

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint regarding) DOCKET NO. 960824-TL
request for separate residential) ORDER NO. PSC-96-1159-FOF-TL
long distance billing by Guerino) ISSUED: September 17, 1996
Varano, a customer of BellSouth)
Telecommunications, Inc.)

The following Commissioners participated in the disposition of this matter:

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

ORDER DISMISSING REQUEST FOR DIRECT BILLING

In March, 1995, Mr. Guerino Varano (customer) sent a written complaint to our Division of Consumer Affairs (CAF) concerning the billing of AT&T Communications of the Southern States, Inc. (AT&T) charges by BellSouth Telecommunications, Inc. (BellSouth). Mr. Varano did not want to be billed by BellSouth. Instead, he requested that CAF require BellSouth to remove the bill of \$192.75 and have AT&T bill him directly. The customer stated in his letter that he was disputing the long distance billing through BellSouth in accordance with Rule 25-22.032, Florida Administrative Code. Mr. Varano contended that since he was no longer an AT&T customer, he wanted to be billed separately from BellSouth to coincide with the separate long distance billing system he had with another long distance company.

The customer agreed to a telephone conference and on July 2, 1996, an informal telephone conference was held between the customer, BellSouth, and staff. This conference ended without a settlement being reached.

The customer never disputed that he made the long distance calls in question, but has refused to pay because the billing parties have not been changed. The customer believed that because he was disputing the way he was being billed, he should not be denied service until the dispute is settled. The customer's service has not been denied for non-payment of the \$192.75 bill.

On March 29, 1995, Ms. Barbara Steedman of BellSouth explained to the customer that based upon the billing agreement between BellSouth and AT&T, his concern was with AT&T's billing procedures and not with BellSouth.

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Our staff told the customer in July, 1995 that BellSouth could pursue collection action on his account since the company was not in violation of its tariff or any Commission rules. The customer has maintained that he has a right to receive separate bills and that because he was not a party to the agreement between BellSouth and AT&T, he should not be responsible to abide by their contractual agreement.

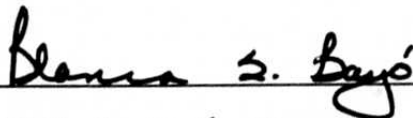
The charges for \$192.75 are legitimate, and the customer does not dispute having made the calls. BellSouth is a billing agent for AT&T and the customer should pay this bill directly to BellSouth. The issue that the customer disputes regarding the contractual agreement between BellSouth and AT&T is not regulated by us. We have no jurisdiction to require AT&T to direct bill the customer, and there are no rules or statutes which provide a basis for granting the customer's request. Even when viewed in the light most favorable to the customer, the facts of this docket do not constitute grounds on which we can provide relief. Therefore, we hereby dismiss the instant complaint and request. Since there are no remaining issues to this docket, it shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the complaint and request of Mr. Guerino Varano is hereby dismissed. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 17th day of September, 1996.



BLANCA S. BAYÓ, 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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.