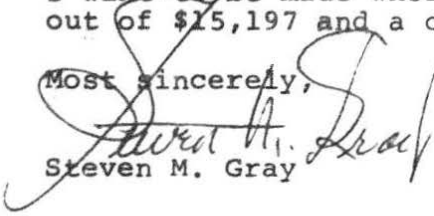
S.B. explanation: "You should have gone to your files, examined the Agreement which contains somewhere the statement that ESSX lines are not suspendable." But they are, in a small percentage. Further, in effect, they have said that it was their prerogative to alter the suspension order to 'termination'. I did not order termination. They put me out of business with debts I could not pay and to re-install what they terminated would have brought additional high expense. And let's not forget that I had 976 lines engineered in at considerable expense also.

Conclusion: A S.B. order-taking operator accepted and acted on my suspension request. The fact that this led to a series of problems cannot be put at my doorstep. I did not order, nor want, nor would I have accepted 'termination'.

Our inability to cope with S.B. demands and their refusal to recognize the facts led to losing all telephone service in my name, or my firm's name. I was "out of business" as a viable entity into which a very substantial sum had been invested.

I want to be made whole again by receiving the dollars paid out of \$15,197 and a cancellation of the \$8,748.

Most sincerely,


Steven M. Gray

AFFIDAVIT OF G. IRIS GONZALES

STATE OF FLORIDA)
) SS
COUNTY OF DADE)

1. My name is G. Iris Gonzales and I am employed as a Service Consultant, South Florida Marketing Department-South District. I have been employed in this position since 1980.
2. On 3/28/90, I was assigned a service request ("SAS") to disconnect entire ESSX service. I was very surprised since I had only recently outover this ESSX. Mr. Gray, per the SAS, stated he wanted this disconnect worked on 3/30/90.
3. On 3/29/90, I contacted Mr. Gray to verify disconnect and due date. I reminded Mr. Gray that he was under contract, there would be termination charges, and was he sure he wanted to do this? He said he did. I agreed to issue all paperwork and call him back with the termination charges. At no time did Mr. Gray during this conversation, or any of the following, request a suspension of ESSX service come up. I issued a what-to-do service order, with termination charges, and \$310. The \$310 is a form which is used for changes in services in order to translate changes in our computer.

I faxed the 5310 directly to SCC, translation department, due to short interval. The order number to disconnect the ESSX was DGWH2268. Called Mr. Gray and advised all issued and gave him the amount of the termination charges.

4. On 3/30/90, Mr. Gray called in and requested reference of calls from 447-0001 to 567-1578. I agreed to issue an order to do this. I issued a service order, CGWGR986, due date 4/3/90. I called the appropriate department to get the references of call working (AIS). Mr. Gray also wanted to reserve 447-0000, 0001 and 0003. I went ahead and did so.

5. On 4/3/90, Mr. Gray called in, the reference of calls was not working. I called AIS and resolved.

6. On 4/4/90, Elena, in L&N, line and numbers, confirmed number reservation for this customer on 447-0000, 0001 and 0003. She was not aware that this ESSX had been disconnected on 3/30/90 since she had not been given the 5310. In this case, the form reflected that the ESSX had been completely disconnected as per customer request.

7. On 4/10/90, I sent the 5310 completion.

8. On 1/10/91, Mr. Gray filed PSC complaint claiming had only requested suspension of service. Provided managers Carol Fink and Bill Dondanville with all information on this customer from outover to disconnect. They responded to PSC Complaint.

9. On 1/18/91, Carol Fink, Bill Dondanville and I called Mr. Gray. The most astonishing of all was that he never addressed me

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY
LEGAL DEPARTMENT
SUITE 1910 - 150 WEST FLAGLER STREET
MIAMI, FLORIDA 33130

TELECOPIER
COVER PAGE

DATE: 3/27/91 TIME: 9:45 a.m.
DELIVERED TO: Nancy Pruitt
FROM: Astrid Bismarck
TELECOPY NUMBER(S) OF RECIPIENT: (904) 487-0509
CITY AND STATE: Jacksonville, FL
NUMBER OF PAGES INCLUDING COVER SHEET: 4
PERSON SENDING THIS FACSIMILE Vickie Suarez
TELEPHONE NUMBER OF PERSON SENDING FACSIMILE: (305) 530-5566
REMARKS: Per your request.

This facsimile contains **PRIVILEGED AND/OR CONFIDENTIAL INFORMATION** intended only for the use of the addressee(s) named above. If you are not the intended recipient of this facsimile, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us by telephone and return the original facsimile to us at the above address via the U. S. Postal Service. We will reimburse you for postage. Thank you.

NOTE: PLEASE CALL IMMEDIATELY IF ALL PAGES ARE NOT RECEIVED

TELECOPY TELEPHONE NUMBER: (305) 375-0209

during the conversation and claimed never to have spoken to me before, even though we had met at cutover. I had spent approximately 3 to 4 hours at Mr. Gray's location on day of cutover.

FURTHER AFFIANT SAYETH NAUGHT.

G. Iris Gonzales
G. Iris Gonzales

SWORN TO AND SUBSCRIBED before me this 21st day of March, 1991.

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXPIRES JULY 16, 1998
BONDED THIS GENERAL REG. NO.

My Commission Expires
Notary Public

Judy B. West

March 20, 1991

TO THOSE ATTENDING THE
MEETING AS REPRESENTATIVES
OF THE FLORIDA PUBLIC SERVICE
COMMISSION, and SOUTHERN
BELL TELEPHONE COMPANY

Hearing requested by:

STEVEN M. GRAY, dba,
GRAY & COMPANY
145 Madeira Avenue
Coral Gables, Fl. 33134
305-567-1801

During January 1989 an associate and myself developed a technology which would, in our opinion, play a very significant role in solving crimes of every type and dimension. It would, by necessity, use 976 and ESSX lines.

Virtually everything about the system we would use would have to be designed and built. A recording studio facility would be necessary, and high-speed duplication equipment would be required.

We called it REWARDS. To insure that the premises of this concept were practical we discussed it with the FBI, Secret Service, DEA, CIA, Coast Guard, Justice, Dade and Metro Police departments. The previous Chief of Police Clarence Dickson joined as working partner.

All was in readiness in July 1989.

Television commercials were written and produced, air time was contracted. A staff of office personnel was hired and trained. A professional radio/television announcer was employed full-time. Engineers were on staff to design, test and connect the myriad pieces.

Southeast Florida would be our testing grounds before putting the same equipment into other cities. Because it could be a vital factor in the solving of crimes from murder, rape, robbery, arson, to simple assaults its value to any community would be immeasurable.

We were experiencing technical delays and expenses not anticipated, so on March 26, 1990 I called the Business Office of Southern Bell and asked for a suspension for about two months of our ESSX lines. The order was taken and service was disconnected the next day. I was not informed that 'suspension' was not allowed under the tariff, nor was I told that this

order would be supplanted with 'termination'. Nor was I advised that such would incur a charge of \$9,980.

The purpose of seek^{ing} a temporary suspension was to provide a small financial relief of perhaps \$2500. Under no circumstance would I stop the process of business, at such a cost, then be faced with the considerable expense of reinstating service.

This error on the part of Southern Bell brought about a series of other important factors. Under the threat of losing our business lines I consented to a series of payments. When this became excessively burdensome all service was disconnected, including the four 976 lines for which I had invested more than \$5000, including engineering of these lines to Coral Gables and deposits.

Work was stopped on REWARDS. Soon the project was relegated to good ideas that were not to be. To continue our business existence we employed a business agent and placed him in our adjacent office. He obtained two telephone lines (567-1578 and 567-1801). In due course Southern Bell elected to put the remaining balance of Gray & Company (actually GHF Assoc.) onto his statements!

At the time of placing the order for 30 ESSX lines I was not informed that this service was available on a month-to-month basis. For a fledgling, start-up company this would have been immediately accepted rather than a 3-year commitment.

On March 5, 1990 I delivered a total payment of \$1000. to Sears, Coral Gables to be applied to my account. The receipts are herewith. This was not acknowledged in any of the subsequent statements.

The total sum paid to S. Bell from the inception of the ESSX service until its termination and disconnection of all business lines was \$15,197.89. This sum is exclusive of regular telephone charges. It does not include the unpaid portion which S. Bell continues to add to JOHN FITZGIBBON account of \$8,748.75.

I want to be made whole with respect to this sum of \$15,197. and to receive cancellation of the \$8,748. Additionally, I want to have my original 447-0000, 447-0001, and 447-0002 re-installed without additional expense.

STEVEN M. GRAY

REWARDS, in its start-up phase would require four 976 lines and 30 ESSX lines, four rotary groups. These were ordered in July, 1989.

PAYMENTS made to S. Bell:

November 1989 . . . \$	2,500.00
December 19893,451.70
January 19902,486.28
February 1990 . . .	-0-
March 11 19901,235.58
March 26, '90 . . .	Order to suspend
March 28 '90 . . .	Lines disconnected (ESSX)
March 5, 1990 . . .	1,000. (Sears)
April 1990 . . .	S.B. billing: \$9,980.81 (Item #107 'Mess. Recording Dic.)
May 11, 19901,250.00
May 11, 1990Final SB bill: \$12,774.33.
June, July, August, Sept.Total of \$3,274.33 was paid on the termination charge of \$9,980.81.
November 1990All 976, 30 ESSX and 447- 0000, 0001, 0002 were dis- connected.
November 25, 1990 . .	. The remaining debt balance was transferred to JOHN FITZGIBBON account.

REWARDS was out of business.

\$ 15,197.89 total paid

HERE ARE THE FAX OF THE MATTER
FROM
THE STATE APPEALS OFFICE

DATE 3-21-91



TYPE OF TRANSMISSION
NORMAL _____ URGENT X

FAX TO:
NAME Nancy Pruitt
ROOM _____

NUMBER OF PAGES TO BE SENT 1 INCLUDING COVER

MESSAGE SENT BY _____ DATE _____ TIME _____

FROM: 264-1734

NAME _____ CARMEN SOLA-LLONGH _____

ROOM 604
666 N.W. 79 AVENUE
MIAMI, FLORIDA 33126

CONTACT NUMBER 305-263-4816

SPECIAL INSTRUCTIONS:

RE: GHF Assoc





Southern Bell

Special Assistance Bureau
666 N.W. 79th Avenue
Room 804
Miami, Florida 33126
(305) 283-4816
1-800-321-4327

March 21, 1991

MEMORANDUM TO: Nancy Pruitt
FROM: Carmen Sola-Llonch
RE: GHF Associates

Listed below is the information you requested on 3-18:

- 1) ESSEX contract was signed on 3-89; installation was effected on 9-89, we have no records of why it was not done immediately after contract was signed; equipment was disconnected on 3-30-90.
- 2) Monthly rate of contract: \$790.83
Monthly rate without a contract: \$1076.58
- 3) Explanation of credit in the amount of \$1235.58 appearing on the 3-11 bill (447-0001):

2-11 bill total	\$2478.34	(included outstanding balance from 1-11 bill in the amount of \$1253.58)
Paid	235.58	
Balance	\$2242.76	
3-11 bill total	\$2495.04	(included the 1-11 outstanding balance)
Paid on 2-19	-235.58	
on 3-8	-725.00	
on 3-8	-275.00	
Tot	-1235.58	
Balance	\$1259.56	

No more payments were made until the final bill was rendered on 4-17. Final bill total was \$12774.33. Customer paid on 5-8 \$1274.33, leaving a balance of \$11500.00.

- 4) With regards to was the customer being advised he had the option of paying a monthly rate vs. signing a contract, we are still investigating.



Southern Bell

Special Assistance Bureau
666 N.W. 79th Avenue
Room 604
Miami, Florida 33126
(305) 263-4816
1-800-321-4327

March 14, 1991

MEMORANDUM TO: Nancy Pruitt
FROM: Carmen Sola-Llonch
RE: GHF Associates

As requested, on 5-11-90, Mr. Gray faxed a payment schedule to Collections outlining how he planned to clear his outstanding balance on 447-0001 (see attached letter). The payments would start on 6-1-90 through 12-1-90, totalling \$11,500.00. Mr. Gray made three scheduled payments totalling \$3,250.00, on 6-1, 7-1, and 8-1.

On 10-8-90, a letter was sent to Mr. Gray advising him we were transferring the outstanding balance of \$8,273.75 to his other working service (567-1578). The amount was broken into 4 equal installments. Payments were to start on 11-90.

On 10-25, upon receipt of our letter, Mr. Gray called the Collection Center. The letter was discussed and he accepted the transfer of charges. No payments have been effected since then.

Outstanding balance is: \$8,275.75.

ABELL SOUTH Company

PO1

STATE APPEALS-S. B.

AM

11:58

03 14 91

This agreement is effective when executed by the Subscriber and accepted by the Telephone Company and is subject to and controlled by the provisions of the Company's lawfully filed tariffs, including any changes therein as may be made from time to time.

- 8. With the written permission of Southern Bell a subscriber may assign the plan to another subscriber subject to the provisions of the Company tariff.

ADDRESS: 150 Madeira Av Coral Gables, Florida
 Street Number & Name City or Town, and State

SUBSCRIBER: Audio Adventures Inc.

BY: [Signature] TITLE: President

SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY

ACCEPTED: March 29, 1971 BY: [Signature]
 TITLE: ACCOUNT EXECUTIVE

NOTATION:

Date of the establishment of service of the initial system:

(May be entered when service is established)

447-0001



GRAY & COMPANY

Electronic Telecommunications Research



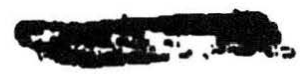
May 11, 1990

Ms Susan Waldman,
SOUTHERN BELL TELEPHONE COMPANY
Miami, Florida

FAX 262-2677
Portion 4218

Dear Ms Waldman;

We are in the process of re-structuring our company and meeting with initial success. The following re-payment plan for the \$11,500 can be accomplished as follows:



June 1, 1990	\$ 1,000.
July 1	1,000.
August 1	1,250.
September 1	1,500.
October 1	2,000.
November 1	2,250.
December 1	2,500.
	<hr/>
	\$ 11,500.

We appreciate your considerations, Ms Waldman.

Sincerely,

Steven N. Gray

SNO/ap

145 Miramar Avenue • Coral Gables, Florida 33134

18

02. 27. 91 . 09:43 AM

P01 #4



GRAY & COMPANY

Electronic Telecommunications Research
(305) 567-1801

June 29, 1990

Ms Susan Waldman,
SOUTHERN BELL TELEPHONE CO
Miami, Florida

Position: 4218
ACCOUNTS RECEIVABLE DEPT.

Dear Ms Waldman;

In accordance with our agreement dated May 11, '90
as faxed to you, this payment #2 is on schedule.
We have reason to believe that the remainder of
the agreement will be kept.

I would appreciate your doing two things for me:

- a. Make certain that the 447-0000, 0001 and
0002 are continued on hold. Soon we want
to recover these at which time we will
accelerate the remaining balance due.
- b. That you now put the message on line which
refers to the current used number: 567-1801.

Your kindnesses and patience are genuinely apprec-
iated, Ms Waldman

Most sincerely,

Steven M. Gray
Steven M. Gray

BMG:sp

02. 27. 91 09:43 AM

P02 #4



Southern Bell

October 16, 1990

GNY, Inc.
c/o Mr. S. Gray
145 Madeira Avenue
Suite 314
Coral Gables, Florida 33134

RE: Telephone Number 305-447-0001-502

Dear Mr. Gray:

Although we have previously notified you that the charges for your former telephone service are past due, our records indicate that we have not received your payment.

We are sure that you will agree that we have waited a reasonable length of time for payment. Therefore, we shall transfer the balance of \$8,273.78 to your present account, 567-1518, in 4 monthly installments of \$2,068.28 each.

If I can assist you further, please call me at 263-5055.

Very truly yours,

Susan Waldman

Major Accounts
Collection Representative

Note: Additional notice may not be given before discontinuing service if a check is dishonored.

POB 4218
SM

20

03.08.91 10:37 AM

PO1

#6

447-0001-502

STEVEN M. GRAY

NUMBER
1107

Aug 15 1992

PAY TO THE ORDER OF

J. Bill Tol

\$275.00

Four hundred and seventy five and 00/100 DOLLARS

City National Bank
1000 ...
Main Street, ...

NSF
Presented by *J. Bill Tol*



March 8, 1991

Mr. Steven Gray
GHF Associates
145 Madeira Avenue
Coral Gables, FL 33134

Dear Mr. Gray:

This is a follow-up to our conversation regarding the informal conference request concerning your complaint against Southern Bell.

As we discussed, I have made arrangements to hold the conference on March 25, 1991 at 10:30 a.m. in the Public Service Commissions Miami District Office. I have also been in touch with Southern Bell and confirmed this date.

The office is located at 3625 N. W. 82nd Avenue, Suite 400, Miami, Florida 33156. If you need further directions to get there, please call the district office at 305/470-5600.

If you have any written documents in support of your position that have not been provided, please bring them with you.

I've enclosed copies of commission's rules and regulations regarding customer complaints and conferences for your review.

I look forward to meeting you and hope that we can successfully resolve this matter. Please let me know if you have any questions.

Sincerely,

Nancy Pruitt
Consumer Affairs Analyst
Division of Consumer Affairs

NP:sah
cc: Southern Bell & Miami PSC



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: February 7, 1991
TO: Nancy Pruitt, Consumer Affairs Analyst
FROM: Margaret Ring, Complaint Analyst Supervisor *MR*
RE: Request of GHF Associates (Steven Gray) for Informal Conference

Please handle the informal conference request of the customer regarding the attached complaint. If a conference is necessary, it should be held in the Miami District Office. Please plan your travel for early in the week, so your workweek can be adjusted. Ask Southern Bell to review the complaint for a pre-conference settlement, if it appears a settlement might be considered in this case.

Use your informal conference information packet for reference. Southern Bell should be advised immediately to take no collection action pending a final decision in the case. I'll be glad to work with you if you need help at any point. Let me know if you have any questions or problems.



GHF Associates
GRAY & COMPANY
Electronic Telecommunications Research
(305) 567-1801

145 Madeira Avenue • Coral Gables, Florida 33134

February 2, 1991

Mr. George Hanna,
Director,
Division of Consumer Affairs
101 East Gaines Street
Tallahassee, Florida 32399-0865



Dear Mr. Hanna;

I am in receipt of a letter from Kathryn Dyal Brown concerning an improper charge of an amount in excess of \$14,000.

Southern Bell Telephone is in error. They took an order and have subsequently changed the definition of that order to one that accomodates their interests at the expense and ruination of my fledgling enterprise. I believe that I am entitled to a hearing which will take into account the facts of this matter. I will welcome a meeting here of representatives of BELL, the PSC and ourselves at the earliest practical time.

Most sincerely,

Steven M. Gray

SMG; sp

January 31, 1991

Mr. Steven Gray
GHF Associates
145 Madeira Avenue
Coral Gables, Florida 33134

Dear Mr. Gray:

The investigation of your complaint against Southern Bell has been completed.

As we discussed on January 30, I can find no facts that will support me in ordering Southern Bell to remove the charges that were billed to your account after the ESSX service was terminated.

According to Southern Bell records, on March 26, 1990, you placed a call and asked to disconnect or suspend the ESSX service. Your call was transferred to the Marketing Department to place the order where Ms. Judy West took the order. On March 28, 1990, Ms. Iris Gonzalez called you to provide you with the estimated cost to buy out your contract if service was discontinued. The exact cost was given by Ms. Gonzalez on March 29 and the disconnect order was completed on March 30, 1990.

The enclosed General Subscriber Service Tariff A12.1.2(L) states "...suspension of ESSX service is not permitted." Section "M" also states that "A twelve month minimum service period shall be required for subscription to ESSX service-M or ESSX service-L." In addition, your contract should also specify that payment of the remainder of the contract period is due if service is disconnected prior to the expiration date of the contract.

For these reasons, it appears that Southern Bell has billed you properly under the circumstances and no adjustment to the bill is warranted.

Page Two

When we discussed this information by phone you asked how you might pursue the matter further if you disagreed with my findings. You may write Mr. George Hanna, Director, Division of Consumer Affairs, at the address below and request an informal conference. If held, the conference will be conducted in Miami with representatives of the commission and Southern Bell present as well as you and/or your representative. You will be expected to present new information which supports your position at the conference.

I appreciate having the opportunity to review this matter for you. If you have any questions, please let me know.

Sincerely,

Kathryn Dyal Brown
Consumer Affairs Analyst
Division of Consumer Affairs

KDB:kt
Enclosure



Southern Bell

Special Assistance Bureau
666 N.W. 79th Avenue
Room 804
Miami, Florida 33126
(305) 263-4816
1-800-321-4327

January 21, 1991

MEMORANDUM TO: Kathy Brown
FROM: Carmen Sola-Llonch
RE: GHF Associates
(Steven Gray)
145 Madeira Ave.
Coral Gables
305-447-0001

CASE NO. 38202-P

This is with final reference to our interim report dated 1-16.

On 1-18, Carol Fink, Administrative Manager, Iris Gonzales, Service Consultant, and Bill Dondanville, Administrative Supervisor, had the following conference call with Mr. Gray:

Carol addressed his appeal. She confirmed and ensured that his first contact with Southern Bell on 3-26-90 was to place an order to disconnect, or in his words, suspend his service. Mr. Gray was then transferred to the Marketing Department to place his order. He spoke with Judy West, Marketing Qualifies, who took his request on 3-26-90. He was called by Iris Gonzalez, on 3-28-90 who gave him an estimated buy out cost for his contract. On 3-29-90, he was given the exact cost of terminating his contract by Iris Gonzalez. Iris issued the disconnect order to be due on 3-30-90.

Mr. Gray had no recollection of the above.

Carol Fink asked Mr. Gray if he had a copy of his contract with Southern Bell for his ESSX service, where is stated that ESSX service cannot be suspended. Mr. Gray thought he might have a copy but he did not know where it was. He said that was not the point, he only wanted to suspend the service.

Bill Dondanville then asked Mr. Gray if he remembered speaking to Iris Gonzales and her quoting the disconnect cost. (She was concerned since she was the service consultant that had installed his service just a few months before.) That she then not only gave him the exact cost of the buy out, but also arranged for a referral of calls to the other business. She also reserved the first three numbers of the ESSX service for Mr. Gray's future use.

Mr. Gray did not remember that, only calling to have his service suspended.

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Carol Fink then explained to Mr. Gray that there was nothing Southern Bell could do as far as adjusting the remaining charges since he had signed a contract. That ESSX tariff requirements are to pay off the remaining portion if the ESSX was disconnected prior to the expiration date of the contract.

Mr. Gray said that all he wanted was his service suspended and he would have to go back to the PSC. Carol thanked him for his time. Mr. Gray hung up.

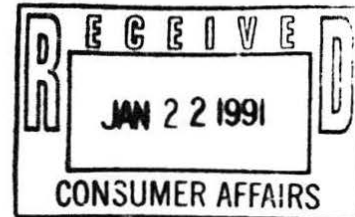


Southern Bell

Special Assistance Bureau
666 N.W. 79th Avenue
Room 604
Miami, Florida 33126
(305) 263-4816
1-800-321-4327

January 16, 1991

MEMORANDUM TO: Kathy Brown
FROM: Carmen Sola-Llonch
RE: GHF Associates
(Steven Gray)
145 Madeira Ave.
Coral Gables
305-447-0001



CASE NO. 38202-P

Our investigation reveals that Mr. Gray placed an order with a representative on 3-26-90 to disconnect his ESSX service and requested a final bill for his company Audio Adventures.

On 3-29-90, a service consultant contacted Mr. Gray to give him the total cost of paying off his contract. She then issued orders for the disconnect and an order for referral of calls to another business of his. She also reserved the first three numbers of his ESSX for future use.

The issue of suspending service was never discussed with the service consultant, only the pay off of his ESSX as defined in the signed contract. Mr. Gray never re-contacted the service consultant about the suspension.

On 1-11, Carol Fink, Administrative Manager, called Mr. Gray and acknowledged the appeal. She agreed to review the records and to call him back on 1-16 to discuss the details of his claim.

A final report will be issued on 1-24.