

FLORIDA PUBLIC SERVICE COMMISSION  
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M E M O R A N D U M

January 23, 1997

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (WILLIAMS) *WJ*  
DIVISION OF LEGAL SERVICES (KEATING) *WCK MCB*

RE: DOCKET NO. 961314-TI - REQUEST FOR TRANSFER OF  
INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4100 AND  
ALTERNATIVE LOCAL EXCHANGE COMPANY CERTIFICATE NO. 4099  
FROM PAYPHONE CONSULTANTS, INC. TO THE OTHER PHONE  
COMPANY, INC.

AGENDA: 02/04/97 - REGULAR AGENDA - PROPOSED AGENCY ACTION -  
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\961314TI.RCM

CASE BACKGROUND

Normally, name changes are processed as outlined in Chapter 2.07, Section C.3, of the Administrative Procedures. However, instead of filing a name change request with the Division of Corporations, Payphone Consultants, Inc. formed a new corporation. Because of this action, a transfer of the certificate is warranted.

Further, at a recent agenda conference there was discussion about telephone companies filing names such as "I Don't Know" or "I Don't Care". These names could easily result in a company acquiring business by default. If a person requesting service is asked by the incumbent local exchange company which long distance carrier they prefer and if the person answers "I don't care", then the person could be switched to a company that they really did not want to select.

This company is the second company staff is aware of that has filed a name in Florida that could possibly be considered misleading. The first was Network Services which was granted an ALEC certificate with the d/b/a The Phone Company, effective 8/29/96 and added the d/b/a, The Phone Company to their IXC tariff, effective 12/5/96.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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Since the Commission expressed a concern at a later agenda conference, staff wants to be sure the Commission takes note of this name change.

#### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission approve the transfer of certificate numbers 4100 and 4099 from PAYPHONE CONSULTANTS, INC. to THE OTHER PHONE COMPANY, INC.?

**RECOMMENDATION:** Yes.

**STAFF ANALYSIS:** Staff believes the proposed name "The Other Phone Company, Inc." could be confusing and could easily result in a company acquiring business by default. A customer that does not know which company he prefers might end up requesting and being served by "The Other Phone Company". If the service and rates are satisfactory, he might well be satisfied with his new provider. If not, he can affirmatively choose a specific company and change carriers. In the arena of competition buyers will have to be more market knowledgeable than in the past. Therefore, staff believes this transfer should be approved. Payphone Consultants, Inc. has filed and has obtained the appropriate authorization from the Division of Corporations to use the name "The Other Phone Company, Inc." (TOPC).

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** If no timely protest of the proposed agency action order is received, this docket should be closed. However, if a protest is received, this docket should remain open pending disposition of the protest.

**STAFF ANALYSIS:** Normally, this type of action is processed as outlined in Section 2.07, Section C.3, of the Administrative Procedures. However, staff believes that because of the controversial nature of the name change that a proposed agency action order should be issued. Therefore, if no protest of the PAA is received this docket should be closed. However, if a protest is received, this docket should remain open pending disposition of the protest.