

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Determination by Florida) DOCKET NO. 940748-TI
Public Service Commission of) ORDER NO. PSC-94-1077-FOF-TI
appropriate method of refund for) ISSUED: September 1, 1994
overcharges by LONDON)
COMMUNICATIONS, INC. on)
intrastate long distance calls)
placed from pay telephones)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION

ORDER REQUIRING REFUND

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.

London Communications, Inc. (London) has been a certificated pay telephone provider since December 4, 1989; as such, London, is subject to the rules and regulations of the Florida Public Service Commission. On November 30, 1993, a staff engineer in the Division of Communications' Bureau of Service Evaluation placed a direct dialed credit card call from a London pay telephone while performing routine evaluations of pay telephones. As a result of this call, it was revealed that London was billing in excess of the Commission approved rate cap.

London was asked to explain what caused the overbilling, how long the overcharging problem existed, whether this problem existed at other pay phones operated by London, and how much money was appropriate for refunds. According to the information received from London, the overbilling has existed since September 1993 and was a result of charging a \$1.00 surcharge on 0+ intrastate calls

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when it should have only charged \$.25. Fifty-eight percent of the overcharges were to identifiable customers while forty-two percent of the overcharges were to unidentifiable customers.

In addition, London reported these overcharges existed on its other pay telephones in Florida. After correspondence with the Commission staff in April 1994, London immediately corrected the improper rates.

By Order No. 24101 in Docket No. 860723-TP, the Commission reduced the surcharge on 0+ and 0- calls from \$1.00 to \$.25. The Order was issued February 14, 1991, but was stayed until September 1993. The overbilling by London appears to be the result of the company continuing to bill the \$1.00 surcharge on 11,292 intrastate calls placed between September 1993, and April 1994. The overbilling as identified by London totaled \$8,469.

By Order No. PSC-93-0896-AS-TP, the new rates and their effective dates were implemented. This Order was sent to all pay telephone and operator service providers certificated in Florida. Thus, because it holds a pay telephone certificate, London was made aware of the newly implemented rates.

Therefore, London shall refund the total of \$8,469 plus interest of \$326.20 for a total refund of \$8,795.20 in accordance with Rule 25-4.114(4), Florida Administrative Code. London shall complete the refund to the identified fifty-eight percent that can be directly refunded within thirty days after this Order is issued. This refund may be accomplished by either a check to the end user or through the LEC bill in the form of a credit where possible. The identified customers (58%) shall be refunded \$5,048.21. The remaining \$3,746.99 shall be refunded to the unidentifiable customers (42%) by eliminating the \$.25 set fee on 14,988 future zero-plus (0+) or (0-) calls placed from pay telephones. The latter refund shall be initiated within thirty days after this Order is issued and shall continue until the entire refund plus interest is complete. London must submit monthly reports demonstrating compliance with this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that London Communications, Inc. refund \$8,469 in overcharges and \$326.20 in interest to its customers in accordance with Rule 25-4.114, Florida Administrative Code as delineated in the body of this Order. It is further

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ORDERED that the refund to identified customers will be completed by 30 days from the issuance of this Order. It is further

ORDERED that the refund to unidentified customers will be initiated within 30 days from the issuance of this Order. It is further

ORDERED that London Communications, Inc. will submit monthly reports to this Commission demonstrating compliance with this Order. It is further

ORDERED that if no proper protest is filed within the time frame set forth below, our proposed action shall become final and effective on the first working day following the date specified below. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission, this 1st day of September, 1994.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

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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 are 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 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on September 22, 1994.

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.