

FLORIDA PUBLIC SERVICE COMMISSION

Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

M E M O R A N D U M

May 6, 1993

TO : DIRECTOR, DIVISION OF RECORDS AND RECORDING

FROM : DIVISION OF LEGAL SERVICES (ADAMS) *ADAMS*
DIVISION OF CONSUMER AFFAIRS (DURBIN) *DURBIN*
DIVISION OF COMMUNICATIONS (CHEEK) *CHEEK*

RE : DOCKET NO. 930421-TL - COMPLAINT OF THOMAS FIRRIOLO AGAINST
SOUTHERN BELL TELEPHONE AND TELEGRAPH COMPANY REGARDING CHARGES
FOR RESIDENTIAL TELEPHONE SERVICE IN ST. JOHN'S COUNTY

AGENDA: May 18, 1993 - CONTROVERSIAL AGENDA - PROPOSED AGENCY ACTION -
PARTIES MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\CAF\WP\ 930421.RCM

CASE BACKGROUND

On September 28, 1992, Thomas Firriolo, owner of the Putnam County News, filed a complaint with Consumer Affairs against Southern Bell. The complaint concerned a lack of response by Southern Bell to Mr. Firriolo's concerns about improper installation, interrupted service, and mistakes in his billing.

After numerous discussions it was determined that there were three (3) main areas of disagreement between Southern Bell and Mr. Firriolo:

- 1) Mr. Firriolo believes that he should not have to pay for the cost of installing the telephone at his first residence;
- 2) Mr. Firriolo believes that he should not have to pay for the cost of changing his installation at his second residence, since he believed that the Company could not protect him from having his telephone tapped;
- 3) Mr. Firriolo has been receiving bills for telephone service that he says he never ordered and has not utilized.

Based on its initial investigation, staff advised Mr. Firriolo that Southern Bell had sufficiently attempted to satisfy his concerns and was due payment. Mr. Firriolo requested an informal conference which was conducted by staff on April 5, 1993 in St. Augustine. At the conference, items 1 and 2 were settled to the mutual satisfaction of both parties. The one question

DOCUMENT NUMBER-DATE

04933 MAY-6 83

PSC-RECORDS/RECORDING

DOCKET NO. 930421-TL
MAY 6, 1993

remaining is whether Mr. Firriolo owes installation and monthly charges on telephone service for (904)826-0888, in the amount of \$57.12.

Mr. Firriolo contends that he never ordered this service. Southern Bell contends that he did order the service and, upon receipt of bills, did not advise the company that there was a problem.

On April 15, 1993, Southern Bell provided staff with a copy of the computer printout of the completed service order for the telephone service in question.

DISCUSSION OF ISSUES

ISSUE 1: Is Mr. Firriolo responsible for installation and local service charges totalling \$57.12 for telephone number (904) 826-0888?

RECOMMENDATION: Yes.

STAFF ANALYSIS: Southern Bell records indicate that Mr. Firriolo called on November 12, 1992, spoke to Ms. Helfer, and placed an order for both residential and business service to be installed at 253 State Road 16 in St. Augustine. He was given a connection date of November 20, 1992. Records indicate that on November 17, 1992, at 11:44 AM, Mr. Firriolo called Southern Bell, spoke to Ms. Helfer, and requested that the installation date for the residential service be changed to November 30, 1992. He did not request that any inside wiring be done.

At the informal conference, Beverly Murray, the Assistant Manager of Southern Bell's Business Office, said that she was with Ms. Helfer when she took the order from Mr. Firriolo. She said that Mr. Firriolo clearly ordered two separate services, one business service and one residential service. Ms. Murray said that Ms. Helfer reviewed the rates for both services with Mr. Firriolo, verified the name in which each service would be billed, and discussed with Mr. Firriolo which building would be the business and which would be the residence. The business service was installed on November 20, 1992, and the residential service was connected on November 30, 1992, with telephone number (904) 826-0888.

Since both services used existing facilities, there was no follow-up with Mr. Firriolo by Southern Bell to verify that the services were functioning properly. No premises visit was necessary to complete the Southern Bell connection. Mr. Firriolo said that he never used the residential line since there is no inside wiring for the service.

On December 30, 1992, staff received a letter from Mr. Firriolo containing a copy of his bill and a note that read, "As you can see this is not my telephone number yet Im being charge." (sic) This letter was forwarded

DOCKET NO. 930421-TL
MAY 6, 1993

to Southern Bell which verified that the number was assigned to Mr. Firriolo. At no time did Mr. Firriolo contact Southern Bell and advise them that he had not ordered this service.

Southern Bell has issued credit for local service on this account for the period from December 24, 1992, until April 6, 1993, when the service was discontinued. Included in this credit are late payment charges reflected on January, February, and March, 1993 bills. The remaining balance of \$57.12 is for connection charges and local service charges from the date of connection through December 24, 1992.

Since Southern Bell's records indicate not only that an order for this service was placed, but that an additional call was made by Mr. Firriolo to change the date of installation, it appears that it was his intention to have service installed. Southern Bell has adjusted local service charges after the first 24 days of service, but is entitled to payment for connection charges and the initial local service in the amount of \$57.12.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if no substantially affected party timely files a protest to the Commission's proposed action.

STAFF ANALYSIS: If no substantially affected person files a request for a hearing under Section 120.57, Florida Statutes, within 21 days from the date of the order, no further action will be required and the docket may be closed.