

FLORIDA PUBLIC SERVICE COMMISSION

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

M E M O R A N D U M

August 19, 1993

TO : DIRECTOR, DIVISION OF RECORDS AND RECORDING

FROM : DIVISION OF LEGAL SERVICES (ADAMS) *JK*
DIVISION OF CONSUMER AFFAIRS (DURBIN) *DD*
DIVISION OF COMMUNICATIONS (BROWN) *H*

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: August 31, 1993 - CONTROVERSIAL AGENDA - PARTIES MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\LEG\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 remaining is whether Mr. Firriolo owes installation and monthly charges on

DOCUMENT NUMBER-DATE

08937 AUG 18 93

FPSC-RECORDS/REPORTING

DOCKET NO. 930421-TL
AUGUST 19, 1993

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.

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 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

DOCKET NO. 930421-TL
AUGUST 19, 1993

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.

On June 9, 1993, the Commission issued Order No. PSC-93-0869-FOF-TL (the Order Attachment A), finding that Southern Bell was owed \$57.12. On June 30, 1993 Mr. Firriolo filed a protest to the Order (Attachment B).

ISSUE 1: Should the Commission issue a final Order dismissing Mr. Firriolo's protest and affirming its findings in Order No. PSC-93-0869-FOF-TL.

RECOMMENDATION: Yes. Mr. Firriolo makes no assertion which, even if assumed to be true, would be sufficient to alter the finding in Order No. PSC-93-0869-FOF-TL.

STAFF ANALYSIS: Mr. Firriolo bases his protest to Order No. PSC-93-0869-FOF-TL on an assertion in the Order that he failed to first direct his complaint to Southern Bell before bringing this matter to the Commission. Even assuming this to be correct, it in no way alters the determination in Order No. PSC-93-0869-FOF-TL that Southern Bell is owed \$57.12 for connection charges and the initial 24 days of local service.

Mr. Firriolo also asserts that a portion of the informal conference was not recorded. Mr. Firriolo did return after the informal conference had concluded but the conversation was limited to his procedural concerns. No substantive issues were addressed.

Finally, Mr. Firriolo expresses considerable concern regarding Southern Bell's efforts to collect the charges owed. Again this objection has no bearing on the facts alleged in Order No. 93-0869-FOF-TL. The actions alleged by Mr. Firriolo occurred after the events described in that Order and consequently are beyond the scope of the Order.

Reading Mr. Firriolo's, protest in the light most favorable to him, he has raised no issues of material fact or law, that if true would entitle him to relief. Therefore, staff recommends the Commission dismiss Mr. Firriolo's protest and affirm its decision as set forth in Order No. PSC-93-0869-FOF-TL.

DOCKET NO. 930421-TL
AUGUST 19, 1993

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approved Issue 1, this docket should be closed.

STAFF ANALYSIS: If Mr. Firriolo's protest is dismissed, no further action remains to be taken and this docket should be closed.