

1 **IN ATTENDANCE:**

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3 **DIANA CALDWELL, FPSC Division of Appeals.**

4 **CHARLIE BECK, Office of Public Counsel.**

5 **RICK MOSES, FPSC Division of Communications.**

6 **DICK DURBIN, FPSC Division of Consumer Affairs**

7 **THELMA CRUMP, FPSC Division of Consumer Affairs**

8 **JENNIFER ERDMAN-BRIDGES, FPSC Division of Consumer**

9 **Affairs.**

10 **SANDY SIMMONS, FPSC Division of Records & Reporting**

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P R O C E E D I N G S

(Hearing convened at 6:35 p.m.)

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3 **CHAIRMAN JOHNSON:** Ladies and gentlemen,
4 we're going to go ahead and call the hearing to order
5 here tonight. Counsel, could you please read the
6 notice.

7 **MS. CALDWELL:** Pursuant to the notice under
8 Section 120.54 Florida Statutes, the Florida Public
9 Service Commission will hold a rule development
10 workshop at this time and place to consider amendments
11 to rules relating to customer preferences for local,
12 local toll and toll provider.

13 **CHAIRMAN JOHNSON:** We'll take appearances.

14 **MS. CALDWELL:** Diana Caldwell, Florida
15 Public Service Commission, 2540 Shumard Oak Boulevard,
16 Tallahassee, Florida 32399.

17 **MR. BECK:** My name is Charlie Beck. I'm
18 with the Office of Public Counsel in the Claude Pepper
19 Building Tallahassee. Our office represents consumer
20 interest before the Public Service Commission. Also
21 with me here tonight is Earl Poucher -- Earl, could
22 you raise your hand -- he is also here in the Public
23 Counsel's office this evening.

24 **CHAIRMAN JOHNSON:** Welcome. My name is
25 Julia Johnson. I'm the Chairman of the Florida Public

1 Service Commission, and seated to my left is
2 Commissioner Joe Garcia. We will be the panel that
3 will hear all of the testimony that is taken tonight,
4 but the full Commission will, indeed, hear the final
5 rule and be involved in the process as we reach our
6 final deliberations.

7 Now, that noise that you're hearing is our
8 Internet connection. It may not be -- we may have to
9 go off the record but let me explain to you what we're
10 doing here.

11 We're holding hearings throughout the state
12 of Florida. And what we've done was provided as a
13 part of our home page for the Public Service
14 Commission, we have a web site so that people that
15 have computers that actually have speakers can dial in
16 and listen to all of our hearings.

17 We also have a process that via the
18 Internet, if you have a complaint you'd like to file,
19 and if you don't want to use our 1-800 number, that
20 number is listed in our brochure. But you can
21 actually file your complaint via your computer sitting
22 at home over the Internet. The web site and the
23 dial-in numbers are provided in our literature.

24 But, again, for the purpose of allowing
25 those that want to just listen in at their homes, we

1 have provided for this to be transmitted over the
2 Internet. I'm going to go off the record for just a
3 few moments to make sure that connection is clear. It
4 sounds as if, perhaps, it is not. I apologize for any
5 inconvenience, but I'm going to break for a few
6 moments so that we can make sure our citizens from the
7 across the state can, indeed, listen in. Let's go off
8 the record.

9 (Off the record.)

10 **CHAIRMAN JOHNSON:** We're going to go back on
11 the record. It appears as if we've lost the Internet
12 connection, so citizens may not listen in to our
13 hearing this afternoon. But I didn't want to delay
14 the process for those of you who were actually here to
15 testify before us. They may try to reconnect that
16 through our satellite link, I think, in Tallahassee,
17 but we're going to go ahead and proceed with the
18 hearing. We'll leave it on because they may, indeed,
19 hook it back up.

20 I had mentioned to you a little earlier that
21 we have this -- our Special Report. The special
22 Report and the documents that were provided out front
23 are designed to provide you with more information on
24 the slamming process.

25 Slamming has been a big problem in the state

1 of Florida. In 1991 we had about 30 complaints, and
2 last year we had over 3,000 complaints.

3 Currently we do have rules that are designed
4 to help protect you from this offense, but, again,
5 we've seen increasing numbers of actions; we've seen
6 different types of methods used to change people's
7 telephone service without their authorization. So
8 we're looking for ways to strengthen our rules.

9 Public Counsel and the Attorney General's
10 office have both been very involved in this process
11 and they will be making suggestions and will be
12 participating in our hearings to help us strengthen
13 our rules and come up with better ways to protect the
14 customer.

15 In the meantime, we do, again, have the
16 literature out front that provide some suggestions how
17 to perhaps you could help guard against this
18 yourselves.

19 One is -- and I know we have even the
20 applications for the Department of Agriculture's "No
21 Solicitation Program."

22 Oftentimes we hear complaints that people,
23 when they come home from work or come in in the
24 afternoon, their telephone starts ringing and it's
25 telemarketers offering them services, offering them

1 gifts, offering different things to them. And most of
2 them say they would rather just not receive the calls.
3 Well, through the Department of Agriculture, if you'd
4 like to complete the application, and for a small fee,
5 I believe it's \$10 initial fee, \$5 thereafter, you
6 will have your name put on a list and you will no
7 longer -- or should no longer receive calls from
8 telemarketers.

9 Another telecommunications device is for you
10 to call your local company and ask for a PIC freeze.
11 That is a way by which you tell the local company "I
12 just don't want my service changed" and the
13 telemarketers won't be able to call or send in
14 anything to the local company saying that your service
15 is changed. You will actually have to go through an
16 affirmative effort yourself and contact the local
17 company in order to get your service changed. So that
18 PIC freeze is, indeed, a way to guard against and
19 protect yourselves from this happening.

20 But today we're here to hear from you. We
21 have numerous Staff members here to assist you if you
22 have complaints, if you have ongoing complaints. Let
23 me go ahead and give you the names of those Staff
24 members so that during the course of your testimony we
25 may direct you to our Staff members.

1 There's a gentlemen in the far back Mr. Dick
2 Durbin, you can probably see the back of his head,
3 he's on our computer there and he can -- if you have a
4 complaint or an ongoing file, we have people waiting
5 in Tallahassee tonight that are working the lines
6 tonight that will try to assist us. Ms. Thelma Crump
7 is the lovely lady in the brown suit there. She is in
8 our Consumer Affairs Department, too, and she can
9 provide you with any assistance you might need.
10 Jennifer Bridges is also there in the red suit. She's
11 available. Sandy Simmons is the one that's been
12 desperately trying to get the Internet back up and
13 running. Rick Moses, and you'll hear from him a
14 little later. He's going to go through the proposed
15 rule, and if you have any questions on the proposed
16 rule, or more so suggestions as to how we might even
17 strengthen it more, we are amenable to that and would
18 welcome that testimony. Joy Kelly is our court
19 reporter. At the appropriate time, I'll have you
20 stand and swear you in, because your comments will be
21 part of an official transcript and a part of our
22 record, and we can use your comments in our final
23 deliberations when we make our decision and that's why
24 we have the process of swearing you in. I don't think
25 I left anyone off. Diana Caldwell introduced herself.

1 So with that, let me turn this over to
2 Mr. Rick Moses, and he is going to overview our
3 current rule.

4 **COMMISSIONER GARCIA:** Ms. Simmons is going
5 to try to hook us up to the Internet while he does
6 that, so don't let that --

7 **CHAIRMAN JOHNSON:** Do we need to go off the
8 record? We're going to go off the record for just one
9 second.

10 (Off the record.)

11 **CHAIRMAN JOHNSON:** We're going to go back on
12 the record. Mr. Moses.

13 **MR. MOSES:** Thank you, Chairman Johnson.

14 The proposed limits to the rules will do the
15 following for you: They will apply to all companies
16 providing local telephone service, local toll, which
17 is also known as intraLATA service, and your
18 traditional long distance service.

19 They will require additional information to
20 be printed on the bill. That information includes the
21 name of the company, the type of service provided and
22 a toll-free service number for each of the providers.
23 This will require the consumer's authorization and
24 will limit the ways in which a preferred company may
25 be changed. The change may only be made if one of the

1 following occurs: The company has a signed Letter of
2 Agency that contains sufficient information to verify
3 that the consumer's authorizing the change, or the
4 company has received a customer-initiated call, has
5 obtained the consumer's consent to have the
6 conversation recorded, has recorded the consent and
7 recorded the number that is going to be changed. Or
8 that an independent, unaffiliated firm has verified
9 the consumer's request or that the company has
10 received a consumer's change request and responds by
11 mailing an informational package, which explains the
12 changes, verifies information and requires a signed
13 statement acknowledging the change.

14 A company may not combine the letter of
15 agency with any inducement on the same document. This
16 is going to eliminate some of the sweepstake entries
17 that you have seen at flea markets. It will also
18 eliminate any check endorsements, and some other
19 companies offer, like Sky Miles and various other
20 things, these will all be eliminated with these
21 proposed rules.

22 When a company is soliciting in writing or
23 by telephone, the inducement may not be misleading or
24 disceptive. If a person is slammed, charges for the
25 change and all charges billed on behalf of the

1 unauthorized provider for the first 90 days must be
2 credited to the consumer. Upon notification by the
3 consumer, the consumer must be switched back to the
4 original carrier or the provider of his or her choice.
5 And that's a summary of the rules.

6 **CHAIRMAN JOHNSON:** Thank you. At this time,
7 if anyone here would like to testify. if you can
8 stand, I'm going to go ahead and swear all the
9 witnesses in at this time. If you could stand and
10 raise your right hand. Just those that are going to
11 testify.

12 (Witnesses collectively sworn.)

13 **CHAIRMAN JOHNSON:** Thank you. You may be
14 seated.

15 And Public Counsel will be calling the names
16 of the customers that would like to present testimony
17 tonight.

18 For those of you who do not want to actually
19 make an oral presentation, there is a sheet here for
20 your written comments, if you'd like to write those
21 tonight and hand them to one of the ladies or
22 gentlemen in the back with the Commission that will be
23 fine, or if you'd like to mail it in at a later date
24 that also will be fine.

25 And with that, are there any other matters

1 before we call the first customer? Public Counsel?

2 MR. BECK: Thank you, Commissioner Johnson
3 first witness is Mason Scott.

4 - - - - -

5 MASON SCOTT

6 was called as a witness on behalf of the Citizens of
7 the State of Florida and, having been duly sworn,
8 testified as follows:

9 DIRECT STATEMENT

10 WITNESS SCOTT: I'm not really sure I know
11 what I want to say here.

12 COMMISSIONER GARCIA: Why don't you tell us
13 your name and address so we've got it for the record.

14 WITNESS SCOTT: Mason Scott is my name,
15 17027 Wayzat Court in North Fort Myers.

16 I resolved this myself, the problem that I
17 had, over a year ago, after I found out that there was
18 really nobody that was going to help me resolve it;
19 everybody wanted to listen but nobody really wanted to
20 help resolve it. And if I hadn't been in a position
21 to spend probably between 40 and 80 hours on the
22 telephone myself, it probably still wouldn't be
23 resolved.

24 I got slammed, I guess as most people did
25 here a little -- about a year and a half ago. I got

1 my local telephone bill; it was about \$150 more than
2 it should have been because I had a different carrier.

3 I called them to find out -- called United
4 Telephone to find out what the problem was, and she
5 said I changed carriers, which I had not done.

6 I asked them to make a correction. She said
7 she couldn't because the bill was over 30 days old. I
8 had just gotten the bill that day.

9 So after doing some extensive -- and I'm
10 talking about extensive -- investigation on my own, I
11 found out that it was a company that didn't exist; a
12 company that did not have a Letter of Transmittal in
13 Washington D.C. The company had been doing this all
14 over the state, I found out from one of your own
15 staffers. It was a company you couldn't contact.
16 They were doing second-party billing through a company
17 that did not have a contract with United Telephone to
18 do billing. They were doing a second-party billing
19 through a company that did have a contract with United
20 Telephone. They were delaying the bill deliberately
21 for over 30 days, so it could not be contested with
22 the local carrier. You had to, in fact, protest it to
23 the original so-called provider.

24 They charged me over 78 cents a minute for
25 my phone calls, and if I had not been very persistent

1 my telephone would have been cut off. But --

2 MR. MOSES: Mr. Scott, could you tell us the
3 names of these companies?

4 WITNESS SCOTT: The name of the company -- I
5 destroyed all of my notes about three or four months
6 ago. I figured it was a moot situation. We got my
7 money back and they settled down for a long time. It
8 was Long Distance Services was the name of the company
9 that billed me, or said that I used their company. I
10 don't recall the two billing companies. I think
11 Mr. Durbin has the name of the companies that were
12 involved.

13 I can tell you that the primary billing
14 agent who did not have the contract with UTS was at
15 another telephone at the same desk, probably, at the
16 company in Texas. Because the only way I got the
17 information that I got was because at each step of the
18 line I threatened each person that I spoke with with
19 including them in a lawsuit if they didn't help me.
20 They were either part of the solution or they were a
21 part of the fraud. And that's exactly the way I put
22 it.

23 And by doing that and by going all the
24 way -- actually the vice president, or one of the vice
25 presidents of AT&T in New Jersey -- I managed to

1 accumulate most of the information that I got.

2 **MR. MOSES:** Just for the record, Mr. Durbin
3 just came up and he looked up your complaint and it
4 was Phone Calls, Incorporated was the company at
5 fault.

6 **WITNESS SCOTT:** But that's not the company
7 that was doing the billing. They were billing through
8 another company who was billing through a different
9 biller who was billing to another biller who was
10 holding it and delaying it so that the telephone
11 company here couldn't --

12 **COMMISSIONER GARCIA:** I'm sure Mr. Durbin
13 pointed it out, but that company in particular we have
14 got a proposed fine against them of \$860,000.

15 **WITNESS SCOTT:** That means nothing, because
16 you can't find them. They have a post office box and
17 no telephone number.

18 **COMMISSIONER GARCIA:** That's one of the
19 things --

20 **WITNESS SCOTT:** Somebody that probably
21 doesn't exist.

22 **COMMISSIONER GARCIA:** That's one of the
23 things that our rules are going to try to address, in
24 terms if they are not certificated within the state,
25 we can get the underlying carrier in these cases,

1 because they are providing service to someone else,
2 and that's one of the things we're going to tighten up
3 in the rule.

4 WITNESS SCOTT: I can tell --

5 CHAIRMAN JOHNSON: Mr. Scott -- not to
6 interrupt you. I can wait until you.

7 WITNESS SCOTT: I was just going to say I
8 can tell you all of this started when my wife called
9 AT&T to just ask them about the \$100 check, because
10 most of that stuff is a bunch of baloney and fraud
11 anyway. Just call them up and see what it is.
12 Because we know what we get; we're with Worldcom, or
13 the company that Worldcom took over, and we have been
14 satisfied with their business for years and it was the
15 best rate going. So just call them; just see what
16 they say.

17 Within -- well, the next month is when we
18 got the bill of being slammed. So it happened then.
19 Now, while I was talking to AT&T on two different
20 occasions, talking to them to try to get this
21 situation cleared up, because I figured out where it
22 started from. I did find out that it was an AT&T
23 subcarrier; somebody that contracted with AT&T to use
24 their long distance lines, the so-called Phone Calls,
25 Incorporated, or Long Distance Services is another

1 one --

2 **COMMISSIONER GARCIA:** That was important,
3 though. That hundred dollar check from AT&T, the one
4 who have the underlying carrier -- I'm sorry, AT&T was
5 representing itself through that check.

6 **WITNESS SCOTT:** No. Let me finish.

7 **COMMISSIONER GARCIA:** Okay.

8 **WITNESS SCOTT:** What I found out was that
9 AT&T was the primary -- or the carrier. These people
10 were contracting AT&T lines, but there was a group of
11 companies contracting AT&T lines that were allowed to
12 use AT&T's name. Because when I talked to the
13 gentlemen I spoke with in New Jersey in AT&T, he told
14 me that the 800 number on the check was not an AT&T
15 number. That was not a number that you called to get
16 ahold of anybody in AT&T. It was some of their
17 contractors.

18 **COMMISSIONER GARCIA:** Let me just take you
19 back for a second. You had a check that said AT&T on
20 it.

21 **WITNESS SCOTT:** Right.

22 **COMMISSIONER GARCIA:** For \$100.

23 **WITNESS SCOTT:** Right. If you change your
24 service you get the \$100.

25 **COMMISSIONER GARCIA:** And on there was a

1 phone number.

2 **WITNESS SCOTT:** 800 number.

3 **COMMISSIONER GARCIA:** Basically what you
4 would do you were thinking when you got that check, if
5 I cash this check I'm obviously going to join AT&T.

6 **WITNESS SCOTT:** That's obvious. I mean
7 that's explicit in there.

8 **COMMISSIONER GARCIA:** That's explicit. But
9 what you found out when you called AT&T -- at least
10 they were denying that -- they were the carrier but
11 they weren't the phone company.

12 **WITNESS SCOTT:** This was after the fact.
13 Okay.

14 What happened when I was talking to AT&T
15 after the slamming to try to get this all straightened
16 out, was that while I was talking -- I was on hold
17 while they were talking to someone for over a hour at
18 one particular point. While that conversation was
19 going on, I got beeped in from AT&T. And it was
20 somebody trying to sell me AT&T services again. I
21 thought it was kind of odd. I just thought it was
22 coincidental. I don't believe that much in
23 coincidence but I thought it was rather coincidental.
24 But it happened again at another time.

25 Within 30 minutes of my starting the call --

1 because when you call AT&T just for information or
2 anything, you channel yourself through the process,
3 you have to select whether you are or are not a
4 customer. And when you select -- apparently when you
5 select that you are not a customer of theirs, it
6 automatically starts a cycle in their computers that
7 generates a call back. Because in both times -- both
8 times it was within 30 minutes -- within 45 minutes, I
9 should say; once was 30 minutes, once was 45 minutes
10 of my initiating the call that I got the call. In
11 fact, both times I was still on the line to AT&T when
12 this happened.

13 **COMMISSIONER GARCIA:** That's incredible.

14 **WITNESS SCOTT:** I'd be willing to bet that
15 you could do that with any telephone at any point in
16 time.

17 But what I found out, again, was that it was
18 one of their subcarriers that was doing all of this,
19 and when you called in about the information on the
20 check, it was my good guess that that generated the
21 change right there. They never were able to produce a
22 letter, you know, of authorization, which they said
23 they had. Both the billing agents said they had it;
24 neither one of them had it. They refused to give me
25 the name of the carrier, they refused to give me the

1 phone number of the carrier; the address of the
2 carrier. In fact, when I did find out what they were
3 the carrier, Long Distance Services, had a post office
4 box in Arlington, Texas, and had no phone number.
5 Basically the same, I think, is true for the second or
6 the parent company, Phone Calls, Incorporated, or
7 whatever it was in Arlington, which also -- which
8 didn't have letter of transmittal with the FCC because
9 I called and talked to the FCC.

10 So through my own persistence I got my money
11 back; actually I got it back twice.

12 **CHAIRMAN JOHNSON:** Who refunded you the
13 money? Who provided the refund checks?

14 **WITNESS SCOTT:** The first time UTS
15 finally -- they put a hold on it and then they took it
16 off the bill. And then they just erased it from the
17 bill. And then somewhere down the line after their
18 threats continued from me, we got a refund from the
19 carrier, the billing agent I should say, with the
20 billing agent. And so then it was applied as a
21 credit.

22 **COMMISSIONER GARCIA:** Got you.

23 **CHAIRMAN JOHNSON:** Okay. I see. You stated
24 that you contacted the FCC, and I think earlier you
25 said you contacted the Public Service Commission also?

1 **WITNESS SCOTT:** That's correct.

2 **CHAIRMAN JOHNSON:** What happened through
3 that process? You say that you resolved the problem
4 yourself but --

5 **WITNESS SCOTT:** Well, Mr. Durbin was very
6 nice. He told me they had a lot of trouble with that
7 company and that were trying to catch them. Basically
8 that's what it boiled down to.

9 **CHAIRMAN JOHNSON:** Did you file a complaint?

10 **WITNESS SCOTT:** And if I wanted to -- there
11 was no need to file a complaint. It was obvious
12 nothing was going to be done as far as me getting my
13 phone bill and my own problem straightened out. It
14 was up to me to do it, so I did it. And then after I
15 found out what I found out, I knew there was nothing
16 you or anybody else was going to be able to do to get
17 anything because they don't exist; they are all just
18 paperwork companies.

19 **COMMISSIONER GARCIA:** We could have gotten
20 you not to be billed by your phone company.

21 **WITNESS SCOTT:** No, it was too late because
22 the bill was over 30 days. This company -- the bill
23 comes in on time from this company, it's a current
24 bill. But if the bill is over 30 days old they cannot
25 do anything with it. The only reason they adjusted it

1 off because the company finally failed to produce the
2 letter -- my authorization letter saying I was
3 changing. It was after -- that took probably four
4 weeks, five weeks --

5 MR. BECK: Was it United Telephone who told
6 you they couldn't do anything about it because the
7 bill was over 30 days old?

8 WITNESS SCOTT: Right.

9 COMMISSIONER GARCIA: Mr. Durbin, could you
10 give a call to United on this particular case? I know
11 we've got them here, but we're not going to
12 interrogate them now. But if we could call United and
13 find out about the particulars of this case.

14 WITNESS SCOTT: United was extremely nice
15 about the whole thing.

16 COMMISSIONER GARCIA: They should have been
17 a little bit nicer.

18 WITNESS SCOTT: They couldn't have been
19 nicer. From what she explained to me it was
20 understandable. And it was understandable that the
21 company knew exactly what they were dealing with and
22 how to circumvent.

23 CHAIRMAN JOHNSON: Mr. Scott, those are the
24 kinds of things -- some of the the issues you raised
25 in terms of how the consumer can get caught up in the

1 red paper, the 30 days, and after that the local
2 company perhaps can't provide the kind of protection
3 that the customer might need or want. Those are the
4 kinds of things we're trying to consider in this
5 particular -- with this rule workshop process that
6 perhaps we can amend those rules and provide for
7 greater assistance. Because obviously you have the
8 ability and the time and took the effort and you said
9 from 40 to 80 hours to resolve this, and we're trying
10 to figure out ways so customers don't have to go
11 through what you had to go through in order to get
12 those refunds.

13 **WITNESS SCOTT:** That sounds all well and
14 good, but it was a year and a half ago and I'm sure
15 this wasn't the first that this happened to.

16 **COMMISSIONER GARCIA:** You certainly weren't.
17 You weren't --

18 **WITNESS SCOTT:** So a year and a half is a
19 long time to be looking for solutions. It should have
20 been done a long time ago. There's fairly simple
21 solutions to this whole thing.

22 **COMMISSIONER GARCIA:** Why don't you give us
23 one suggestion.

24 **WITNESS SCOTT:** The one suggestion he had
25 there was to require a signed letter of agency, was

1 that correct? So they have to register themselves
2 with the state. So that was one of my own ideas was
3 that if they aren't registered with the state, they
4 shouldn't be allowed to bill into the state.

5 Second one is if they can't provide an
6 address, and a contact phone number and person --
7 because I couldn't get either, none of them -- to the
8 local -- well into the state at least, then they
9 shouldn't be allowed to do business in the state. And
10 I think it probably should go all the way to the local
11 phone companies, the local carrier. They shouldn't be
12 allowed to bill if they don't know who is billing.

13 **COMMISSIONER GARCIA:** I think that is part
14 of the rule, is it not?

15 **MR. MOSES:** The bill has to have the
16 certificated name of the company that they are billing
17 on behalf of --

18 **WITNESS SCOTT:** -- the phone company have
19 that information.

20 **COMMISSIONER GARCIA:** In other words, United
21 should not be able to bill for any company that's not
22 certificated within the state of Florida.

23 **WITNESS SCOTT:** That's correct.

24 **COMMISSIONER GARCIA:** That is part of the
25 rules.

1 **WITNESS SCOTT:** But I think that United
2 should also have information available to their
3 customers. If I get billed through United I should
4 not have to go all the way to Tallahassee and back to
5 try to find out who the company is.

6 **COMMISSIONER GARCIA:** I think under the
7 rule -- it's required that the name should be there,
8 but it will be required to be on the bill and require
9 the number of the company.

10 **WITNESS SCOTT:** Is that the carrier or is
11 that the billing agent? Because this billing agent's
12 number was on the bill.

13 **MR. MOSES:** It will be the carrier that is
14 responsible for your service that will be required to
15 be on there. They are the service provider. If they
16 want to use a billing agent, that's fine, but the name
17 of the carrier has to be on the bill.

18 **WITNESS SCOTT:** The name of the carrier was
19 on the bill but the billing agent's number wasn't on
20 the bill.

21 **MR. MOSES:** I understand that has been a
22 problem and they are instructed to call the billing
23 agent, and the billing agent tells you they can't help
24 you, and they don't give you the number, that is
25 right. But we're requiring the number be the service

1 provider, not the billing agent.

2 WITNESS SCOTT: Okay. That's basically --

3 COMMISSIONER GARCIA: I guess part of that
4 will probably be required to sort of keep that list
5 somewhere also accessible to customers. Probably keep
6 it on the Internet. We give it to customers when they
7 call now.

8 MR. MOSES: It is currently on the Internet.
9 You can access all of the information of every company
10 that the Commission regulates.

11 WITNESS SCOTT: Another thing I think you
12 should consider is make the primary carriers
13 responsible for the authenticity for the subcarriers.

14 COMMISSIONER GARCIA: I agree with you.

15 WITNESS SCOTT: AT&T could not give me any
16 information about the subcarrier.

17 CHAIRMAN JOHNSON: You said AT&T could not
18 provide any information about the --

19 WITNESS SCOTT: No. They didn't want to.
20 And then could not.

21 CHAIRMAN JOHNSON: Okay.

22 COMMISSIONER GARCIA: You think we should
23 require a bond from these companies?

24 WITNESS SCOTT: Oh, most definitely. If
25 they are going to fraud people to the tune of millions

1 of dollars -- I was \$150 in one month. How many
2 people got hit for \$10, \$15, and really didn't have
3 any recourse but to go ahead and pay if they wanted to
4 keep their telephone. I'm sure that you haven't
5 researched that, but I think it's something worth
6 researching.

7 **COMMISSIONER GARCIA:** Are we looking at
8 that, about holding the underlying carrier
9 responsible?

10 **MR. MOSES:** No, sir, because they offer
11 their services through their tariff and companies can
12 buy out of their tariff. And it's the certificated
13 company that is claiming the customer that is
14 responsible for the customer, and that's the ones
15 we're going after. Because we're not trying to make
16 the underlying carriers police the industry.

17 **WITNESS SCOTT:** At the same time what you
18 need to do is the underlying -- if the primary
19 carrier -- primary or secondary, talking about AT&T --
20 they are going to sell to somebody and also let them
21 use their name, then they should be responsible.

22 **COMMISSIONER GARCIA:** He makes a good point.

23 **MR. MOSES:** Let me clarify what he just
24 said. They won't be able to use their name.

25 **WITNESS SCOTT:** They weren't able to use

1 their name after the billing, either, in my case, but
2 they were using the name before. When they were
3 soliciting the business they were using AT&T.

4 **MR. MOSES:** The proposed rule will eliminate
5 that.

6 **COMMISSIONER GARCIA:** But the rule should --
7 all right. So let me ask you so I get a full
8 understanding.

9 Let's say I have Joe Garcia's Phone Company
10 and I contract with MCI to use their name. In other
11 words, I'm going to go, "I'm Joe Garcia's Phone
12 Service and I use MCI long distance for my customers."
13 Can I do that?

14 **MR. MOSES:** No. You can use MCI but you
15 cannot use MCI's name as far as referring to them as
16 being the service provider. Because you, as the
17 telephone company, that you are soliciting that
18 customer, you are the telephone company to that
19 person, not MCI. And that's part of the proposed
20 rules where the telemarketing or written documents
21 cannot be misleading in any way.

22 **COMMISSIONER GARCIA:** Good.

23 **CHAIRMAN JOHNSON:** Mr. Scott, any other
24 suggestions?

25 **WITNESS SCOTT:** My only other thought was to

1 make -- require the registration with the local
2 carrier they were going to bill through before they
3 can bill through them.

4 **COMMISSIONER GARCIA:** I think that's
5 something we have been looking at for a while. You
6 know what, if Staff could do this before we get to
7 hearing, is find out if other states require bonds
8 from necessary companies.

9 Obviously, Mr. Scott, it's almost impossible
10 to require from them a bond for the potential damage
11 because it would take a lot of the smaller
12 companies -- and there are literally hundreds of long
13 distance companies in the state -- but it would take a
14 lot of them out of it and some of them do a good job.

15 **WITNESS SCOTT:** It wouldn't take them out if
16 they are litimate because they can purchase bonds.

17 **COMMISSIONER GARCIA:** But they are quite
18 expensive for a small -- there are places in the state
19 where you have very specific type of services that's
20 being brought -- but it's certainly a lot more
21 difficult -- if you're legitimate it's easier to
22 purchase some type of bond. It may not be the bond
23 for the amount of damage that they can do.

24 I know, for example, we thought of bonds --
25 although I was against them when we were looking at

1 the debt card industry. And one of the reasons I was
2 against is that's an industry that's made up the small
3 mom and pop people who do a very good job. Now we
4 found that into the market there's a new type of
5 entrant, sort of someone that comes in with plastic.
6 They have no relationship to any phone company or any
7 service. They just come in, sell these cards for
8 \$10 -- you know, they will sell it to a small grocery,
9 neighborhood grocery store, they will sell a few
10 hundred dollars worth of these cards and off they go.
11 That phone card never worked. That's more fraud than
12 actual phone service. It just never worked. It's a
13 phone fraud with no phone involved, I guess. So I
14 have been thinking about maybe going back to the phone
15 card one providing it.

16 Certainly it's a lot tougher for someone who
17 doesn't have an address, who isn't someone of some
18 type of work to get some type of bond. There may not
19 be a bond for all the damage that they can do, but it
20 certainly means that we're going to get a more
21 credible entry level into the business.

22 **WITNESS SCOTT:** My other thought is if these
23 companies are going to be allowed, because there's
24 nothing you can really do to stop them at this
25 point -- if it's going to exist in this particular

1 manner, that the threat of having your telephone cut
2 off should not be something that entices people to go
3 ahead and pay this.

4 It didn't happen in my case because I said I
5 want to talk to a supervisor, and I said I want to
6 talk to another supervisor. I kept going until I got
7 someone.

8 **COMMISSIONER GARCIA:** We're going to do two
9 things on that. First of all, let me tell you what we
10 do now, if I understand the rule -- Staff will correct
11 me if I'm wrong.

12 If you call today, this morning or tomorrow
13 you wake up and you've got a \$300 bill and you didn't
14 make \$300 worth of phone calls, and you call United,
15 and you tell United "This is not my bill and I'm not
16 going to pay this. This is wrong." In theory United
17 should hold that portion of your bill; your long
18 distance should be segregated. You still have to pay
19 your local service and that's taken care of. That's
20 one thing.

21 **WITNESS SCOTT:** For a period of time.

22 **COMMISSIONER GARCIA:** For a period of time.
23 But they also have to investigate it. It's not -- the
24 whole weight isn't on you. In other words, they don't
25 hold it for a period of time and then it comes back.

1 They have to verify what they've got --

2 **WITNESS SCOTT:** But the simple fact that it
3 goes through the local carrier is enough of an
4 intimidation to most people to make them think they
5 have to pay it. "It's my phone bill and I have to pay
6 this." They don't know that they can call up and
7 complain to people. And they can say, "I want to
8 speak to somebody else. I'm not satisfied with your
9 answer. I want to talk to somebody else." I'm
10 fortunate enough that I was able to do that. But I
11 don't think most people do. I think there's just a
12 measure of intimidation there, just, know know, "I'm
13 going to lose my telephone if I don't."

14 **COMMISSIONER GARCIA:** Secondly what we're
15 going to try to do, and I think we're trying to
16 implement this in our Consumer Affairs Division, is
17 that when you do call us up, we -- you call the Public
18 Service Commission and say, "I just got billed by AT&T
19 \$600 long distance service I didn't make." We at the
20 Commission are going to automatically let United
21 know -- I'm using your case specifically -- that they
22 can't charge you on that bill because we have a
23 pending dispute in that case. They are not allowed to
24 go through with it.

25 Because before what we were doing basically

1 is we would tell you to call up United. And I thought
2 that was an unnecessary process. In many cases what
3 will happen is you would call Mr. Durbin. I don't
4 know if United is already hooked up to the Public
5 Service Commission system, but he would put you
6 straight through to United so you could talk to them
7 and tell them what happened. But we would also have
8 something filed right away so that you couldn't be
9 charged. And until United resolved that issue with
10 you to your satisfaction, or at least to the
11 Commission's satisfaction, it's clear we have a
12 dispute ongoing. And they give us the proof.
13 Everything you ask for is what we ask for. Then once
14 that is resolved, if it was resolved against you
15 obviously you have to pay. But if it is not, if it's
16 not resolved they can't bill you. In other words, if
17 they don't come up with the actual signed card.

18 And I think again we're going to be
19 requiring that, you know, you have a signed document.
20 Now you did the PIC freeze, I would assume, after this
21 nightmare?

22 **WITNESS SCOTT:** Yeah. I'm not so sure as to
23 how secure that is, either, at this point.

24 **COMMISSIONER GARCIA:** I was going to talk to
25 Staff about that because we're thinking about -- we

1 have had, interestingly enough, several people who
2 were slammed even after they have had the PIC freeze.
3 So we may need to firm up what we require when we do a
4 PIC freeze. Because when you do a PIC freeze there
5 should be some type of protection, and there should be
6 a risk that then United runs if it ignores its own PIC
7 freeze. Once you do a PIC freeze, there should be
8 something that the -- a risk the LEC is running by
9 changing it, for whatever reasons it be. It may
10 require that the LEC will have to be much more careful
11 when they do a change, even if they have it in
12 writing, they may need to get some kind of code.

13 I know, for example, that Southern Bell has
14 a code. In other words, you can call Southern Bell
15 and say "This is my number. Yes, how are you doing,
16 Mr. Garcia. I want to put a password on any changes,"
17 and they'll keep a record of that. What may be
18 required -- and at a hearing people said that password
19 was public record. It is not. It's only between you
20 and your LEC.

21 We may require that. Because clearly there
22 is a problem that's out of control. If we were to go
23 too far with it, it may incur too much cost. In other
24 words, if we were to go to, say, the local company
25 "You cannot bill for long distance -- you can't cut

1 off someone's phone if they don't pay their long
2 distance bill whether it is justified or not." That
3 may be something that increases your costs on down the
4 line, because clearly there are hundreds of providers
5 and they use the LEC -- and the LEC makes money at it
6 too -- but clearly, the weight of it is the fact that
7 if you don't pay, you're off the network.

8 That's -- I'm sure it's going to be a
9 suggestion because it's been by several people and
10 it's something we look at. But maybe a way to do it
11 is simply to strengthen the rules so that the LEC
12 can't go after you immediately. And one of the ways
13 is if you've got a PIC freeze and you still get
14 billed, that's their bill no matter what it is if you
15 had a company change.

16 But nonetheless, you should feel comfortable
17 if you call the Commission -- and I think that's in
18 place right now -- if you call the Commission and file
19 a dispute with this Commission, you will not be billed
20 until that it resolved before us at the Commission;
21 between your LEC, the long distance company and your
22 bill.

23 **CHAIRMAN JOHNSON:** Mr. Scott, let me ask you
24 a question: Obviously you're a very bright man and
25 you've done a lot of work with respect to your case

1 and protecting yourself.

2 **COMMISSIONER GARCIA:** 80 hours worth.

3 **WITNESS SCOTT:** I fortunately have the time.

4 **CHAIRMAN JOHNSON:** Certainly. How did you
5 know to call the FCC and the Florida Public Service
6 Commission? How were you aware that the agencies
7 existed?

8 **WITNESS SCOTT:** I have been in law
9 enforcement.

10 **CHAIRMAN JOHNSON:** Because one of the issues
11 that we've heard time and time again is what you
12 suggested, that most people don't know, that there's
13 an agency or an entity that could even assist.

14 We're trying to also develop ways first just
15 through general consumer outreach, but one of the
16 things, I think one of the customers in Pensacola had
17 suggested is we put the Florida Public Service
18 Commission's 1-800 number on the bills, too, so that a
19 customer at least can find a comfort in "Oh, it's not
20 just the company. This is the government entity
21 that's supposed to help me."

22 **WITNESS SCOTT:** That would be a good idea, I
23 suppose, if you're having troubles calling the 1-800
24 number, whatever.

25 **CHAIRMAN JOHNSON:** And currently, I think it

1 was my understanding, I think Staff stated that we
2 would have to change the rule in order to accomplish
3 that, but we're looking at other ways to perhaps
4 expedite that process for those who may not be quite
5 as informed as you are.

6 **WITNESS SCOTT:** The other side of that,
7 then, would be how are people who work eight to five
8 going to get ahold of you? It's not an eight-to-five
9 world except for government, and most people can't do
10 that.

11 **COMMISSIONER GARCIA:** Right. There are
12 several ways. One of the ways we talked about -- and
13 hopefully we'll be able to do this in the future -- it
14 will require convincing a lot more people is to have
15 some type of recording mechanism where in the morning
16 we pick up everything that has come in through the
17 night and we begin to file it. And then we ask some
18 specific questions up front so that we're at least
19 able to get ahold of those people during the working
20 hours so they can do it.

21 The other way, not everybody has computers
22 but again is what we're trying to do is the Internet,
23 and I believe the first -- we've already gotten one or
24 two slamming complaints and they did come in not
25 during working hours. So you do bring a good point

1 that we can be as tenacious as we want, but if it's
2 nine to five, we're not going to get the bulk of it
3 because --

4 **WITNESS SCOTT:** It's hard enough to get you
5 between 8:00 and 4:30. It was more than one phone
6 call, I can guarantee you that.

7 **COMMISSIONER GARCIA:** In practice you make a
8 very good point that the Commission needs -- if we're
9 going to be involved in the customer outreach sector,
10 we need to be an agency that's out there. When you
11 lose your electric service at 6 p.m., it's a long,
12 long time until 9:00 a.m. the next day. And if we're
13 your only link to that, then we've sort of got an
14 added responsibility.

15 **CHAIRMAN JOHNSON:** Thank you very much,
16 Mr. Scott.

17 **COMMISSIONER GARCIA:** Thank you.

18 **MR. BECK:** Lois Bodin.

19 - - - - -

20 **LOIS BODIN**

21 was called as a witness on behalf of the Citizens of
22 the State of Florida and, having been duly sworn,
23 testified as follows:

24 **DIRECT STATEMENT**

25 **WITNESS BODIN:** I have a few notes, because

1 this happened over two years ago and my husband threw
2 the file away.

3 **COMMISSIONER GARCIA:** Ma'am, could you give
4 us your full name and your address just for the
5 record?

6 **WITNESS BODIN:** Lois Bodin, 494 Jacklin
7 Lane, North Fort Myers.

8 Well, I'll tell you my story. I know how
9 this happened. I didn't realize it was happening. We
10 were at an Octoberfest over in Cape Coral two years
11 ago in October. And as we came into the park we
12 signed something that said "Hey, sign for a free
13 radio," which we did. No free lunch we found out.

14 By the end of December, the first of
15 January, we had received a bill for over \$102 for long
16 distance service from Heartland Company -- I think it
17 was billed "something plus" is the billing firm, and
18 it's Heartland Company out of Houston. Well, of
19 course, that shocked me because we had always had
20 AT&T.

21 **COMMISSIONER GARCIA:** What was the name of
22 the company?

23 **WITNESS BODIN:** Heartland. Heart, land.

24 **COMMISSIONER GARCIA:** Yes.

25 **WITNESS BODIN:** I should have recognized it

1 because over Christmas I tried to get through to
2 Minnesota for a whole day on Christmas Day and found
3 out I couldn't get through, thinking that something
4 had happened to the AT&T lines because that hadn't
5 happened since the '40s. And now I realized I didn't
6 have my proper service.

7 I started with the local telephone company
8 and, of course, she explained, in a nice way, she had
9 no choice, they had assigned my signature -- or they
10 were advised by Heartland to change it because they
11 had -- I had signed with them. They are obligated
12 through law to change the carrier if they are so
13 notified.

14 COMMISSIONER GARCIA: This was United?

15 WITNESS BODIN: United. So then I went
16 to -- I went to the number, anyway I ended up at
17 Heartland, and they said "Yes, you did sign. Yes, you
18 signed." So I said, "Send me a copy." They did. And
19 to my surprise it was my signature. On the 30th of
20 October -- I checked; it was a Sunday. I said where
21 was I? I was at the Octoberfest. What did I do?
22 That's what I did.

23 Now, what I really signed, something had to
24 be underneath, I would think, but I don't know that
25 for sure either.

1 Anyway, I got nowhere with them. They
2 insisted they were right, that I had done this. And
3 so anyway I ended up calling the Public Service
4 Commission. And I understand that from your lady back
5 there that Kenya Tomkin, I think his name was, helped
6 me and he was fantastic.

7 It took ten months to solve this problem.
8 He told me not to pay the bill. I notified United and
9 they said okay, they would put a note on it, but the
10 computer kept coming up every month saying they are
11 going to disconnect my phone. I call Kenya and he'd
12 say don't worry about it.

13 And I changed it back to AT&T; found out
14 about PIC freeze. And there's, incidently, another
15 number that you can call if you have AT&T -- I don't
16 know about the others -- where you can verify for sure
17 that it hasn't been changed.

18 **COMMISSIONER GARCIA:** Let's give out that
19 number -- it's not AT&T though, it's a -- does anyone
20 of the Staff have it?

21 **MR. NOSES:** 700-555-4141.

22 **COMMISSIONER GARCIA:** That's toll free,
23 correct?

24 **MR. NOSES:** Yes.

25 **COMMISSIONER GARCIA:** You call that number

1 and it will tell you who your --

2 WITNESS BODIN: Okay. AT&T have their own.

3 COMMISSIONER GARCIA: -- service provider.

4 WITNESS BODIN: AT&T has 441 or something,

5 but whatever, just so we know that information

6 available.

7 Well, I don't know, you know, what else I
8 can say except that there's -- I want to add that the
9 Public Service Commission was good. I would never
10 change my carrier. I'm a retired AT&T employee, so I
11 knew that it hadn't happened with my knowledge.

12 And I guess if I were to say, you know, what
13 can be done, what you've talked about is certainly a
14 lot of it. I don't think the local company should
15 ever change without at least calling the customer.
16 But I don't know what the rules are.

17 Let's see, I don't know what else I can tell
18 you. You can ask me.

19 COMMISSIONER GARCIA: You told us enough, I
20 think, and that company, I guess, shows up also in our
21 complaint, doesn't it, Heartline?

22 MR. NOSES: Yes, sir. The Commission fined
23 them \$50,000.

24 CHAIRMAN JOHNSON: And, ma'am, it's Bodin?
25 Ms. Bodin, you said we were able -- you got your money

1 back?

2 WITNESS BODIN: No.

3 CHAIRMAN JOHNSON: You never got the money
4 back. Oh, you didn't pay --

5 WITNESS BODIN: We paid a portion of the
6 month of November, not realizing that this had been
7 split in the middle.

8 No, we didn't get that back. But the \$102,
9 your Staff person said, "Don't pay it. I'm taking
10 care of it. If you get another bill, let me know.
11 Keep in touch." And he did and I was -- he took it
12 off my hands. He was great.

13 CHAIRMAN JOHNSON: Great.

14 WITNESS BODIN: How did I know about the
15 Public Service Commission. I'm an AT&T employee. And
16 we found the number in the blue pages of the book.

17 I think that's important for people to
18 realize there is help out there; you know, that if you
19 feel you don't -- you have been wronged, somebody is
20 going to try to help you. And certainly AT&T would
21 have if they could have, but I was already gone.

22 COMMISSIONER GARCIA: You're back, right?

23 WITNESS BODIN: Oh, yes. I was back the
24 next day.

25 COMMISSIONER GARCIA: I want to mention AT&T

1 is here at these hearings, MCI -- BCI, we have United,
2 BellSouth.

3 WITNESS BODIN: United, I don't think they
4 should be held responsible, if they are, because it
5 puts them in a real bad position.

6 COMMISSIONER GARCIA: Right.

7 WITNESS BODIN: Okay.

8 COMMISSIONER GARCIA: Thank you very much.

9 CHAIRMAN JOHNSON: Thank very much.

10 MR. BECK: Keith Miller.

11 - - - - -

12 KEITH MILLER

13 was called as a witness on behalf of the Citizens of
14 the State of Florida and, having been duly sworn,
15 testified as follows:

16 DIRECT STATEMENT

17 WITNESS MILLER: Keith Miller. I'm the
18 president of a small business, K&J, Incorporated.

19 I don't know if I was exactly slammed. I
20 actually placed an order. I was called by a
21 telemarketing company.

22 COMMISSIONER GARCIA: Keith, do me a favor,
23 could you give us your address so we can --

24 WITNESS MILLER: It's 15054 Briar Ridge
25 Circle, Fort Myers.

1 **COMMISSIONER GARCIA:** Thanks.

2 **WITNESS MILLER:** Anyway, I was called on
3 January 17th of this year by a telemarketing company
4 on behalf of AT&T and presented a corporate plan, or a
5 company plan -- it's my company phone. And I selected
6 several plans, been through several plans before and I
7 knew pretty much which questions to ask them. And I
8 asked this man what his rates were, whether he had a
9 six-second billing or not? He told me he did.
10 Everything was very competitive with what I had at the
11 time; a little bit better. And I also asked him the
12 main question, which for me, just a one-man show,
13 sometimes I don't make a \$25 minimum a month in calls.
14 I asked him "Is there any minimum charge?" He said
15 no. I hung up the phone. Well, I finished the
16 conversation. He said, "This is my name and here's an
17 800 number for customer service. You can reach me at
18 any time, or AT&T customer service." And I wrote it
19 down.

20 I sat back and I started thinking about it
21 and I said this has got to be a telemarketing firm
22 because I heard background noises that sounded like a
23 boiler room, and I have been down that road before.

24 I bought a spa once; paid the freight on one
25 anyway. So I said I'm going to call this 800 number.

1 I called the 800 number and I guess it was, in fact,
2 AT&T. I ran down the rates with them, got down to the
3 bottom question of whether there's a minimum; yes,
4 there's a \$25 minimum. This is all in the same day;
5 within the same hour actually.

6 So I called -- I called in -- a guy at AT&T,
7 a lady, I guess it was in another customer service
8 number, said, you know, "I just bought this thing a
9 hour ago. I'd like to cancel it."

10 "Okay, I'll put in a cancellation order for
11 you," she said, but that will take two days. I said,
12 "I talked to you a hour ago."

13 "Well, it will take two days once it's put
14 in. It takes two days for me to cancel it." At that
15 point in time I said, "Well, I guess if that's what
16 has to be done, that's what has to be done." Well,
17 unbeknownst to me until the 4th of March -- this was
18 January the 17th I got the call. The 4th of March I
19 got my bill and then I figured out what actually
20 transpired.

21 Yeah, I was a customer on the discounted
22 AT&T plan that they sold me on the phone for two days.
23 She did, in fact, put through the cancellation order.
24 When she did, the United Telephone automatically put
25 me on standard AT&T rates because I didn't know well

1 enough to call them up and say put me back on my other
2 carrier at my other discounted plan.

3 Of course, I didn't find this out until a
4 month and a half later when I got my phone bill, and
5 said, "Oops, what went on here?" I didn't even get
6 the discounted plan that I was sold by AT&T, and then
7 the fine print showed, of course, that I was under the
8 discounted plan for two days, then switched to AT&T's
9 regular rates, because I didn't call up and say
10 transfer me back to my former carrier, which I believe
11 was Sprint.

12 So I called the Public Service Commission at
13 that time and you all told me okay, just hold off on
14 paying your bill. We'll call them up and try and get
15 things straight and get back to you. And I got a
16 letter back from you all on April 8th saying that AT&T
17 issued me a \$10 credit for the switchover fees. At
18 that point in time I called up and talked to another
19 lady there, and I said that's great, except for the
20 fact that I've got all of these charges at regular
21 AT&T rates that I would have had at my discount Sprint
22 service if I had never been changed over. And I
23 figured out there was some \$33 or so -- \$27 difference
24 in what I had to pay at the AT&T rate versus the
25 discounted Sprint rate that I would have been on

1 anyway.

2 So they said, "Fine. We'll call AT&T up and
3 get that credited." And this was April 4th I called
4 on that. I finally got a credit from AT&T for that
5 on -- my May 18th statement, at which time there was
6 also \$5.10 added to my statement in the month of April
7 that wasn't even mine.

8 I was switched over -- I forgot to tell you
9 I was switched back to Sprint the day that I got my
10 telephone bill, I guess it was what did I say -- March
11 4th.

12 **COMMISSIONER GARCIA:** March.

13 **WITNESS MILLER:** I called immediately, got
14 the scoop on what I should have done, had them switch
15 me back, put me on the -- the only way to do it is
16 sign the PIC --

17 **COMMISSIONER GARCIA:** Right. PIC freeze.

18 **WITNESS MILLER:** PIC freeze. So it took me
19 like four, five months to iron all of this out and get
20 my money back. I did but I probably spent five, six
21 hours doing it just to be determined to do it. And
22 that's about it.

23 I just think that the law that you're
24 proposing will cover that from happening again. I
25 think, you know, if you've got written permission or

1 taped conversations saying "Yeah, I would like to," and
2 you have been explained on the taped conversation all
3 of the terms and conditions of the service. I guess
4 the main thing that happened to me, I asked the
5 telemarketer "Is there a \$25 minimum charge?" He said
6 no. I called back, they said, "Oh, yes there is.
7 We've got to make a \$25 minimum."

8 **COMMISSIONER GARCIA:** It's tougher. You
9 know, fraud is -- especially on phone fraud -- I mean
10 I'm glad we're not the worst, as you know they will
11 sell you hot tubs.

12 **WITNESS MILLER:** Yeah. I paid the freight
13 on one. I sent the freight out to Colorado -- no, Las
14 Vegas about 15 years ago. So I'm not a babe in the
15 woods when it comes to being phone frauded. But I
16 just couldn't believe that I had called these people
17 up an hour later, and I placed an order and they
18 couldn't cancel it.

19 **CHAIRMAN JOHNSON:** Mr. Miller, did you
20 receive a full refund? I know it was a long process
21 but you got the full refund?

22 **WITNESS MILLER:** In three or four steps,
23 yes.

24 **CHAIRMAN JOHNSON:** You said you got a letter
25 from the Commission stating they were going to give

1 you the \$10, I guess just the change-back fee.

2 Now was it -- did you contact the Commission
3 again and did we help you get the additional dollars
4 or did you do that on your own?

5 WITNESS MILLER: I did that on my own
6 through AT&T. I got a letter from AT&T -- your letter
7 was April 8th and their letter was dated April 4th
8 saying they were going to credit me the \$10. And I
9 got a contact name and she was very cooperative. I
10 explained to her what happened. She said no problem.
11 Credit you. It's done. And that was on April 29th, I
12 guess, I called her. The letter was dated April 4th
13 but I guess I didn't get it until well after -- or
14 didn't open it and I called her on the 29th. The
15 credit didn't actually appear until June; the June's
16 statement the credit appeared. And then there was a
17 balance due for some charges that weren't even mine
18 after I changed over. I had to call them back up
19 again, and say take those off; it was like \$10. It
20 wasn't a big deal. No one ever threatened to cut my
21 phone off or anything because it was in protest.

22 It just seems a shame that because of one
23 little white lie that I had to spend eight hours
24 straightening those people out. I mean, financially
25 it wasn't worth it. Just made me mad.

1 **CHAIRMAN JOHNSON:** One of the things that
2 we're considering, Mr. Miller, and hopefully it will
3 help mitigate some of the anguish and some of the time
4 that the customers must spend in order to get the
5 condition reversed is -- and Mr. Moses stated this in
6 his comments, is that right now the proposed rule says
7 for at least the first 90 days that you won't be
8 charged even for services rendered.

9 Currently we rerate so that you're only
10 charged what you should have been charged. The new
11 rule says you won't be charged anything for that
12 90-day billing period. We're even looking at whether
13 90 days is enough. Because a lot of customers, the
14 time, the energy that they put into this, they
15 deserve, you know, some sort of compensation for that
16 and this could perhaps serve as that.

17 And then another series of customers told us
18 that oftentimes they are only billed quarterly so they
19 wouldn't have even known for even a greater period.

20 **WITNESS MILLER:** Right.

21 **CHAIRMAN JOHNSON:** So those are the kinds of
22 things that we're trying to think of how can we come
23 up with ways -- and Public Counsel is going to offer,
24 I'm sure, numerous suggestions to us as to how we can
25 help those customers that spend those hours, those

1 days trying to get this resolved. And perhaps this
2 will be one way, even those they made some calls they
3 shouldn't even have to pay for those because it wasn't
4 with the provider they were supposed to have.

5 **WITNESS MILLER:** Right. I agree. I don't
6 think -- I heard some talk earlier about ma and pa
7 companies, but I don't think there are too many ma and
8 pa long distance providers. It seemed to me if you
9 gave them 30 to 90 days, or even six months, they have
10 to eat those calls, they'd probably be less likely to
11 pursue their customers that way.

12 **CHAIRMAN JOHNSON:** Any other questions for
13 Mr. Miller? Thank you very much.

14 **WITNESS MILLER:** Thank you.

15 **MR. BECK:** Mary Koch.

16 **CHAIRMAN JOHNSON:** Hi, Ms. Koch. I'm going
17 to have to swear you in. All the other witnesses were
18 sworn in. And I'm doing this because your testimony
19 will be a part of our official record and we can rely
20 upon it when we make our final determinations.

21 **WITNESS KOCH:** Understand.

22

23

24

25

1 **MARY J. KOCH**
2 was called as a witness on behalf of the Citizens of
3 the State of Florida and, having been duly sworn,
4 testified as follows:

5 **DIRECT STATEMENT**

6 **CHAIRMAN JOHNSON:** If you could state your
7 name and address for the record.

8 **WITNESS KOCH:** My name is Mary J. Koch.
9 It's spelled K-O-C-H. My business address is 19200
10 Peachland Boulevard, Port Charlotte 33954. And if I
11 sound nervous it's because I am.

12 **CHAIRMAN JOHNSON:** That's fine.

13 **WITNESS KOCH:** My long distance phone
14 service was slammed. It was more my business phone
15 than my personal, although both accounts were slammed
16 at the same time.

17 I received a phone call I believe it was
18 back in March -- it may have been as early as
19 February. The woman stated she was with AT&T,
20 Business Discount Plan and offered me a business
21 discount on my business line.

22 I recall asking many times "Are you sure
23 this is AT&T?" Because I did not want to switch.
24 "Yes, we're AT&T. Yes, we are." And I agreed to this
25 business discount plan.

1 When I got my April AT&T bill it stated on
2 there my account was being closed. "Thank you for
3 your business." When I got my May United Telephone
4 bill for my local service, it carried charges through
5 Zero Plus Dialing, Incorporated, billed on behalf of
6 OptiCom and Business Discount Plan.

7 And I called United and asked who my carrier
8 was. They said I had AT&T. And I said, "Well, why am
9 I being billed by Zero Plus Dialing for these other
10 companies? And they had no idea. And they
11 transferred me to Zero Plus Dialing. And that woman
12 assured me that they were AT&T; that I was still on
13 AT&T; that they were set up by AT&T as a billing
14 service, and that discount -- Business Discount Plan
15 and OptiCom were -- oh, I can't remember what she told
16 me -- affiliates of AT&T.

17 **COMMISSIONER GARCIA:** Was it called OptiCom

18 **WITNESS KOCH:** OptiCom. Their charges on my
19 bill were very minimal. And I'm going to be honest I
20 never heard from them once I discounted the telephone
21 calls. I called --

22 **COMMISSIONER GARCIA:** Once you discounted,
23 once you paid -- what do you mean by --

24 **WITNESS KOCH:** I refused to pay the charges.

25 **COMMISSIONER GARCIA:** Oh, okay.

1 **WITNESS KOCH:** Once I got finished with
2 AT&T, back to United, back to AT&T, and with a Zero
3 Plus Dialing again, I called United and I absolutely
4 refused the call. I did not ask for the service and I
5 was not going to pay what I did not ask for.

6 **COMMISSIONER GARCIA:** So you told United to
7 put you back to AT&T --

8 **WITNESS KOCH:** I told them to charge them
9 back, and I demanded that I be put back on AT&T.
10 That's when I first found out about the signature, the
11 PIC freeze. I was not aware of that. The AT&T
12 operator informed me I could do that.

13 At that time -- I signed those papers on May
14 9th. I have copies of them with me. I also included
15 a code name on both my business and my personal
16 accounts.

17 **COMMISSIONER GARCIA:** You're with United?

18 **WITNESS KOCH:** United for local.

19 **COMMISSIONER GARCIA:** I guess they have that
20 program also you can put in a password.

21 **WITNESS KOCH:** Yes.

22 **COMMISSIONER GARCIA:** They are saying that
23 they do.

24 **WITNESS KOCH:** Yes, they do. I'll tell you
25 very honestly, AT&T was very, very cooperative through

1 this whole mess. And this went on for more than ten
2 months.

3 United Telephone was -- I have to give them
4 credit for being more than cooperative except for a
5 single operator who at one time called me concerning
6 the past due bill, and I explained to her what had
7 been happening and what had happened as far as my
8 account being slammed; what actions I had taken and
9 that I had kicked back all of those calls to the
10 company that billed me, and, you know, on behalf of
11 the other one. And that operator was very rude. And
12 she told me that if I was going to do something such
13 as that, I needed to get real savvy real quick
14 concerning phone charges and phone lines, and to me
15 that's like talking insurance. I don't understand
16 that.

17 COMMISSIONER GARCIA: Right.

18 WITNESS KOCH: I can tell you a lot of
19 things about an engine or a transmission. That's what
20 we fix.

21 Telephone lines and billing and, you know,
22 how that system works, all I know is when I pick up
23 the phone, if I'm dialing local I'm on -- which is now
24 Sprint-United, and if I'm dialing long distance I
25 expect to be on an AT&T line. That's the extent of my

1 knowledge of the phone.

2 I was told finally by the United operator
3 that my accounts had been changed by electronic tape.
4 That the electronic tape changes that occur do not
5 cross with the computers, and, therefore, do not check
6 the files and records to see if a customer has already
7 chosen a long distance carrier. So that electronic
8 tape is what fouled my system up. I carried a
9 past-due balance on my phone bill for more than ten
10 months. And it was resolved.

11 Sprint would call -- the supervisor called
12 me and said we had to get it resolved. When we went
13 over the dates and the times and the people that I had
14 spoken to, she was very patient and said we'll give
15 them another 30 days. She was going to contact them
16 and ask that I do the same. I did not have to do
17 that. They called me.

18 I've got a brief little --

19 COMMISSIONER GARCIA: You never spoke to the
20 Public Service Commission until United was good enough
21 in terms of --

22 WITNESS KOCH: The AT&T operator first made
23 me aware of the Public Service Commission. And as far
24 as the instance of slamming, I didn't even know that
25 slamming existed, until she told me, "Oh, you sound

1 like you've been slammed." I said what do you mean I
2 have been slammed? And she explained it to me. And
3 then United Telephone operators again said that this
4 was a common practice and that it had been happening a
5 great deal to their customers lately. And she also
6 advised me about the Public Service Commission and the
7 complaints.

8 When I called the Public Service Commission
9 I called for a number, I dialed them direct, they gave
10 me the number for the office in Tampa because they
11 said that would handle my location in Port Charlotte.

12 **COMMISSIONER GARCIA:** The Public Service
13 Commission did.

14 **WITNESS KOCH:** Yes. Then I called the
15 office in Tampa and the woman said "No, no, no, you
16 have the wrong number. You have to call the Attorney
17 General's office." The economic crime division. I
18 called that number and that woman was a little bit
19 irritated by my phone call.

20 **COMMISSIONER GARCIA:** And they gave you our
21 number again.

22 **WITNESS KOCH:** No. No. She finally -- I
23 think she finally realized I had a legitimate
24 complaint, that I was not just blowing steam off, I
25 wasn't trying to be rude, and she finally gave me the

1 information of where to send the complaint to and to
2 include the copies of the phone bill.

3 **COMMISSIONER GARCIA:** Okay. Just so you
4 know the next time so you can call the Commission
5 direct, our Tallahassee number is on this blue sheet.

6 **WITNESS KOCH:** Okay. I've got that.

7 **COMMISSIONER GARCIA:** It's 1-800-342-3552
8 and we should be able to help you. But I'm very happy
9 to hear that AT&T helped you out and that United was
10 so helpful.

11 You know, a lot of times when you go back to
12 your original carrier you'll find that because they
13 want your business they're -- they know as much or
14 more than the average person obviously.

15 **WITNESS KOCH:** I don't think that this
16 problem lies with the big corporation, such as United
17 and Sprint and AT&T and the others. I think it -- I
18 think this problem stems from the businesses out
19 there, the small businesses that are trying to grow
20 big, trying to be competitive, but the people in
21 control have that little green greed about them for
22 that almighty dollar. And they take advantage of
23 ignorance, because people don't know.

24 I know many people that had this happen to
25 them that would not take action because they thought,

1 you know, you can't fight City Hall.

2 **COMMISSIONER GARCIA:** In your case it wasn't
3 that big of a bill -- or was it?

4 **WITNESS KOCH:** It got up there quite a bit.

5 **COMMISSIONER GARCIA:** But there are some
6 people --

7 **WITNESS KOCH:** They kept billing me even
8 after I -- I was billed for months afterwards.

9 **COMMISSIONER GARCIA:** Got you. Got you.
10 Even though United had told you you had AT&T they were
11 still billing you.

12 **WITNESS KOCH:** My phone bills never showed I
13 carried any other carrier except on the billing.

14 **COMMISSIONER GARCIA:** Can they do that?

15 **MR. MOSES:** What I'm trying -- what I was
16 going to ask her a question, do you recall when you --
17 if you have copies of the bills we could look at them,
18 whenever OptiCom was doing the charges, were they
19 showing those as 0-plus calls, in other words, did you
20 dial a zero first, or did you dial --

21 **WITNESS KOCH:** OptiCom in actuality they
22 have one call -- you're talking on the code.

23 **MR. MOSES:** Yes, ma'am, where it has the
24 number.

25 **WITNESS KOCH:** ANC is automatic number

1 identification, N is night weekend, and C was calling
2 card.

3 **MR. MOSES:** It's not shown as a direct
4 dialed call that's either collect or --

5 **WITNESS KOCH:** No, not from OptiCom. Now,
6 that's only the one call from OptiCom, and that looks
7 like a call that I made -- either I or someone who
8 worked for me made from perhaps Fort Myers.

9 **MR. MOSES:** So it was a calling party.

10 **WITNESS KOCH:** There may have been another
11 call from like Port Charlotte to -- let me see the
12 number called was a Port Charlotte number and it was
13 called from a Port Charlotte number -- that was
14 probably someone out on the road that didn't have
15 change for the payphone and just stuck it on the
16 calling card for a local call.

17 **MR. MOSES:** What has happened is OptiCom was
18 the carrier for the payphone they used. They did not
19 dial an access number to access your carrier that you
20 had for your calling card and they accepted your
21 calling card, and that's how it ended up getting
22 charged to your bill.

23 **WITNESS KOCH:** That may have been on the
24 OptiCom call. The Business Discount Plan was not.

25 **MR. MOSES:** No, ma'am. That's a different

1 situation.

2 **COMMISSIONER GARCIA:** Let me ask you, she
3 made a point and maybe it's my ignorance you can
4 clarify it for me.

5 If you're a reseller of a service and United
6 is billing for me, United is still going to have my
7 name, not AT&T's, correct?

8 **MR. MOSES:** That's correct.

9 **COMMISSIONER GARCIA:** And that's how it
10 should be.

11 **MR. MOSES:** That's how it should be.

12 **WITNESS KOCH:** That's was not how it was
13 represented to me.

14 **COMMISSIONER GARCIA:** Maybe we need to look
15 at your case in particular and we'll have Mr. Durbin
16 take a look at it and show him some of those.

17 **WITNESS KOCH:** You can take this and -- you
18 can have my phone bills if you promise to give it
19 back.

20 **COMMISSIONER GARCIA:** Here's what we'll do,
21 Mr. Durbin will talk to you, get your information and
22 what he'll do if he takes originals from you, he'll
23 mail them back to you, but most probably he'll just
24 ask you to copy them and send them to him. Just so we
25 can find out.

1 **WITNESS KOCH:** I had to dig them out of the
2 file just to bring them down here for tonight.

3 **COMMISSIONER GARCIA:** We appreciate that.

4 **MR. MOSES:** Let me do a little clarification
5 on this.

6 **AT&T** in the past had billed on behalf of
7 some of their resellers and their name was still on
8 the bill. Now that recently has been discontinued and
9 they are putting the reseller's name on the bill.

10 **COMMISSIONER GARCIA:** Will the rule prevent
11 that from happening in the future?

12 **MR. MOSES:** The name of the certificated
13 company that is claiming the customer has to be on the
14 bill.

15 **WITNESS KOCH:** Now, the Business Discount
16 Plan called and promised me a credit on the account
17 back in July of '96.

18 **COMMISSIONER GARCIA:** And?

19 **WITNESS KOCH:** I never once saw a credit on
20 any of my phone bills.

21 **COMMISSIONER GARCIA:** But you didn't get
22 billed any more from United for that cost.

23 **WITNESS KOCH:** United showed the charges as
24 a past-due balance, but every month when the bill
25 would come in I would deduct the past-due balance, pay

1 what I knew I owed, and United was very cooperative in
2 that.

3 **COMMISSIONER GARCIA:** When did it disappear?

4 **WITNESS KOCH:** When I got a check from
5 Business Discount Plan.

6 **COMMISSIONER GARCIA:** Oh, you finally did
7 get a check.

8 **WITNESS KOCH:** That's okay. I got a check
9 from them because they said they were unable to
10 electronically transfer the credit to my account. But
11 I found out since then that that did not protect -- as
12 a matter of fact I found it out just this evening from
13 being here -- that all that I've done here does not
14 protect my local service. And I found out -- I think
15 it was Monday -- that I had been using, for over a
16 year, an invalid calling card. Don't ask. I have no
17 idea. But I got that straight, I think, and I now
18 have new cards.

19 **COMMISSIONER GARCIA:** We have jurisdiction
20 there, too, so if you do have a problem with that.

21 **WITNESS KOCH:** I'll call you. (Laughter)

22 **COMMISSIONER GARCIA:** Julia Johnson is the
23 proper -- (Laughter)

24 **WITNESS KOCH:** I just wanted to have my
25 piece.

1 I think for suggestions, which I'll ask you
2 for in the letter, I think one of the best suggestions
3 that I could make would be first off, honesty from the
4 telemarketers.

5 Sprint called me last week, I believe it
6 was, and offered me the opportunity to have my local
7 and long distance calls every month come in on one
8 bill and I would only have to write one check instead
9 of two.

10 **COMMISSIONER GARCIA:** I'd like to ask you
11 about that. How exactly would they do that? They
12 were going to just bill you -- are they billing you
13 separately nowadays instead of going through United,
14 they are billing you separately for their long
15 distance.

16 **WITNESS KOCH:** AT&T sends me a separate bill
17 every month for my long distance service.
18 Sprint-United sends me a bill for my local, and if I
19 have to put any local toll calls.

20 **COMMISSIONER GARCIA:** Right.

21 **WITNESS KOCH:** When Sprint called and the
22 girl offered me the chance to write -- as it is right
23 now I write four checks a month for my phone service
24 also. She offered me a chance to write two.

25 **COMMISSIONER GARCIA:** Right.

1 **WITNESS KOCH:** My first question because of
2 this experience was will my long distance carrier
3 remain AT&T, which is my choice?

4 **COMMISSIONER GARCIA:** Right.

5 **WITNESS KOCH:** This woman very honestly and
6 very quickly said no. That put the choice in my lap
7 whether to listen to her offer or to simply hang up.

8 So that's one of the -- that's one of the
9 best ways I think to correct it. Like I said, I gave
10 more suggestions, I just did brief little ditties and
11 I was just going to give them to you to peruse at your
12 convenience.

13 **CHAIRMAN JOHNSON:** Thank you. And that had
14 been helpful if you could provide those to Staff we'll
15 make sure we put those in the correspondence side of
16 our record.

17 **WITNESS KOCH:** I didn't want to read that.
18 Lengthy. 2,000 words total. It's not my best so
19 don't judge me by it.

20 I don't know what else to tell you other
21 than -- it took over ten months to get my account
22 resolved, and now I'm fixing to go back and look at my
23 local.

24 **CHAIRMAN JOHNSON:** If you have any problems
25 with that, make sure you let us know. I know you said

1 you read the rules that we have proposed. And again I
2 know you stated this process took a lot of time and
3 energy on your part, and we have some things that I
4 think that may help alleviate that and put it in --

5 **WITNESS KOCH:** There was information I was
6 reading on the papers I picked up out front that I was
7 not aware of. So education is really the key.

8 I think my main, probably, reason for being
9 here is I have a very large mouth. But there are many
10 people, especially in Florida, who are elderly and
11 retired. And they aren't aware that things like this
12 are going on. And those are the ones that these scam
13 artists are getting the bulk of their funds from and
14 those are the people who can least afford to deal with
15 the problem, let alone the stress of dealing with it.

16 So any way that I can help out I will be
17 glad to.

18 **COMMISSIONER GARCIA:** Thank you, Mrs. Cook.

19 **WITNESS KOCH:** Thank you.

20 **CHAIRMAN JOHNSON:** Appreciate your
21 testimony. Any other witnesses?

22 **MR. BECK:** Ms. Koch was at last witness to
23 sign up ahead.

24 **CHAIRMAN JOHNSON:** Is there anyone else in
25 the audience that would like to testify that did not

1 sign up to testify?

2 MS. MATSON: I did not sign up ahead of time
3 because I'm kind of shy.

4 CHAIRMAN JOHNSON: Ma'am I'll need to swear
5 you in.

6

- - - - -

7

JOANNE MATSON

8 was called as a witness on behalf of the Citizens of
9 the State of Florida and, having been duly sworn,
10 testified as follows:

11

DIRECT STATEMENT

12 CHAIRMAN JOHNSON: If you could state your
13 name and address for the record.

14 WITNESS MATSON: My name is Joanne Matson
15 and my address is 10 Nicholas, North Fort Myers,
16 Florida.

17 THE REPORTER: The last name is M-A-D-S-O-N?

18 WITNESS MATSON: "T". M-A-T-S-O-N.

19 Okay. My situation is little different.
20 One, I never had an offer to change the telephone
21 company, and in one bill I got billed from three
22 different long distance companies. And I will start
23 first by naming them.

24 I made a lot -- this is over a year and a
25 half ago then I made a lot of calls to people in

1 December of '95. And then I get my bill in January of
2 '96, and not only does it show that I have AT&T as my
3 carrier, but I have also been changed to a company
4 called WinStar. And then in addition I've also been
5 changed to a company called ATX for the tune of \$9.60
6 to switch, but also have an AT&T bill. Well, I paid
7 the \$9.80 and I really didn't think too much about it.

8 Then in February of '96, not only do I get a
9 bill from AT&T with all of my December calls, but the
10 December calls are listed from going through some
11 place called Zero Plus Dialing with a monthly service
12 fee of \$3, so I now have a bill here from Zero Plus
13 Dialing from thirty-seven sixty-one and a bill from
14 AT&T for seventeen thirty-three. Well, I don't think
15 too much about that and I pay that bill, too. But I'm
16 kind of confused.

17 Well, then the next month is when I get
18 upset. And I call the Public Service Commission and I
19 filed a complaint with a Ruth McHargue, and she said
20 well, we'll get Gateway Communications Network, which
21 supposedly is connected with the Zero Plus Dialing out
22 of Irving, Texas, to respond to the complaint. And I
23 also put a local freeze on my account. And I was told
24 that Zero Plus -- because I had a calling plan with
25 AT&T -- must rerate all of this stuff. Well, we never

1 did, and in March of '96 I still hadn't got any
2 report. And I contacted the Public Service
3 Commission. All the time every month I'm still
4 getting a charge of \$3 a month for the Zero Plus long
5 distance thing. And finally I'm getting so disgusted
6 with the thing I'm about to give up.

7 And, okay, in March of '96 I get the charge
8 again for the service fee for February, and then on my
9 bill again I see AT&T and this Zero Plus Dialing. So
10 I call United Telephone and I keep paying it because I
11 don't want my credit affected, because I've got A-1
12 credit, but I'm getting a little upset. They say
13 well, go back to AT&T. And I go back to AT&T and they
14 said, "You have been a wonderful customer. You've
15 never changed with us." And I said, "Well, who is
16 this Zero Plus Dialing that keeps billing me for a
17 service I don't have?"

18 Finally then I get a letter that the Public
19 Service Commission sends me that's dated April, 19th,
20 1996, and then it says "We're in receipt of your
21 complaint and we certainly do apologize for delay in
22 responding." This is addressed to a Ruth McHargue of
23 the Public Service Commission. She says the company
24 here, WinStar out of Irving, Texas, say "We're not in
25 the practice of ever submitting individuals for

1 unauthorized PIC charges. SWGN is committed to
2 providing the most conducive resolutions possible for
3 all parties involved in situations of this nature. We
4 will issue a credit of all calls made while using this
5 service in the amount of thirty-three sixty-five.
6 This amount will be credited to your monthly telephone
7 bill. If you have any questions, call."

8 Well, I called the number and I don't get
9 anybody and it's a cost to call.

10 CHAIRMAN JOHNSON: Ma'am, you said it cost
11 you -- it was a long distance call?

12 WITNESS MATSON: Yeah, to call to get the
13 answers to my questions.

14 All right. Now we're in April of '96.
15 Okay. In May of '96 I still get a bill from AT&T and
16 I get another service charge from Zero Plus Dialing,
17 and then in June of '96 I still get a bill from AT&T
18 and I get a bill from Zero Plus Dialing. And after
19 going through all of this and going back to AT&T that
20 says, "Well, you're on record with us and you've never
21 changed. I tell my friend. She said just forgot it,
22 pay the bill and ignore it.

23 And I didn't go back to the Public Service
24 Commission because they did credit at least a certain
25 amount but they never credited this billing thing.

1 And I think I sent the Public Service Commission my
2 telephone bills for November '95.

3 COMMISSIONER GARCIA: I get the feeling
4 that's like an additional service or something they
5 have put on her phone?

6 MR. MOSES: I'm not sure.

7 WITNESS MATSON: And December of '95. But I
8 just got discuss --

9 COMMISSIONER GARCIA: They've kept billing
10 the \$3 every month.

11 WITNESS MATSON: Yes. I don't know. I've
12 got at least six months of it here. I've got all of
13 my telephone bills.

14 COMMISSIONER GARCIA: I think you're the
15 last witness. I need you to get with Mr. Moses
16 because it's very possible that what you have got is
17 not a long distance service but some additional
18 service that Mr. Moses -- we've only had one or two
19 others like you. What they do is they haven't slammed
20 you; they haven't changed your local service. They
21 simply have informed your local company they are
22 offering this additional service to you, and --

23 WITNESS MATSON: For \$3 a month I don't
24 want? See, I have a bill here of all long distance
25 charges amounting to 30 some dollars -- (Simultaneous

1 conversation)

2 **COMMISSIONER GARCIA:** It may have nothing to
3 do with long distance. It may be some other service
4 they say they are providing to you and we need to look
5 into that.

6 The long distance issue was to some degree
7 corrected but that \$3 should be corrected; you should
8 get your money back for that.

9 **WITNESS MATSON:** And they didn't reimburse
10 me for the total amount of the bills that they billed
11 for this Zero Plus thing. I mean but I just gave up.

12 **COMMISSIONER GARCIA:** Don't give up on us
13 yet.

14 **MS. CALDWELL:** Ms. Matson, are they still
15 charging you the \$3 now?

16 **WITNESS MATSON:** Oh, no. This is '96.

17 **MS. CALDWELL:** They finally discontinued the
18 charges.

19 **WITNESS MATSON:** I kept calling and
20 complaining. But I kept paying the \$3 charge.

21 **COMMISSIONER GARCIA:** Who did you keep
22 calling and complaining to? Was it your local company
23 or was it Zero Plus --

24 **WITNESS MATSON:** United.

25 **COMMISSIONER GARCIA:** Could you let us look

1 STATE OF FLORIDA)
2 COUNTY OF LEON)

CERTIFICATE OF REPORTER

3 I, JOY KELLY, CSR, RPR, Chief, Bureau of
4 Reporting, Official Commission Reporter,

5 DO HEREBY CERTIFY that the Workshop in
6 Docket No. 970882-TL was heard by the Florida Public
7 Service Commission at the time and place herein
8 stated; it is further

9 CERTIFIED that I stenographically reported
10 the said proceedings; that the same has been
11 transcribed under my direct supervision; and that this
12 transcript, consisting of 75 pages, constitutes a true
13 transcription of my notes of said proceedings.

14 DATED this 18th day of November, 1997.

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