

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Mr. Thomas) DOCKET NO. 930421-TL
Firriolo against BELLSOUTH) ORDER NO. PSC-93-0869-FOF-TL
TELECOMMUNICATIONS, INC. d/b/a) ISSUED: June 9, 1993
SOUTHERN BELL TELEPHONE AND)
TELEGRAPH COMPANY regarding)
charges for residential)
telephone service.)
_____)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER RESOLVING CUSTOMER COMPLAINT

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On September 8, 1992, Thomas Firriolo, owner of the Putnam County News, filed a complaint against BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company (Southern Bell or the Company). Mr. Firriola alleged that Southern Bell had improperly installed his telephone, improperly interrupted his service, and made errors in his bills.

After discussions with the parties it was determined that there were three points of contention at issue:

- 1) Mr. Firriola asserted that he should not have to pay for the cost of installing the telephone at his first residence;
- 2) Mr. Firriolo asserted 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;

DOCUMENT NUMBER-DATE

06215 JUN-93

1700-RECORDS/REPORTING

- 3) Mr. Firriolo has been receiving bills for telephone service that he asserted he never ordered and had not utilized.

Based on an initial investigation, staff advised Mr. Firriolo that Southern Bell had sufficiently attempted to satisfy his concerns and was due payment. Pursuant to Rule 25-22.032(4), Florida Administrative Code, 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 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.

Southern Bell records indicate that Mr. Firriolo called on November 12, 1992, spoke to a 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, at 11:44 a.m., 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 either time.

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, Mr. Firriolo filed a complaint with this agency 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 complaint was forwarded 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.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission, that the amount of \$57.12 discussed in the body of this Order is properly owed to BellSouth Telecommunications, Inc. d/b/a Southern Bell Telephone and Telegraph Company. It is further

ORDERED that any response to this Order shall be filed pursuant to the requirement set forth below. It is further

ORDERED that if no response is timely filed, this docket shall be closed.

ORDER NO. PSC-93-0869-FOF-TL
DOCKET NO. 930421-TL
PAGE 4

By ORDER of the Florida Public Service Commission this 9th day
of June, 1993.



STEVE TRIBBLE, Director
Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on June 30, 1993.

ORDER NO. PSC-93-0869-FOF-TL
DOCKET NO. 930421-TL
PAGE 5

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.