

1 **IN ATTENDANCE:**

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

3 **CHARLIE BECK and EARL POUCHER, Office of**

4 **Public Counsel.**

5 **RICK MOSES and KELLY BIEGALSKI, FPSC Division of Commu**

6 **DICK DURBIN and THELMA CRUMP, FPSC Division**

7 **of Consumer Affairs.**

8 **BLANCA BAYO, FPSC Division of Records and**

9 **Reporting.**

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1	I N D E X	
2	MISCELLANEOUS	
3	ITEM	PAGE NO.
4	CERTIFICATE OF REPORTER	100
5		
6	WITNESSES	
7	NAME	PAGE NO.
8	JAMES ELLIS LANE	
9	Direct Statement	14
10	REPRESENTATIVE ANTHONY C. HILL, SR.	
11	Direct Statement	31
12	MATT GOSS	
13	Direct Statement	36
14	BARRY WAYNE BEAUFORT	
15	Direct Statement	41
16	JERRY CAMERON	
17	Direct Statement	48
18	HERB PFEFFER	
19	Direct Statement	64
20	MARGARET BROWN	
21	Direct Statement	75
22	ERNESTO N. SAPIN	
23	Direct Statement	93
24		
25		

P R O C E E D I N G S

(Hearing convened at 2:35 p.m.)

CHAIRMAN JOHNSON: Ladies and gentlemen,
we'll be starting in just the next several minutes.
Some of the customers had a problem finding the exact
location and they are lined up and still signing up,
and I wanted to give them an opportunity to get
settled in. And we'll be starting again in the next
two to three minutes. I apologize for the delay.

(Brief recess.)

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CHAIRMAN JOHNSON: Ladies and gentlemen, I
apologize for the delay. We're going to go ahead and
call the hearing to order. Counsel, could you please
read the notice?

MS. CALDWELL: Pursuant to the notice, under
Section 120.54 Florida Statutes, the Florida Public
Service Commission will hold a rule development
workshop at this time and place to consider amendments
to rules relating to customer preference for its
local, local toll and toll provider.

CHAIRMAN JOHNSON: I'll take appearances of
the parties at this time.

MS. CALDWELL: I'm Diana Caldwell, Florida
Public Service Commission, 2540 Shumard Oak Boulevard,

1 Tallahassee, Florida.

2 COMMISSIONER CLARK: Thank you.

3 MR. BECK: My name is Charlie Beck, and with
4 me is Earl Poucher. We're with the Office of Public
5 Counsel that represents the citizens of the state
6 before the Commission. Our address is 111 West
7 Madison Street, Tallahassee, Florida.

8 CHAIRMAN JOHNSON: I know that we also have
9 the Attorney General's office participating in these
10 proceedings. Mr. Michael Gross has been representing
11 the Attorney General's office, and I'm certain that
12 he'll be participating in this process, also.

13 My name is Julia Johnson. I'm the Chairman
14 of the Florida Public Service Commission, and I'll be
15 presiding over this workshop/hearing today. To my
16 left is Commissioner Joe Garcia and to my right is
17 Commissioner Terry Deason. The entire Commission,
18 after we finish this process, will be holding a
19 technical hearing and taking additional evidence and
20 additional information at our technical hearing, and
21 we'll make a final decision sometime in the early part
22 of next year.

23 Our purpose in being here today is to hear
24 from you, to hear your concerns, to hear your
25 complaints, and to hear your solutions as to how we

1 might help prevent slamming and to provide you with
2 greater protection.

3 At the appropriate time, Ms. Biegalski from
4 the staff of the Public Service Commission will read
5 to you the proposed rules. If you have any questions
6 or any comments as to the proposed rules, feel free to
7 direct those to us. Also, if you have complaints that
8 you'd like for us to address, we have several Staff
9 members here that can assist you in that process. And
10 I'll also introduce those members, too.

11 There was quite a bit of information out
12 front. One of the things that we're trying to do as a
13 Commission is to provide you with more information to
14 arm you to protect yourself against slamming. If you
15 didn't have a opportunity to pick up all of the
16 brochures and materials, please feel free on your way
17 out to get that particular material.

18 There is a form from the Department
19 of Agriculture, their "no sales solicitation" form.
20 This form will allow those that -- in the afternoons
21 when they are coming home from work, and they don't
22 want to be bothered, they don't want calls to come
23 in -- we've had a lot of customers say that they just
24 hate that as soon as they sit down from a hard day's
25 work they get a call and it's from a telemarketer.

1 The Department of Agriculture, they have a
2 program; there's a fee of \$10, initial fee, and \$5 per
3 year to be a part of their program. And under that
4 program you can have a situation where you will not --
5 you'll be put on their list, and you won't receive
6 those telecommunications, those telemarketers'
7 solicitation.

8 As far as it relates to the Commission, we,
9 if you look at our materials, have a 1-800 number.
10 You can call that number to voice any complaints or
11 any concerns that you might have to say. We also
12 have, if you have access to a computer you can file
13 your slamming complaints via the computer. You can
14 also look and determine whether companies are
15 certificated or not and get the direct assistance from
16 the Commission on how to resolve a lot of these
17 issues.

18 As you can see from our special report,
19 we've held these hearings all across the state. Today
20 is our final day of hearings in Jacksonville here.
21 We'll hold a hearing here at 2:30, and we will be
22 available again this evening at 6:30. If you'd like
23 to testify, at the appropriate time I'll ask you to
24 stand, and I'll swear you in and you can provide oral
25 testimony; or if you'd just like to provide us with

1 written testimony, there is a place on the blue or
2 green form for you to provide the written information
3 to us.

4 At this time I think I'll go ahead and allow
5 Ms. Biegalski to go ahead and read the summary of our
6 new proposed rule, and the entire text of that is
7 available on the front desk if any of you would like
8 to read the entire text of the rule.

9 Ms. Biegalski.

10 **MS. BIEGALSKI:** Thank you. My name is Kelly
11 Biegalski with Commission Staff, and the summary I'm
12 about to go over with you can be found in the blue
13 handout.

14 The proposed amendments will apply to all
15 companies providing local telephone service, local
16 toll service, also known as intraLATA, and your long
17 distance service. The proposed amendments will
18 require additional information to be printed on your
19 telephone bill, this information includes the name of
20 the company, the type of service that company is going
21 to provide, and a toll free number for each provider.
22 You will see up to three different providers on your
23 telephone bill. One for local service, one for local,
24 local toll service for intraLATA and one for your long
25 distance service.

1 The proposed amendments limit the ways in
2 which a preferred company may be changed, a change may
3 only be made if one of the following instances occur:
4 A company obtains a signed letter of agency that
5 contains sufficient information to verify that the
6 customer is authorizing the change, or if a company
7 receives a consumer-initiated call, obtains the
8 consumer's consent, records the consent and the number
9 to be changed. Or if the company has an independent,
10 unaffiliated firm, verify the consumer's request or
11 when the company receive the consumer's change
12 request, the company may elect to send an information
13 packet which explains the changes, verifies the
14 information and requires a signed statement
15 acknowledging the change.

16 The proposed amendments will provide --
17 prohibit a company from combining a letter of
18 authorization with any inducement on the same
19 document. For example, the checks you receive in the
20 mail to switch your long distance carrier or the
21 sweepstakes forms you see in fairs or restaurants
22 would no longer be allowed with the propose rules. In
23 addition, when a company is soliciting in writing or
24 by telephone, the inducement may not be misleading or
25 deceptive.

1 Finally, if you're slammed the proposed
2 amendments must credit the consumer all charges for
3 the change and all charges billed on behalf of the
4 unauthorized carrier for the first 90 days. Upon the
5 consumer notifying the unauthorized carrier, the
6 consumer must be switched back to their preferred
7 carrier. And this concludes a summary of the rules.

8 **CHAIRMAN JOHNSON:** Thank you for the
9 summary.

10 There are several members of the Staff here
11 that during the process of your providing us with
12 comments you may have questions. Let me introduce
13 those Staff members at this time.

14 Mr. Rick Moses is seated there with the
15 Staff members to my left and to your right. He's one
16 of our technical engineers that can assist with any
17 technical questions. Ms. Caldwell introduced herself,
18 she's the lead attorney on this case. Ms. Biegalski,
19 of course, read the notice. Mr. Dick Durbin was the
20 gentlemen that was seated here at the computer. He
21 will have access to our office in Tallahassee so that
22 if you have an ongoing complaint we can look that
23 complaint up as we proceed today. Ms. Blanca Bayo is
24 seated here, she is also here to help with the
25 Internet process and let me make that introduction.

1 This hearing and your testimony is being
2 transmitted over the Internet. We've provided that
3 service for customers in Pensacola and Miami who
4 stated that they'd like to hear the problems that
5 other consumers are having around the state. So we
6 did want to make you aware that this hearing is being
7 broadcasted over the Internet, and that tonight's
8 hearing will also be available for those of you who
9 would like to listen in on the comments of your
10 neighbors. Ms. Thelma Crump was the young lady that
11 greeted you. She is in charge of our consumer
12 information and education, so if you need more
13 brochures or information regarding how you can protect
14 yourself, please direct your questions to her.

15 Joy Kelly is our court reporter. Certainly
16 the comments that you make will be sworn testimony,
17 and it is the kind of evidence that we can use and
18 will be made a part of our official record that we
19 will rely upon when we make our final determinations.

20 And Sandy Simmons may be here, she might
21 have been -- okay, Blanca will be handling the issues
22 that Sandy would have otherwise handled.

23 Did I miss anyone? I don't think so.

24 With that, those that would like to testify
25 if you could please stand and raise your right hand

1 I'll swear you in at this time.

2 (Witnesses collectively sworn.)

3 CHAIRMAN JOHNSON: Thank you. You may be
4 seated.

5 I did want to recognize Representative Tony
6 Hill. He is here. He's been very, very active in
7 this process. He's trying to determine ways that if
8 we need legislative changes, what those changes should
9 be. His focus has been to focus on the customers and
10 determine how we can best provide customer information
11 and customer education.

12 Last week we held a press conference. I had
13 a couple of customers ask about that press conference
14 and the dockets that have been opened. Those are
15 investigation dockets that were opened by the Staff.
16 The Commissioners, of course, will hear the
17 recommendations of Staff and make recommendations or
18 make final decisions on those recommendations at an
19 appropriate time. But, again, at this point those are
20 open dockets, and I will list the companies. Someone
21 asked me about the companies other than the ones
22 listed in this brochure, but the dockets that we
23 opened involved All America Telephone, Inc., AT&T,
24 Brittan Communications, Excel, Homeowner Owners Long
25 Distance, ICLD, LCI, MCI, Minimum Rate Pricing,

1 Preferred Carrier Services, Sprint and Unidial.

2 Again, a lot of customers throughout this
3 process have brought new complaints and new issues to
4 our attention. What we're trying to do as a
5 Commission is to act in a very comprehensive and
6 direct way to address the issues in the best manner in
7 which we can, and that was the reason for Staff
8 opening this docket as one comprehensive review of
9 several complaints that have been filed.

10 In addition, Public Counsel and the AG have
11 filed individual complaints based upon the comments
12 and the complaints that they have heard and received
13 from this process. And I am certain that they are
14 going to be very active in these dockets as well as
15 other dockets that will be ongoing, and I'd like to
16 thank them for their help and their support.

17 With that, I think we're prepared then to
18 have the first witness come forward.

19 MR. BECK: Thank you, Chairman Johnson. The
20 first witness is James Lane.

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1 **JAMES ELLIS LANE**

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 **WITNESS LANE:** Folks, I appreciate the
7 chance to come before you all, because I have been
8 fighting this battle which -- here's my phone bills to
9 prove it. Ms. Johnson has looked over them.

10 **COMMISSIONER GARCIA:** Let me ask you a
11 favor, just for processing.

12 **WITNESS LANE:** Yes, sir.

13 **COMMISSIONER GARCIA:** Give us your name and
14 your address so we have got you on the record so we
15 can find you if we want to do it.

16 **WITNESS LANE:** My name is James Ellis Lane.
17 I live at Route 1, Box 3819, Glen St. Mary, Florida.

18 **COMMISSIONER GARCIA:** Spell your last name
19 for us.

20 **WITNESS LANE:** L-A-N-E. My telephone number
21 is listed under my business, which is Rabbits-R-Us.
22 For the first year out at -- when I moved out to Glen
23 St. Mary -- I got notes and everybody in the country
24 it seems like was charging me money for my phone
25 bills. You know, \$349, \$250 a month. And then I got

1 to looking. I've got a signed contract with a
2 telephone company for my carrier to be AT&T for my
3 long distance. Okay? I've got AOS charging me long
4 distance. I've got LEC charging me long distance. I
5 asked the question who are they? I get no response.
6 Well, we'll get back to you, okay? I filed with the
7 Public Utilities Commission. I filed paperwork with
8 the Public Service Commission. I filed with the FCC,
9 okay? And everybody comes back to me, this issue has
10 been resolved.

11 **COMMISSIONER GARCIA:** And it hasn't?

12 **WITNESS LANE:** Why are they still slamming
13 me? If it's been resolved, what is the deal, you
14 know? I'm sitting here. I've got printouts of what
15 is supposed to be local phone numbers that's in your
16 initial bill. And if I'm not mistaken, there's 97 of
17 them. If you read my phone bills, just the local
18 messages, which that's one of them, (indicating) I'm
19 charged a quarter per call and every charge is on this
20 paper right here I'm not even supposed to be paying
21 for it.

22 **COMMISSIONER GARCIA:** Are you being charged
23 by a billing service or by your local exchange? That
24 a BellSouth which includes ___

25 **WITNESS LANE:** No, this is by the local

1 phone company.

2 COMMISSIONER GARCIA: Oh, okay.

3 Northeastern.

4 WITNESS LANE: Northeast Telephone Company.

5 COMMISSIONER GARCIA: If you don't have
6 anything there you wouldn't want us to see, could I
7 see that real quick?

8 WITNESS LANE: No problem. Sure.

9 COMMISSIONER GARCIA: And let me see the
10 letter from the Public Service Commission, if you can.
11 I don't want to interrupt you, you can keep speaking,
12 so I can look at that.

13 WITNESS LANE: I'm nervous. I guess you
14 could say you can see that.

15 COMMISSIONER GARCIA: Don't be nervous, sir.

16 CHAIRMAN JOHNSON: You're doing a great job.

17 COMMISSIONER GARCIA: We're all among
18 friends here. You're doing much better than others.
19 Some start crying right when they get up there. Those
20 are the ones that the Chairman likes. You can't talk
21 when you're here. You've got to get to the mike
22 because someone is transcribing.

23 WITNESS LANE: The paperwork, that's all my
24 phone bills from -- I believe you'll find March of '96
25 to October of '97.

1 We're being charged outrageous things. I've
2 got a paper here from the federal communications, that
3 details everything about slamming. I followed the
4 FCC's rules. I filed with Senator Bob Crawford's
5 office. I got a piece of paper back from him, which
6 documented right here, it says, "This matter that was
7 brought to our attention has been resolved." If it's
8 been resolved why are they still doing it, you know?
9 And then for a year my phone number was not listed
10 where it was supposed to be. I was a new small
11 business. It took me one year to --

12 **COMMISSIONER GARCIA:** You mean by "not
13 listed," you mean in the Yellow Pages?

14 **WITNESS LANE:** No, sir. It wasn't even in
15 information where my business actually is.

16 **COMMISSIONER GARCIA:** Let me ask you, when
17 you would call in -- if I were looking for rabbits,
18 I'd ask for Rabbits-R-Us.

19 **WITNESS LANE:** In Glen St. Mary, Florida,
20 yes, sir.

21 **COMMISSIONER GARCIA:** And what would happen,
22 Northeast would give the wrong address?

23 **WITNESS LANE:** There's no listing. This
24 issue was brought before the Public Service
25 Commission, which I believe you have the document

1 right there. It says that this here -- they were
2 found at fault, okay. If they were found at fault for
3 a year, the money I lost this year because my
4 customers could not get ahold of me where I was at,
5 what did it cost them for them not putting me where I
6 was supposed to be? I don't call Tallahassee,
7 Florida, to find a prime convention center in
8 Jacksonville. That's just like, you know, you don't
9 call a doctor in Alabama to get one in Jacksonville.
10 It's the same situation. But they gave the Public
11 Service Commission this little story about, well, we
12 run out of numbers. You know, run out of numbers.
13 There's a bunch of them out there.

14 But this is the paperwork I got back and
15 this is the story I've heard from these people and
16 nothing has totally been resolved. They claimed
17 they've called us and we were happy with everything
18 that was going on. But the only way I've solved my
19 problem with slamming, I now have to dial an access
20 code. That's the only way I can stop my phone from
21 going to LEC, or AOS or -- you know, I don't really
22 know who all.

23 COMMISSIONER GARCIA: Well, in this bill
24 that you gave me I think -- let me ask you, who did
25 you want to be your local provider, AT&T?

1 **WITNESS LANE:** Well, in the beginning, see,
2 I was with AT&T seven years here in Jacksonville
3 before I moved to Baker County. And I want to
4 continue my service with AT&T because I had no
5 complaints and no gripes about it. But after I got
6 out there AT&T started getting two or three of my
7 phone calls and all of these other bogus companies
8 because they never have given me an answer who are
9 these people.

10 **COMMISSIONER GARCIA:** Okay. Because it
11 appears from this bill that you gave me that you do
12 have AT&T.

13 **WITNESS LANE:** Yes, sir. There is some
14 where AT&T has two or three bills, and there's -- 90%
15 of them they get LEC and AOS.

16 **COMMISSIONER GARCIA:** Mr. Durbin, obviously
17 we have a case file on this gentlemen. Do you have
18 any idea what we have? Could you maybe pull up to a
19 mike so you can tell us what is going on.

20 **MR. MOSES:** Commissioner Garcia, I've got
21 the file from him. He's been through Consumer
22 Affairs, and I've committed to get ahold of him
23 tomorrow and find out what the problem is and get to
24 the bottom of it.

25 **CHAIRMAN JOHNSON:** We've reviewed the bills

1 earlier and there does appear to be --

2 WITNESS LANE: Numerous, numerous.

3 CHAIRMAN JOHNSON: And the bill that

4 Commissioner Garcia first viewed --

5 WITNESS LANE: That was October of '97.

6 CHAIRMAN JOHNSON: -- only had AT&T. Yeah,

7 but there are others where these on AOS.

8 MR. MOSES: He has multiple problems with
9 the bill. He's being billed by AOS companies that are
10 not identified except by their PIC code which is a
11 problem. He's got charges on there for local calls.
12 He is being charged a quarter a call, which is not
13 proper, so there's some translation problems
14 somewhere. And I will get ahold of Northeast and find
15 out, because he would not be the only person that
16 would be affected if that's the case.

17 COMMISSIONER GARCIA: Yeah, you're right.
18 Here's one that detailed LEC messages, detailed AT&T
19 messages. Okay.

20 COMMISSIONER DEASON: Let me ask my question
21 real quick like. I'm asking it to Staff.

22 WITNESS LANE: Okay.

23 COMMISSIONER DEASON: The calls that were
24 rated at 25 cents. Were they misrated by Northeast or
25 were they handed off to an IXC to be treated as a toll

1 call when in reality it was some type of an extended
2 calling plan?

3 **MR. MOSES:** The way they are billed, they
4 are billed by the LEC. So I would say they were
5 misrated by the local exchange company. It appears
6 from the bill that they handled the call.

7 **WITNESS LANE:** Sir, other folks that I've
8 talked to out in Baker County, which I've discussed
9 this with hundreds of people, I've passed out hundreds
10 of complaint forms from Bob Crawford's office, all of
11 them are being charged a quarter cost to call
12 Jacksonville. You know, it's further to Lake City
13 from my house than it is to Jacksonville.
14 Jacksonville costs me a quarter; Lake City costs me a
15 dime. You know, these are all local calls. I believe
16 I gave you the paperwork that showed the --

17 **COMMISSIONER GARCIA:** Yeah, the calling
18 area.

19 **WITNESS LANE:** I've also got paperwork right
20 here that shows the one that we're supposed to pay
21 for.

22 **COMMISSIONER GARCIA:** Right.

23 **WITNESS LANE:** And there's less than half
24 here of what we're supposed to be getting free that
25 we're not.

1 **COMMISSIONER DEASON:** So you're saying these
2 calls are part of your local calling area and you're
3 being charged 25 cents per call.

4 **WITNESS LANE:** Yes, sir. Everybody in Baker
5 County is getting charged. Everybody told me they are
6 scared of losing their phone service because of Baker
7 County only having one telephone company. I don't
8 care about telephone company. I can go to cellular.
9 That's what I've told them.

10 **COMMISSIONER GARCIA:** I'm sure Staff
11 explained this, but maybe it's for the benefit of
12 others who don't know. If you -- you want AT&T to be
13 your provider, and I understand you're using an access
14 code now so you're deciding right when you make the
15 call.

16 **WITNESS LANE:** Well, as AT&T being my
17 primary long distance carrier --

18 **COMMISSIONER GARCIA:** There are several
19 issues you want to look at and Staff will obviously
20 educate you on this, but there are several -- I mean,
21 for example, those local or -- I don't want to --
22 those short distance long distance calls.

23 **WITNESS LANE:** Right.

24 **COMMISSIONER GARCIA:** Those are generally
25 only offered by your local exchange, and if you can be

1 in theory with an IXC or a long distance company which
2 doesn't off those same rates. So those are the things
3 you have to sit down and Staff will educate you.

4 But, secondly, when you get these bills, if
5 there's a company there that you never agreed to have
6 there -- you need to -- and this is for the audience
7 also -- to call the Commission, call your local
8 company, and then what you do is you only pay the part
9 of the bill that is not in dispute and you tell them
10 that you've filed a dispute with the Commission.

11 That's one of the ways you get this
12 resolved. Because that company then can't collect on
13 that money from you, and so they have an interest,
14 also, in helping you solve the problem. And they have
15 a little bit more push with the IXC than you do
16 directly, although, that's what we're trying to do is
17 give you a little bit more control over what they put
18 on your phone. That's something you should try next
19 time.

20 WITNESS LANE: Mr. Garcia, on my phone bills
21 you will read a part on the bottom of the phone bill
22 at the end of it it says, "If you do not pay the
23 written bill, your phone service will be
24 disconnected."

25 COMMISSIONER GARCIA: Okay.

1 **WITNESS LANE:** See, I used to be with AT&T.
2 I called AT&T about the slamming. AT&T told me
3 point-blank they had a contract with Northeast
4 Telephone Company. They had to go by their rules. So
5 I chose to discontinue after seven years with AT&T. I
6 went to MCI. MCI stopped them from slamming me.
7 That's why I no longer have AT&T because I choose not
8 to have AT&T.

9 **COMMISSIONER GARCIA:** Well, just for your
10 knowledge. And I'll look at the bottom of the bill
11 and take a look at that.

12 Once there's a dispute filed with the
13 Commission, they cannot charge you or cut off your
14 phone service until that dispute is resolved. So now
15 that you know that, you know, whether it be the
16 passage from the Bible at the end of the bill to maybe
17 strengthen its persuasive effect or not, what you need
18 to do is if you see something on your bill that you
19 don't agree to, you call your local company, that's
20 Northeast, and you tell them that ain't mine, that
21 isn't right. And then you call the Commission, and
22 you've got the 1-800 number, and I'm sure you've
23 already talked to them, and you file a case with us.
24 And then you only pay the portion of the bill which
25 you know to be correct, which is going to be the

1 Northeastern's portion --

2 WITNESS LANE: Right.

3 COMMISSIONER GARCIA: -- Northeast's portion
4 of the bill and probably any other ancillary service
5 you got from, and perhaps there is some long distance
6 company you did have to have doing your calls, and you
7 can pay for that, also. And then we have it filed
8 with us, and we try to resolve that dispute. And
9 until that is resolved, you don't have to pay for
10 that.

11 WITNESS LANE: Well, I have filed numerous
12 complaints with the Public Service Commission. I have
13 filed them with the Public Utilities Commission, and
14 I've also filed them with the FCC. And I always get
15 the same thing back in every letter, "We've talked to
16 your phone company and this matter has been resolved."

17 COMMISSIONER GARCIA: Well, if you hadn't
18 paid the phone company, you would find how quickly the
19 phone company would respond by saying, "Rabbits-R-Us
20 is a problem with us, too. And that's why I tell
21 you -- and I'm not saying that you, individually, in
22 your phone calls is going to make a big difference but
23 it alerts them there's a problem existing; while when
24 you pay it right off they have got nothing -- they
25 say, "Well, it's obviously taken care of because it's

1 on to the next month's bill." Let me just apologize.
2 Whatever we did we, obviously, must have dropped the
3 ball here on our part.

4 Usually, I think that -- I can say this
5 without reservation, we have the best Consumer Affair
6 staff in the country. And they do a tremendous job,
7 They, combined with our technical staff, resolve 99.9%
8 of the problems. We may have failed with
9 Rabbits-R-Us, but you get with our people for a few
10 minutes today, and I'm sure that we'll straighten it
11 out for you. And Northeast is here also, and I'm sure
12 they'll be willing to sit and talk with you so you can
13 discuss it with them.

14 CHAIRMAN JOHNSON: Is there someone from
15 Northeast here?

16 COMMISSIONER GARCIA: I thought there might
17 have been.

18 WITNESS LANE: See, my biggest complaint was
19 my phone bill --

20 COMMISSIONER GARCIA: They'll be calling you
21 soon, you'll see.

22 WITNESS LANE: Oh, yes, without a doubt. My
23 biggest complaint was I went from \$345 a month to \$54
24 a month by using an access code. That answers the
25 question.

1 **COMMISSIONER GARCIA:** Yeah.

2 **WITNESS LANE:** Why would my thing drop?

3 **COMMISSIONER GARCIA:** That's a lot of rabbit
4 food right there, that difference.

5 **WITNESS LANE:** Amen, brother. I'm serious,
6 you know, I'm not here to start no trouble; I'm not
7 here to cause no confusion.

8 **COMMISSIONER GARCIA:** Believe it or not, you
9 have, though. Every time you file these things it
10 does cause a problem with the company. But I promise
11 you, we'll take a look at it and Staff will get back
12 to you in the next few days.

13 **WITNESS LANE:** Over at Senator Bob
14 Crawford's office, they know me personally because
15 they are tired of hearing from me. The only reason I
16 quit is because I got tired of the headaches. I got
17 tired of the nausea. Every time the phone bill comes,
18 I told my wife, "Just pay it. Let's, you know, forget
19 these people, because they are going to rip you off."
20 I mean, we're paying for quarter calls. That's not
21 right. You know, it don't cost my dad a quarter to
22 call me from Jacksonville, but it costs me a quarter
23 to call him from Macclenny and, you know, that's not
24 right.

25 **COMMISSIONER GARCIA:** Well, we'll take a

1 look at all of that.

2 **WITNESS LANE:** We appreciate it. Thank you
3 very much.

4 **COMMISSIONER DEASON:** One further question.
5 Staff, do you have information on the routes in
6 question that are being billed?

7 **MR. MOSES:** Yes, sir, I do.

8 **COMMISSIONER DEASON:** So we can investigate
9 that with Northeast.

10 **MR. MOSES:** Yes, we've got a database. In
11 fact, it's got all of the EAS and ECS plans, and
12 everything. And I'm going to look at his bill and
13 compare it with that database to what's a quarter
14 plan, what's not, and what's local and everything.

15 **COMMISSIONER DEASON:** Okay. Thank you, sir.

16 **WITNESS LANE:** If you all need copies of any
17 more of the phone bills or anything, which I've
18 already given you some copies of them.

19 **MR. MOSES:** Yes, sir, I've got everything.

20 **WITNESS LANE:** If you need copies, all you
21 have to do is contact me at my home number. There is
22 Always an answering machine on. I'll be glad to
23 provide you any more additional stuff you all need.

24 **MR. MOSES:** I'll be in touch with yc"
25 tomorrow afternoon.

1 **WITNESS LANE:** All right. Thank you all
2 very much.

3 **CHAIRMAN JOHNSON:** Mr. Lane, I have one
4 question for you. The issue that you raised about not
5 being able to -- your customers could not contact you
6 through directory assistance, was that issue resolved?

7 **WITNESS LANE:** Well, as of now yes, ma'am
8 it's been resolved. I went \$29,000 in the red last
9 year because of that. I almost lost my business. It
10 took everything I could borrow, beg and scrap to keep
11 my business going. And then the people that said,
12 "Well, we ran out of numbers." Not hardly.

13 **COMMISSIONER GARCIA:** Next time that
14 happens, anytime you have a problem with your phone
15 and you just feel you're not getting the right shake,
16 call us up. If you feel you're not getting the right
17 shake from the Staffer, ask them to transfer you to
18 the Chairman's office. No, I'm just kidding. Ask
19 them to transfer you directly to my office.

20 **WITNESS LANE:** Then I get a piece of paper
21 stating they had been found guilty of a violation.

22 **COMMISSIONER GARCIA:** Right. That's
23 probably very true.

24 **WITNESS LANE:** They were found guilty of a
25 violation, but that still doesn't solve the problem.

1 **COMMISSIONER GARCIA:** It doesn't put your
2 money back in your pocket, I understand.

3 **WITNESS LANE:** And, you know, I'm not trying
4 to be a thorn, you know, but hey somebody has got to
5 stand up and say, "Look a here, we're tired of this
6 crap." I mean, there's people here in Jacksonville
7 that is getting slammed without a doubt. There's
8 people in Baker County that's actually scared to do
9 anything against this phone company because they will
10 lose their phone service. And I'm petitioning to try
11 to get BellSouth in there. I don't care who comes
12 into Baker County, they'll get my business in a
13 heartbeat. You know, they check my record. I was
14 with BellSouth for seven years, and I was well
15 pleased. But now I'm with Northeast and I'm not
16 pleased.

17 **CHAIRMAN JOHNSON:** And, sir, I know that I
18 have had an opportunity to speak with some of our
19 Staff members, and I know you've spoken with quite a
20 few of them at the Commission and there have been a
21 series of issues and we've tried to address them one
22 at a time. And what we'll do is have Mr. Moses look
23 at the latest issues that you have raised. I know
24 that my Staff has been very concerned about the issues
25 that you've raised, and they've endeavored to get

1 responses to those issues. But we will keep trying,
2 and we'll help you get to the bottom of it.

3 WITNESS LANE: Thank you, ma'am. I do
4 appreciate you all.

5 CHAIRMAN JOHNSON: Thank you, sir.

6 COMMISSIONER GARCIA: Thank you.

7 MR. BECK: Representative Hill.

8 - - - - -

9 REPRESENTATIVE ANTHONY C. HILL, SR.

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

13 DIRECT STATEMENT

14 WITNESS HILL: Good evening, or good
15 afternoon. First of all, I got here a little late, so
16 if it hasn't been down, I'll do it for you, to welcome
17 you all to the city of Jacksonville, home of the
18 Jaguars.

19 COMMISSIONER GARCIA: Got a little fan club
20 in the back.

21 WITNESS HILL: And glad that you made this
22 your last stand. But, first of all, I want to just
23 publicly say that on behalf of the constituents here
24 in Jacksonville as well as those in the 14 districts,
25 we appreciate you coming where the action is, out here

1 where the people are.

2 And from hearing that gentlemen there I can
3 see why some people kind of give up and lose hope in
4 what's going on, but I hope by your presence here
5 today will encourage him to know there is someone he
6 can call and that the slamming will stop.

7 I'm coming today to you just to talk, maybe
8 give some observation and to look to you for some
9 guidance as to how we can eliminate this situation,
10 not only in Jacksonville, but throughout the state of
11 Florida.

12 I'm going to just preface some remarks as it
13 relates to slamming and talk about maybe increasing
14 the fine and believe me, Chairman Johnson, since I
15 participated in that little press conference, I have
16 received calls and everything, representing here we
17 don't need to engage in any more legislation. We can
18 kind of work the thing out. But be it as it may, with
19 over 600 companies coming into the state of Florida,
20 and with all these different people that are involved
21 in the process, I don't know if that's going to be the
22 case. But since government created it, I think we
23 need to get involved and be a part of this.

24 Based on information I've read and heard
25 regarding the fines I've heard on these companies for

1 slamming, I would like to make the following
2 recommendation. Since the current fines do not seem
3 to deter companies from continuing illegal practices,
4 I feel that fines should be substantially increased.
5 After all \$1 million is small change to companies like
6 Excel and LCD and MCI, and some of the others. Make
7 the fine hurt. I think that there should be
8 additional fines, monetary and others such as
9 suspension of license and/or other penalties deemed
10 appropriate, up and to include revocation of license
11 for repeated offenders. I'm not naive enough to stand
12 here and think that it will be easy to come up with
13 the mechanisms to police and seriously punish repeated
14 offenders, but I hope that I'm getting my point
15 across, which is the current fines are not deterring
16 the crime.

17 It is my understanding that currently all
18 the fines collected go to the state treasury fund. I
19 would like to suggest that some of that money be used
20 for education, to the public, and also information,
21 because as Chairman Johnson Garcia told the gentleman,
22 even though you're reading on the bottom, if you don't
23 pay it, they're going to cut your phone off. But he's
24 saying if you call the Commission, you can tell them
25 that it's a dispute. I think the community and the

1 people in the public should know that. We shouldn't
2 have to jump through hoops to figure that process out.

3 Also disseminate information to the public
4 to keep them aware of their rights. Companies like
5 LCI, Excel, and others, hire people to call and use
6 gimmick tactics and get people to unknowingly switch
7 their companies. Maybe you should look at the
8 possibility of prosecuting some of the workers who
9 would knowingly work for companies that they know are
10 forcing them to do trick gimmicks and other false
11 tactics to get people to switch.

12 We know that Excel and other companies, the
13 other 12 companies, work and pay fines upon fines and
14 not really hurt, but the workers cannot.

15 My legislative assistant knows about
16 slamming only because of her brother who works for
17 another company and she switched her long distance to
18 that company; only to have another company switch her
19 back twice before she was able to get it stopped, by
20 putting in writing to BellSouth that her service
21 should not be switched again unless they received
22 notice from her in writing authorizing the change.

23 And in closing companies use free or reduce
24 fair, travel or drawing to get people to unknowingly
25 switch their companies, I think -- individuals think

1 they are just entering a free vacation contest which
2 they don't win. And on top of it their long distance
3 company has been switched. The writing on these entry
4 blanks about switching companies is so small that it
5 would take a magnifying glass to read it.

6 We have got to come up with the stiff
7 penalties, I believe, in my observation, other
8 solutions to stop slamming and other such illegal
9 activities. But I think, furthermore, to the
10 Commissioners and Chair, that information as well as
11 education will help the public to address these
12 concerns.

13 Thank you for allowing me to come and share.

14 **CHAIRMAN JOHNSON:** Thank you, Representative
15 Hill.

16 **COMMISSIONER GARCIA:** Representative, I just
17 want to say that one of the issues that this
18 Commission has taken up in the last year, in
19 particular since the Chairmancy of Commissioner
20 Johnson, has been public education and public
21 information. And there has been a great growth in our
22 Consumer Affairs office and our Public Information
23 office. And I know we've had a definite increase in
24 the number of complaints that we handle, as well as
25 the number of consumers that call in. And I think

1 that having more money focused in that area may be one
2 of the solutions, because, clearly, once you educate
3 the customer, he's more likely to take advantage of
4 those rights that the rules have built into them.

5 **WITNESS HILL:** Okay. I totally agree with
6 you. And, again, thank you all for coming to
7 Jacksonville to share.

8 **CHAIRMAN JOHNSON:** Thank you.

9 **COMMISSIONER GARCIA:** Thank you.

10 **MR. BECK:** Matt Goss.

11 - - - - -

12 **MATT GOSS**

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 **COMMISSIONER GARCIA:** Madam Chairman, while
18 Mr. Goss gets ready, I also wanted to point out that
19 I've spoken with Chairman Arnall this afternoon, and
20 he, also, is very interested in this issue and wants
21 to look at it and see what we can do to try to remedy
22 this. He couldn't make it today, but he expressed a
23 great deal of interest and he's also following this
24 subject very closely.

25 **CHAIRMAN JOHNSON:** Thank you. Mr. Goss.

1 **WITNESS GOSS:** My name is Matthew Goss. I
2 don't use -- I use Matt most of the time. 3494
3 Sandburg Road, Jacksonville, Florida 32277.

4 I opened my bill that I got at the end of
5 October, and I find on the back of Page 3 a one-time
6 charge for changing my interLATA long distance
7 company. I called BellSouth, which is my phone, and
8 they told me that I was changed over to Sprint. And
9 it says on the letter that I was changed to Sprint.

10 She advised me to call the Public Service
11 Commission, which I did, and also to call Sprint to
12 tell them that I -- well, when I called Sprint.

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

14 **WITNESS GOSS:** Pardon me?

15 **COMMISSIONER GARCIA:** That's great. The
16 local exchange, BellSouth, asked you to call the
17 Commission?

18 **WITNESS GOSS:** The girl did, yes. Yes.

19 **COMMISSIONER GARCIA:** She gave you our
20 number and the whole nine yards.

21 **WITNESS GOSS:** Yes, she did, yes. The 800
22 number. And I called there, and I had trouble finding
23 Sprint. I called four numbers listed for Sprint in
24 the book, and finally I got somebody who spoke to me.
25 And it seems that every time I spoke to somebody in

1 Sprint their name was Arlene. It's funny. It sounded
2 like the same voice, too. So, finally, she told me
3 that she has a letter there that I signed saying that
4 I turned my service over to not Sprint but to an
5 Arnet or something like that. I don't know -- I asked
6 her to spell it and she says -- she quickly spelled
7 it. I didn't have a pencil right there. I asked her
8 to spell it and she says, "I already did," and a voice
9 with a smile on the other end. Hum.

10 We finally -- I have to get my thoughts -- I
11 didn't write anything down. I didn't know I'd be
12 speaking.

13 I would just like to say that I'm retired
14 from Lucent Technologies, which is part -- was part of
15 AT&T. We all know that. And we do get a certain
16 amount of discount on our long distance, and why would
17 I change over to Sprint or Internet or anything like
18 that?

19 When I called the girl in the Public Service
20 Commission she said, yes, I guess you have been
21 slammed. And that's all I have to say about it. You
22 know, it's nothing like the last gentlemen but --

23 COMMISSIONER GARCIA: How did we do for you?

24 WITNESS GOSS: Pardon me?

25 COMMISSIONER GARCIA: How did the Commission

1 do for you?

2 **WITNESS GOSS:** I'm not sure yet. It was
3 only --

4 **COMMISSIONER GARCIA:** Oh, it was just in
5 October.

6 **WITNESS GOSS:** Yes.

7 **COMMISSIONER GARCIA:** Do we have the file?
8 Oh, Mr. Durbin is not there.

9 **WITNESS GOSS:** I don't know if --

10 **COMMISSIONER GARCIA:** Could you check with
11 Mr. Durbin before you leave, because he may have the
12 status on how your case he's pending. He's the guy
13 that's been sitting on the phone. You'll probably
14 find him --

15 **WITNESS GOSS:** I have to leave in a few
16 minutes. But if he comes back, yes. But you say I
17 shouldn't pay that part of the bill.

18 **COMMISSIONER GARCIA:** If you've already
19 filed a complaint with us, you need to call your local
20 exchange or include it in the bill and say, "I've
21 filed a complaint with the Commission on this amount."
22 and what you're going to find is most probably they
23 will rerate it for you if the rate is higher. If the
24 rate is not higher then they'll just switch you over.
25 The company that slammed you, they will probably pay

1 for the switch back.

2 WITNESS GOSS: They did that already.

3 BellSouth dropped that charge, yes. But any charge
4 higher than -- is higher.

5 COMMISSIONER GARCIA: Right. Right.

6 WITNESS GOSS: All right. That's all I
7 have. Thank you.

8 COMMISSIONER DEASON: One last question,
9 sir.

10 WITNESS GOSS: Sure.

11 COMMISSIONER DEASON: sir. When you spoke
12 to Sprint, they did not offer to send you a copy of
13 what they alleged to have?

14 WITNESS GOSS: Yes, they did. I'm sorry.
15 That was two weeks ago. I haven't gotten it. You
16 know -- and she said it's in the mail already. But
17 the voice with the smile didn't come through. Thank
18 you.

19 CHAIRMAN JOHNSON: Sir, I have one question
20 for you.

21 WITNESS GOSS: Sure.

22 CHAIRMAN JOHNSON: You stated that when you
23 called -- was it Sprint, did they tell you about this
24 Arnet?

25 WITNESS GOSS: Yes, it was Sprint that said

1 we're just handling their billing, or something like
2 that.

3 **CHAIRMAN JOHNSON:** So Sprint is still
4 stating that they aren't your provider.

5 **WITNESS GOSS:** But on my bill it says
6 Sprint. I have that bill here, a copy of it.

7 **CHAIRMAN JOHNSON:** If you could get with our
8 Staff member, maybe we could look at that to see how
9 that happened. Mr. Moses is very helpful in that
10 regard. That will help us in our investigation of the
11 issue.

12 **WITNESS GOSS:** Sure. Thank you.

13 **CHAIRMAN JOHNSON:** Appreciate your
14 testifying.

15 **MR. BECK:** Barry Wayne Beaufort.

16 - - - - -

17 **BARRY WAYNE BEAUFORT**

18 was called as a witness on behalf of the Citizens of
19 the State of Florida and, having been duly sworn,
20 testified as follows:

21 **DIRECT STATEMENT**

22 **WITNESS BEAUFORT:** I'm Barry Wayne Beaufort,
23 4505 Sturbridge Circle West, Jacksonville, Florida
24 32244.

25 I first became aware that my long distance

1 service had been changed from MCI to some company
2 called Minimum Rate Pricing while I was preparing to
3 pay my BellSouth bill in April. I had actually
4 already written out the check to pay the bill when it
5 occurred to me that the bill was about \$20 more than I
6 was used to paying. That casual realization which I
7 very nearly ignored caused me to examine my BellSouth
8 bill more closely. On doing so I noticed long
9 distance charges from some company called Minimum Rate
10 Pricing as well as about \$17 plus tax for pager and
11 voice mail services.

12 These charges had been placed on my
13 BellSouth bill by another company -- excuse me I have
14 a cold -- by another company I had never heard of, OAN
15 Services. I'd seen occasional news reports of
16 unauthorized switching of long distance services, so I
17 was aware that the practice has come to be known as
18 slamming. I run an accounting and tax preparation
19 business, so I'm accustomed to numbers and details.
20 Even so, the fact that my service had been slammed and
21 that fraudulent charges for pager and voice mail
22 services had been added to my bill very, very nearly
23 escaped my attention.

24 The naive among us are probably thinking
25 what is the big deal. You make a phone call and

1 straighten it all out. Well, straightening this mess
2 out required eight phone calls, each with that
3 obligatory 15 minutes or so on hold, three letters, a
4 30-page fax, and untold hours of my time all played
5 out over four months. All of this is not to mention
6 the time of the Florida Public Service Commission and
7 BellSouth representatives.

8 On July 14th, 1997, Ms. Ellen Plendl of the
9 Florida Public Service Commission phoned me and played
10 a tape for me of the conversation in which a
11 representative of Minimum Rate Pricing reportedly
12 garnered permission to switch my long distance service
13 and charge me for pager and voice mail services. That
14 tape, which I believe remains in the possession of the
15 Public Service Commission, is at once both pathetic
16 and laughable. The tape clearly illustrates an
17 example of a high pressure telemarketer causing, and
18 and then capitalizing, on the confusion of an elderly
19 lady to obtain consent for something that the poor
20 lady has no idea what she is supposedly consenting to.
21 I have no clue as to who that lady is, and I have no
22 relationship with her. I have never given her or
23 anyone else permission to act for me in arranging long
24 distance services or other services, for that matter.

25 **COMMISSIONER GARCIA:** So the tape was of a

1 confused lady being duped, but on top of being duped
2 she had no authority over your phone so they made that
3 mistake, also?

4 **WITNESS BEAUFORT:** I wouldn't call it a
5 mistake. I think it was intentional. But that's
6 correct, sir, I have no idea who she was. And if you
7 listen to the tape, it's -- you could use it as a
8 textbook copy of a tape of a telemarketer duping an
9 elderly lady.

10 **COMMISSIONER GARCIA:** Rick, could you get a
11 copy of that? Could we request the company to get us
12 a copy of that so we make that also part of the record
13 when we actually have the hearing? In fact, I'd like
14 to play it there when we have all the companies before
15 us in the hearing so that we have an idea.

16 **MR. MOSES:** We can do that.

17 I just wanted to ask you one question.
18 Since you have heard the tape, when the telemarketer
19 was speaking with the lady, did he repeat your
20 telephone number?

21 **WITNESS BEAUFORT:** The tape was -- I was
22 listening to it probably like third-hand, you know,
23 third transcription, or whatever, and some of it was
24 not clear. I don't recall that happening, but I
25 recall him asking -- his asking her to confirm that

1 she has permission to authorize a change of long
2 distance services for me. And this lady, I'm not
3 making any of this up, she didn't even know her own
4 address; I mean, her own address, that's how confused
5 she was. She was --

6 MR. MOSES: But the telemarketer mentioned
7 your name?

8 WITNESS BEAUFORT: Yes.

9 MR. MOSES: Okay. Thank you.

10 WITNESS BEAUFORT: And, as I say, I have no
11 idea who that lady is, none whatsoever.

12 COMMISSIONER GARCIA: Rick, since we're
13 considering allowing phone verification, maybe it's
14 important that we have the Commissioners, when
15 present, listen to a few of these. And I know we've
16 heard some nightmare stories like this, and maybe we
17 can get copies of those so they will be played before
18 us so we can have a idea. Obviously, we know what you
19 mean, because you're not the first that has told us
20 this and in particular the elderly are sort of --
21 we've also had stories where people have come in,
22 which have said, yes once in the conversation. That
23 have the only part that was recorded and it was
24 interspliced to get me to say something yes, and it
25 had nothing to do with long distance.

1 **MR. MOSES:** I will get several copies of
2 several tapes, because I'm sure Consumer Affairs does
3 have copies of them. If they don't, we can object get
4 them.

5 **COMMISSIONER GARCIA:** Great. Thank you.

6 **WITNESS BEAUFORT:** All of this leads to the
7 very obvious question why would a telemarketer contact
8 some elderly lady in Jupiter, Florida, to discuss my
9 long distance services. Minimum Rate Pricing had my
10 phone number. They had to have had it. They slammed
11 it. Why not phone me? The obvious question leads to
12 the obvious answer: Because it's a scam.

13 In discussing this problem with BellSouth I
14 was surprised to learn that any company could have
15 BellSouth switch my long distance service and place
16 various charges on my BellSouth bill without my
17 knowledge or consent. It was only after my long
18 distance service was slammed and three months worth of
19 fraudulent charges were placed on my bill for pager
20 and voice mail services that I learned I could have
21 locked my long distance service to prevent BellSouth
22 from changing my account without my express
23 permission.

24 I recommend that that option become
25 mandatory. In other words, rather than having one's

1 phone number service locked only upon that customer's
2 specific request, the opposite should be the status
3 quo. One's phone service should be locked as a matter
4 of course. It should be switched only at the
5 customer's specific request. This simple switch would
6 deprive these fly-by-night companies being able to
7 feed off of unsuspecting persons, such as myself, who
8 had no intention of switching long distance service or
9 of subscribing to pager and voice mail services of
10 which I have absolutely no use.

11 I would like to just follow up and say that
12 it has been resolved. It took four months. And the
13 Public Service Commission was instrumental in
14 resolving it. I was pleasantly surprised when I
15 phoned the Public Service Commission, I got immediate
16 response and assistance. BellSouth was basically --
17 their attitude is basically Pontius Pilot. Our hands
18 are clean. We're basically just collecting the money
19 for somebody else, and there's nothing we can do about
20 it, although the lady did refer me to the Public
21 Service Commission.

22 MR. BECK: Mr. Beaufort, just so you know,
23 yesterday in St. Petersburg we had a hearing. And we
24 had a similar story by an 82-year-old gentlemen with
25 Minimum Rate Pricing. He got a pager in the mail, and

1 he just put it in the corner. He didn't know what to
2 do with it.

3 **WITNESS BEAUFORT:** At least he got a pager.
4 I never even saw one.

5 **COMMISSIONER GARCIA:** There's an 82-year-old
6 woman in Jupiter running around with your pager.

7 **WITNESS BEAUFORT:** I guess we should dial
8 her number and see if she answers her page.

9 Are there any other questions?

10 **CHAIRMAN JOHNSON:** Any other questions for
11 Mr. Beaufort? Thank you for testifying.

12 **COMMISSIONER GARCIA:** Thank you.

13 **MR. BECK:** Jerry Cameron.

14 - - - - -

15 **JERRY CAMERON**

16 was called as a witness on behalf of the Citizens of
17 the State of Florida and, having been duly sworn,
18 testified as follows:

19 **DIRECT STATEMENT**

20 **WITNESS CAMERON:** Madam Chairman,
21 Commissioners, counsel, Staff, my name is Jerry
22 Cameron. I'm a businessman in St. Augustine. My
23 address is 970 South Ponce de Leon, St. Augustine,
24 Florida 32086.

25 I'd like to thank you for the opportunity to

1 be here today. I am a retired police chief in
2 Florida, and I think that I'm in a unique position to
3 comment on some of the things that have happened to me
4 and what I see happening to some other people.

5 In 17 years of law enforcement experience
6 investigating all sorts of fraud and
7 misrepresentation, I don't think that I have ever seen
8 anything that is more egregious than what is being
9 perpetrated on the citizens of this state. And it
10 makes it all the more worse when you consider that the
11 companies doing it are allegedly under the oversight
12 of state and federal government.

13 In some cases things can be resolved with a
14 moderate amount of effort; and in other cases it is
15 just almost impossible.

16 At the risk of boring you, I'd like to read
17 you a chronology of what has happened in my business.

18 In October of 1996 Minimum Rate Pricing
19 contacted an unauthorized person at my location, an
20 hourly employee, and switched the telephone service on
21 only one of my lines. I was unaware that this had
22 happened. And I found it out in January of the
23 following year.

24 In January, on the 28th, I called up and
25 switched my line back to AT&T, which is the carrier of

1 my preference, and discovered that on February the
2 21st, with no telephone conversation, Minimum Rate
3 Pricing switched it back.

4 **COMMISSIONER GARCIA:** How did you know there
5 was -- this time they didn't have tape or anything
6 from your office?

7 **WITNESS CAMERON:** This time I thought this
8 was just some sort of snafu. Things had been pretty
9 confused since the federal government's expert
10 administration of the divestiture of AT&T, and I
11 thought it was just a little bit of that confusion
12 bleeding through. So I just simply switched it back.

13 On the 21st of '97, as I said, Minimum Rate
14 Pricing switched it back for me. Well, on April the
15 16th of '97, Minimum Rate Pricing got slammed by
16 Sprint. And Sprint managed to get three of my lines
17 at that point. But eight days later a very vigilant
18 Minimum Rate Pricing switched it back. By the way,
19 I'm getting charged \$1.49 a pop on this.

20 Then on May the 16th it occurred to Sprint
21 that they had missed one of my lines, and they came
22 back and got it, the last one. Then Sprint discovered
23 that Minimum Rate Pricing had slammed them, so on
24 August 21st, '97, Sprint again slammed the first line.

25 On August the 27th in reviewing the phone

1 bills I found that this had happened, so I went and
2 switched all four lines back to AT&T. No one at this
3 point has told me that I need to tell the local
4 company that my line is frozen.

5 Well, on September the 10th some other
6 company got involved called Switched Services and
7 switched two of my lines. And on September the 12th
8 another company called ExtraCom switched one of those
9 over to it and the other two lines that I've got. And
10 on September the 17th a company called LLC switched
11 one of my lines. That is a total of 13 switches in
12 less than a year on eight different dates.

13 Now, I am a fairly astute businessman and
14 have spent a good bit of time in the public arena. I
15 understand bureaucracy, and am probably considerably
16 more talented than the average citizen at getting to
17 the bottom of this. But, folks, this is just an
18 unbelievable scenario. You look on the bill, it gives
19 you a number to call if you have a problem. You call
20 the number and it says with a recording -- and by the
21 way I would like to thank the state of Florida, it is
22 one of the few places you can call an 800 number and
23 actually within a few minutes get an intelligent human
24 being on the other end of the line. But you get a
25 recording from the billing service that says that they

1 only do the billing. If you want to talk to somebody
2 about a problem call another number.

3 You call the other number and then you get
4 put on hold. When you are finally able to get
5 through, they state that they had authority to do
6 this. When I finally was able to get one of these
7 companies to play back the authority, what they do is
8 give you an edited version. They only give you the
9 yes. And it's not real clear how it got set up. But
10 the conversation goes something like this after
11 reviewing it with my wife, and the standard response
12 has been, "We don't want to change." We have changed
13 that response now in my business is, "If you touch my
14 telephone service, I'll sue you." But it goes like
15 this, the conversation: "Hello. I'm calling you
16 about your AT&T Long Distance service. I'd like to
17 know if you'd like to be switched over to the Minimum
18 Rate Pricing plan?" And then they go into this thing
19 of how this is going to save you money, which it
20 really doesn't; it increases your cost. Then finally
21 they will say, "Would you like to be on the Minimum
22 Rate Pricing plan?" And the person says, "Well, of
23 course, if I can save money I want to save the money."
24 And they record -- they say, "Well, just let me verify
25 by getting your name and date of birth." And then

1 they record that section. That is the section they
2 supply to the FCC. And I think there's one up there,
3 I've only gotten recorded messages, but I believe
4 there is still an FCC; is that correct?

5 **CHAIRMAN JOHNSON:** Yes.

6 **WITNESS CAMERON:** That is what they supply
7 to them and that is what they supply to you. And it
8 is totally out of context and edited, and it is just
9 simply an effort to misrepresent, and at the very best
10 misrepresent and, actually, probably defraud.

11 When you finally tell them that this is
12 unacceptable, the customer service person will not
13 give their last name; Minimum Rate Pricing will not
14 give you the physical location of the city that they
15 do physical out of. If you tell them that you want to
16 a do process, they tell you to serve it on a post
17 office box. A lot of the companies, after you've
18 finally made it through two or three levels of
19 supervisors, would go ahead and do a refund and
20 straighten the problem out.

21 In the case of Minimum Rate -- if there is a
22 king of rogues, it's probably Minimum Rate Pricings.
23 They just flat tell you that --

24 **COMMISSIONER GARCIA:** I'm trying to
25 remember, but is that the one that came in with that

1 special tariff? They filed something that we had
2 brought to our attention. Obviously, Staff had caught
3 it before and had been removing it from their tariff.
4 But they filed -- I wish I had a copy of the tariff.
5 I left it in the office. They filed a tariff with us
6 and, as you can imagine, we get a lot of tariffs filed
7 with the Commission. And in their tariff there was
8 some kind of --

9 **MR. MOSES:** Well, the language in the tariff
10 says that they are requiring a written authorization
11 from the customer to discontinue service, and they are
12 requiring 30 days and that's the language that we're
13 addressing.

14 **COMMISSIONER GARCIA:** Right. And they
15 basically state in the tariff filed with us that if
16 you don't give it to them in writing they get to
17 switch you back. And so what they do is -- I guess
18 it's good if you're always being slammed like you are
19 because you know you end up with them. They will slam
20 the slammers and they will slam whoever your choice
21 is, and just keep taking. And I think we're working
22 to get this all removed, although we had been already
23 removing this from some when we notice.

24 **MR. MOSES:** Well, there's been several
25 companies file identical language, and before they

1 became certificated, Staff persuaded them to remove it
2 from the tariff. But there are probably other
3 companies that have tariffs similar to that on file in
4 going back through all of the tariffs to verify that.

5 **COMMISSIONER GARCIA:** Here is what it says,
6 "The company will confirm all cancellations, either
7 verbal or written in writing within five business days
8 of any cancellation. Additionally, in the event the
9 company has found, through its automatic polling
10 system, that the customer is no longer receiving
11 service, the customer may be reinstated as above
12 written and written notice of the same will be sent to
13 the customer within five business days of such
14 action." So they just keep going back to you.

15 **WITNESS CAMERON:** Yes. They do keep coming
16 back and slamming it. Out of all of the customer
17 service reps that I dealt with, the Minimum Rate
18 Pricing was the most obnoxious. They simply would
19 tell you to call the FCC or the PSC or whoever you
20 wanted to call, it didn't really bother them. And
21 they just -- they even set up a deal on the telephone
22 if you had called them once, they've got an automatic
23 disconnect if you call back. If you don't get through
24 it disconnects. Now, if you hit another line that
25 hadn't been programmed in, you will get through

1 immediately afterwards. But you can call ten times --

2 **COMMISSIONER GARCIA:** That's an interesting
3 thing. Could we have Staff run a test of that? You
4 noticed what he said. In other words, let me explain
5 it. You know with today's computers, I'm sure that
6 that's very possible to do that when you call back, if
7 you've filed a complaint with them, apparently he's
8 saying the computer recognizes your call if you are
9 calling again and it will cut your line off when they
10 get into the system.

11 **WITNESS CAMERON:** It will put you on hold,
12 you get the little message that we love to please you,
13 and it will stay there for a few minutes. You'll then
14 get a ring and a disconnect.

15 **COMMISSIONER GARCIA:** Let me give you some
16 suggestions, or one in particular that we've learned
17 of through this hearing. Are you a BellSouth
18 customer?

19 **WITNESS CAMERON:** I am.

20 **COMMISSIONER GARCIA:** That's good because
21 your switching fees are a little bit less than what we
22 found throughout the state. Let me give you a
23 suggestion. BellSouth has this program whereby,
24 obviously, you know about PIC freeze. On top of that
25 just so you can have even more protection, BellSouth

1 will create a personal ID number or password so that
2 when you want to switch you can also do that through
3 them and that allows you to pick and choose a little
4 bit better, but it doesn't allow some hourly-wage
5 person who is answering the phone to control your
6 destiny and you're able to pick that. And that allows
7 you to change your PIC if you do find that there is
8 somebody that can provide better service.

9 **WITNESS CAMERON:** There is no question in my
10 mind after talking to BellSouth numerous times -- I've
11 got about had 40 hours worth of investigation time in
12 this right now -- that BellSouth would tell Minimum
13 Rate Pricing to take a hike except that they would get
14 sued by Minimum Rate Pricing. They aren't happy with
15 their forced arrangement, and there is no question
16 about that in my mind after talking with several of
17 their representatives. But the bottom line on this is
18 this thing shows up on your telephone bill when it
19 says long distance call it says Minimum Rate Pricing
20 service.

21 Now, even a sophisticated reviewer of that
22 bill will say, "Oh, I'm on the best pricing plan for
23 AT&T." And it really takes stopping to look at it to
24 tell that you're not with AT&T any longer. You're
25 with someone else. And in reviewing the bills, it

1 appeared to me that I was paying substantially more
2 than I would have been with AT&T. When I say
3 substantially more, at least more than just a nominal
4 amount more.

5 But the problem, I think, could be resolved
6 with a few changes.

7 If you're going to allow telemarketing, have
8 them at the onset -- make them identify the parent
9 company that they are working for so that it's not a
10 situation -- and make them state from the onset that
11 they are not with your present carrier. Then if there
12 is going to be a recording, require them to record the
13 entire conversation unedited. Then to allow a
14 telephone authorization is just going to keep
15 Pandora's box open, and you're going to keep a stream
16 of people coming to you with complaints.

17 It's very easy for them to send a letter of
18 authorization and that will solve all of those
19 problems. And that letter should have a section where
20 the person that signs it acknowledges that they are
21 authorized to change this service so that in the event
22 an unauthorized person changes it, at least I have
23 recourse against the person within my organization
24 that did it wrong.

25 And that's the only way that -- given what I

1 can see going on here. The only way this can ever
2 work, because in talking to one of the billing people
3 they said, "We bill for 500 companies." And I'm going
4 to tell you, sir, 495 of them I wouldn't let talk to
5 my grandmother or daughter, and that's the people who
6 are doing their billing.

7 Then you really need to eliminate company
8 names that sound like a telephone service that would
9 be provided by a carrier. It really, really needs to
10 be something other than "Minimum Rate Pricing" on
11 there. Or Preferred Pricing or whatever names they
12 are going by.

13 And Representative Hill spoke to you on the
14 issue of fines.

15 After talking with these folks and seeing
16 the tremendous amount of trouble that a person has to
17 go to just to get through the maze to find out who it
18 was that did it, and try to get some satisfaction, it
19 is apparent that whatever fines are handed out is just
20 a cost of business. And if you don't do something
21 significant to get their attention, then it's just
22 factored in advertising, electricity or whatever else
23 would be factored in. If you get caught, then this is
24 the amount that you have to pay.

25 I would even recommend rather than this

1 absurd thing that they have to go back and give you
2 the difference between what they charged you and what
3 your other carrier charged you. That's the most
4 ridiculous thing I've ever heard. After you have gone
5 to all of this trouble to catch them, and they finally
6 get caught, then all they have to do is pay you the
7 extra that they charged you that you wouldn't have
8 paid before. Set up a rule or if it takes
9 legislation, get legislation that they have to pay you
10 three times, if they get caught doing that. Give
11 treble damages on it, but get some seven-figure fines
12 out there and you will get their attention.

13 The reason they are doing this is for
14 profit. If you cut into that profit with some
15 substantial fines, they will quit doing it. They will
16 have lost the motivation. As long as the fines are
17 nominal, and a \$30,000 fine against these guys is
18 nominal, it's just the cost of doing business.

19 My concern, again, is that if they paid me
20 triple the amount that they got through me from fraud,
21 I have still lost money by the time I have spent in
22 doing this. But they got my attention enough to bring
23 me out of retirement and bring me before you because I
24 shutter to think what the average citizen that doesn't
25 have the experience and the training would be faced

1 with when dealing with the same sort of thing. I
2 think they would be just like Rabbits-R-Us, just pay
3 the bill. It's just too crazy to even consider.

4 And again, I would like to thank the state
5 of Florida for the tremendous reception I've gotten
6 from the Attorney General's office and the PSC. It
7 has been the single bright spot in this entire ordeal.
8 And thank you again for your time.

9 **COMMISSIONER GARCIA:** Let me ask you a quick
10 question before you go. What would you think if the
11 state required that these companies have a bond before
12 us or something before they do business? Do you think
13 that would be helpful?

14 **WITNESS CAMERON:** That would certainly be
15 helpful. After they got slammed on the bond a couple
16 of times then bonding would become a harder thing to
17 get.

18 But, again, if you make them do this in
19 writing and then you provide penalties for people that
20 do things under fraudulent pretenses -- I have sent
21 people to jail for this, you know.

22 **COMMISSIONER GARCIA:** That's one of the
23 things -- obviously, the Attorney General is not here,
24 but he has been to many of them, at least Mr. Gross
25 representing him. And one of the things Chairman

1 Johnson is trying to negotiate with them is the
2 possibility of allowing them some criminal
3 jurisdiction in this. Because you're absolutely
4 right, in other areas if you were doing this you would
5 be facing jail time. But Florida law is curious in
6 that way that the utilities -- that criminal sanctions
7 aren't part of what can be done. There is a special
8 part of the statute where they feel that they may be
9 able to apply it. But, clearly, some of this behavior
10 is criminal.

11 **WITNESS CAMERON:** Well, I personally
12 believe, and I have consulted with two attorneys on
13 this -- I personally believe that because they are
14 covered by the FCC, which is the umbrella they run
15 under every time. They never mention PSC; they never
16 mention Florida law. They act as if it doesn't exist.
17 They say, "FCC rule so and so allows me to do this."

18 **COMMISSIONER GARCIA:** Well, the reason,
19 also, is the FCC just can't have the customer service
20 that we have in Florida. I mean they -- I'm trying to
21 remember, but they get 15, 20, 30,000 calls.

22 **WITNESS CAMERON:** It would be interesting to
23 watch them try.

24 I think that they cannot break the law
25 because they are under some sort of regulation. I

1 think they are not protected from civil law. In
2 Florida and under common law, it's against the law to
3 obtain goods and services through misrepresentation;
4 that's fraud. If we've got some ambitious lawyer out
5 here, I would be happy to work with him to, at least,
6 take Minimum Rate Pricing to task.

7 **COMMISSIONER GARCIA:** Ms. Caldwell might be
8 able to give you the name of someone who's working
9 on`--

10 **MS. CALDWELL:** We understand there's a
11 gentlemen doing a class action suit against them at
12 this time. I've got a call in to him right now.

13 **WITNESS CAMERON:** I would be most happy to
14 cooperate with them. And until the issue is resolved,
15 I'll make myself available on a reasonable basis to
16 any of the regulatory agencies.

17 And just as an interesting parting thing, as
18 I was preparing my notes to come here, my wife handed
19 me a letter that came in the mail yesterday thanking
20 for switching my service to GST.

21 **COMMISSIONER GARCIA:** And that's after you
22 put the freeze on?

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

24 **COMMISSIONER GARCIA:** Well, I think we have
25 got BellSouth people here, and you should speak with

1 them so that --

2 **WITNESS CAMERON:** I double-checked. It
3 didn't actually happen, but they think it did. Thank
4 you again for your time.

5 **CHAIRMAN JOHNSON:** Thank you, Mr. Cameron.
6 Appreciate all your work.

7 **MR. BECK:** Thank you, Mr. Cameron.

8 Debbie Dixon.

9 **UNIDENTIFIED SPEAKER:** I don't care to speak
10 at this time.

11 **MR. BECK:** Herb Pfeffer.

12 - - - - -

13 **HERB PFEFFER**

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

17 **DIRECT STATEMENT**

18 **WITNESS PFEFFER:** Before I go into names and
19 addresses and everything, let me just ask you a
20 question. I don't even know if I belong here. I
21 don't have a slam on a long distance situation. I had
22 a slam on something somewhat different in that I found
23 billing in my bill for voice mail. Does that count
24 with you guys, too?

25 **CHAIRMAN JOHNSON:** Yes. With the voice

1 mail.

2 **WITNESS PFEFFER:** Okay. Just real quickly
3 then.

4 **COMMISSIONER GARCIA:** We'll forgive, though,
5 that you're a Seminole.

6 **WITNESS PFEFFER:** I wore it purposely.

7 **COMMISSIONER GARCIA:** You'll only find one
8 ally here.

9 **WITNESS PFEFFER:** My name is Herb Pfeffer.

10 **CHAIRMAN JOHNSON:** With the voice mail type
11 complaints, I think they are calling that "cramming."

12 **WITNESS PFEFFER:** So that's "cramming," not
13 "slamming." Well, that's why the FCC sent all my
14 paperwork back and said they couldn't help me because
15 I used "slamming."

16 Once again, my name is Herb Pfeffer. That's
17 P-F-E-F-F-E-R, 1538 Shelter Cove Drive in Orange Park.
18 32073 -- I don't know if you need all of this --
19 264-1349.

20 Just quickly I do want to say something
21 first. This very nice young lady outside handed me
22 one of these, and I'm sure everybody else got the same
23 thing. And I want you to know that last -- oh, I
24 guess, March or April, because I was told about this I
25 did take advantage of the no sale solicitation calls.

1 And I received a letter after they received my check
2 telling me all of the information about how it would
3 be handled and as of July 1st my name would go on the
4 list. And until then, you know, I could expect
5 continuation. Well, I'd like you to know that I still
6 received two, three phone calls a day, a day, from
7 teleprompters.

8 **COMMISSIONER GARCIA:** You need to call the
9 Attorney General's office because they handle that and
10 there's some serious fines associated with those who
11 do that.

12 **WITNESS PFEFFER:** Well, the point I'm just
13 trying to make is that I've paid my money. I did
14 everything that the state asked me to do and it's not
15 working.

16 **COMMISSIONER GARCIA:** Right. But you'll
17 find that they will be very responsive on that,
18 because that's a project that they've been handling
19 and taking care of very aggressively. So you may want
20 to call them up. If the number isn't there, the
21 number is outside.

22 **THE WITNESS:** Okay. It doesn't have
23 anything to do with you, in other words.

24 **COMMISSIONER GARCIA:** Take advantage of it,
25 because if you're paying for it --

1 **WITNESS PFEFFER:** It just seems to me if it
2 was working, the phone calls would have stopped. It's
3 not working with me.

4 **COMMISSIONER GARCIA:** I think there are some
5 very serious fines associated with that on the
6 Attorney General's side, and they may move against
7 those, so it's, you know --

8 **WITNESS PFEFFER:** About the only thing I
9 wanted to ask or tell you people that I would suggest
10 doing is that when I first found this billing, and it
11 was only \$4.95 to hook me up and 4.95 a month for the
12 service. Of course, I didn't have any idea how to
13 access the service or anything because it just showed
14 up as a bill from BellSouth.

15 I still had AT&T doing my long distance
16 calls. It had nothing to do with that, and that all
17 worked out good.

18 So, anyway, I called up BellSouth and spoke
19 to a very nice young lady, who -- unbelievably, her
20 name was Pfeffer, same as mine, no relation, et
21 cetera. She did everything she could do for me
22 verbally over the phone, including telling me about
23 PIC freeze, so forth, and that was, by that time, the
24 second conversation I had with her.

25 At that second conversation, I had with her

1 I finally asked her -- because she told me there was
2 absolutely nothing that BellSouth could do about the
3 bill. It was billed legally in the state of Florida.
4 That's the way things are handled and there was
5 nothing they could do about that. All they can do was
6 advise me to try recourse, at which time, in other
7 words, the bill would be deducted from my bill and I
8 didn't have to pay it. However, she explained to me
9 that it would continually show up on my bill every
10 month anyway, okay. So the following month when I got
11 another bill and that one had the second hold bill on,
12 now I owed twice 4.95, okay, okay. And the recourse
13 continues to build. So it got to be a little
14 difficult.

15 So I finally, at that time got to her and I
16 asked her who "Hold" was? That was the name of the
17 company, by the way, "Hold." I don't know if you know
18 who they are.

19 COMMISSIONER GARCIA: Yes.

20 WITNESS PFEFFER: Oh, you do. Good, because
21 other people have been involved. I'm retired and,
22 fortunately, I was able to handle it. It took me
23 several hours on the telephone, and it took me several
24 phone calls, including many long distance phone calls.
25 Finally, this Ms. Pfeffer got me the address of Hold.

1 They were located in San Antonio, Texas. I then got
2 on information with San Antonio, and I found that I
3 was able to get a telephone number from them. I
4 wasn't able to get it from BellSouth, because
5 BellSouth didn't have their phone number; they only
6 had their billing address.

7 **COMMISSIONER GARCIA:** That's one of the
8 things we're trying to implement with this rule which
9 will be that they have to give you their number and
10 their name on the bills.

11 **WITNESS PFEFFER:** Absolutely. That was one
12 of the things I was going to say. And not only a
13 number, because they had a phone number, and it was
14 the same old stuff. They had a phone number, and when
15 you called that phone number you got a recording that
16 told you if you had a billing problem call another
17 number. I called the other number. I started calling
18 the other number at 8:30 in the morning, 9:00, which
19 was San Antonio 8:00 time. Immediately I got a busy
20 signal. I have an automatic machine at the home that
21 continues making phone calls. It called all day long
22 for a day and a half, and I got a busy signal from
23 eight in the morning until 4:30 at night. At 4:31 I
24 got a recording telling me that they were shut down
25 for the day and they would be open tomorrow again at

1 8:00.

2 The following day it started all over again,
3 and about noontime I disconnected and gave up.
4 Anyway, I did get this phone number.

5 COMMISSIONER GARCIA: Could we have Staff
6 investigate and give them a try?

7 MR. MOSES: I can pretty well tell you the
8 investigation, because I've called that number myself
9 and had the same experience.

10 COMMISSIONER GARCIA: These guys are
11 certificated?

12 MR. MOSES: Yes, they are.

13 COMMISSIONER GARCIA: What is the status of
14 their certificate?

15 MR. MOSES: They are one of the ones under
16 investigation.

17 COMMISSIONER GARCIA: Okay.

18 WITNESS PFEFFER: Now, when I finally got
19 through to someone in San Antonio, after they hung up
20 on me twice -- because I was told they couldn't help
21 me, and when I got a little bit excited they just hung
22 up. But, finally, I got back to them again.

23 All of these long distance calls were
24 costing me money, by the way. I got through to
25 someone who answered for someone else who wasn't

1 there, and that person told me that they were sorry
2 but they couldn't help me because all they did was the
3 billing for Hold. The company was somewhere in
4 Florida. From them I found out that it was in
5 Kissimmee. So I called information in Kissimmee, and
6 I got a little bit more information on the Hold
7 company down there. And I called up down there. And
8 when I finally got on the phone down there, it turned
9 out to be the company that they gave was phony, and
10 the company that I finally got through information who
11 had the name, said they had no idea who they were, and
12 so forth and so on.

13 So I got back to the people in San Antonio,
14 argued enough with them, and they finally said they
15 would take care of the billing. I then got back on
16 the phone with BellSouth and spoke to this young lady
17 who had given me that information. She assured me
18 that the -- what do you call it, the PIC freeze was
19 now in effect and I wouldn't have a problem anymore.

20 Once, again, I'm retired. I've got the
21 time. I, therefore, spent a lot of time. Got it
22 straightened out, and after two and a half months of
23 carrying on and so forth and so on, I finally got my
24 billing straightened out. By that, I mean BellSouth
25 finally said, "You don't owe us any more money on the

1 recourse. So that was the end of that.

2 I'm glad you listened to me because, first
3 of all, you can see what happened here. This company,
4 Hold, had a company here in Florida, so that the FCC
5 didn't have to get involved.

6 COMMISSIONER GARCIA: Could you do me a
7 favor and give all of those numbers to Staff?

8 WITNESS PFEFFER: Yes. In fact, I have some
9 copies here.

10 COMMISSIONER GARCIA: Great.

11 WITNESS PFEFFER: Thank you. That's all I
12 wanted to do.

13 CHAIRMAN JOHNSON: Mr. Pfeffer, did you
14 ever -- during the process were you ever informed
15 about the Public Service Commission or to contact us
16 to assist you?

17 WITNESS PFEFFER: Yes, I was. I was told by
18 the telephone company.

19 CHAIRMAN JOHNSON: Okay.

20 WITNESS PFEFFER: You know, to try the
21 Public Service Commission. I did. I did try the
22 Public Service Commission, and I got your recordings,
23 and so forth. But I wasn't as lucky as the man that
24 was up here before wherein he spoke to somebody with a
25 real voice. All I spoke with was machines, but they

1 did take my name and address and all that sort of
2 thing.

3 **COMMISSIONER GARCIA:** But they never called
4 you back?

5 **WITNESS PFEFFER:** Public Service Commission?
6 Yes, they did. No, nobody ever called me back. I
7 received literature which was enough for me to send
8 the information on. I also received literature from
9 the FCC telling me that they weren't involved or
10 couldn't help me because of this San Antonio versus
11 another company here in Florida, they really weren't
12 crossing state lines and the FCC washed their hands of
13 it.

14 **CHAIRMAN JOHNSON:** And, Mr. Pfeffer, I'd
15 also like for you to get with Staff on your no
16 solicitation, the fact that it has not been activated,
17 and perhaps we, too, could coordinate with the
18 Department of Agriculture. Because you're right, we
19 are informing customers that is a vehicle for them to
20 ensure --

21 **WITNESS PFEFFER:** Yeah, I know you're
22 telling everybody to send in \$10, and it doesn't seem
23 to be working, you know. The state of Florida is
24 going to get a lot of money and it's not helping at
25 all.

1 **CHAIRMAN JOHNSON:** And then we are trying to
2 partner with the Department of Agriculture to ensure
3 that the customers do have this benefit. So, perhaps,
4 we can work with them and make sure that the program
5 is working properly. And to the extent that it's not,
6 work with them to see how --

7 **WITNESS PFEFFER:** You know, in the
8 paperwork, by the way, that I received when I did get
9 notification that I was on the list, it said that I
10 should try to get information off the people that were
11 calling me. And as soon as I started that, they would
12 hang up on me, or they'd act so dumb and then hang up
13 on me.

14 **COMMISSIONER GARCIA:** I'm sorry, I did
15 misstate, it is the Department of Agriculture, and I
16 was saying the Attorney General's office. I'm sorry.
17 I was just clearing the record.

18 **CHAIRMAN JOHNSON:** Thank you.

19 **MR. BECK:** Margaret Becove. I think I'm
20 mispronouncing your name. On Birch Boulevard.

21 **WITNESS BROWN:** Yes. Brown.

22 **CHAIRMAN JOHNSON:** And if you could, state
23 your name again and your address for the record.

24 **WITNESS BROWN:** Okay. Margaret Brown.

25 **CHAIRMAN JOHNSON:** Oh, ma'am, I don't

1 think -- did I swear you in? Did I swear you in?

2 WITNESS BROWN: Margaret Brown.

3 CHAIRMAN JOHNSON: Yes. I made some
4 introduction at the beginning of the hearing. I don't
5 know if I had an opportunity to swear you in.

6 WITNESS BROWN: No.

7 CHAIRMAN JOHNSON: Okay. This will be
8 quick. If you could raise your right hand. Is there
9 anyone else that would like to testify today that was
10 not here earlier and we didn't have the opportunity to
11 swear the individual in? Okay.

12 (Witness sworn.)

13 - - - - -

14 MARGARET BROWN

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

18 DIRECT STATEMENT

19 WITNESS BROWN: I'm Margaret Brown, 2213
20 Birch Bark Drive, Jacksonville, 32446.

21 It's in regard to my daughter. And she was
22 in a transition period. She's a doctor, and she left
23 me in charge. I had to leave my place and go and take
24 charge of her phone, and whatever that was transpiring
25 at her house.

1 So what happened for six months she had MCI.
2 And from January -- she left in February. January to
3 June they gave her 50% off on everything. So in that
4 course, after June the bills started changing without
5 any authorization or anything from MCI.

6 So we were in a personal thing, wrapped up
7 in a family personal thing, that I wasn't aware until
8 about maybe September, my bills started going up to
9 about -- from about hundred or less than that, to
10 three hundred and four hundred. So when I was really
11 aware it was like in November.

12 And I called BellSouth to ask them about it,
13 and they said there was nothing they could do. There
14 was a block -- oh, that's MCI. So they told me to
15 call MCI. So I called MCI. They said, "Oh, there's a
16 block on that." I said, "Oh, thank you." So then
17 what happened is that I tried to call back to
18 BellSouth and they got indignant. I sent them a
19 letter. I told them that I was putting this complaint
20 in with PCS -- I mean PSC, that's the Public
21 Commission, and also with the FCC. Okay. So I did
22 this. I was expecting for them -- then I got the
23 information from FTC and FCC. So they told me to send
24 a letter, which I did, certified to let them know that
25 there was a dispute and that this was in with the FCC.

1 So in the meanwhile they kept slamming our
2 service on these long distance calls from MCI, and I
3 didn't get any kind of headway. I'm disabled and
4 retired at the same token, so I had my own problems,
5 plus with my family and children.

6 At this time, I couldn't do anything about
7 it because I had to go up in Maryland. So I called
8 from Maryland, and we kept in contact in '95 from
9 Maryland. Then what happened, I came back to
10 Jacksonville. I called to find out what was
11 happening. They cut off the phone here.

12 So then in the meanwhile I took off and went
13 to Washington. So I was able to speak to people and
14 put in a complaint. I called on January the 25th to
15 BellSouth. I talked to in Ms. Isrow (ph) on the 25th
16 of January, 1996. She got kind of indignant with me
17 and told me, well, they have to have the bill, they
18 have to have this. So they kept slamming from that
19 time on.

20 And I kept asking about MCI. I didn't get
21 no information from them, but I had put the complaint
22 in. I walked it in. And I also was told at the time
23 of that snow storm -- I was down in Washington at FTC,
24 they wanted to look in because of the
25 misrepresentation. So they said it was slamming.

1 That's how I knew about the slamming. In the
2 meanwhile, it was making it bad for my family. My
3 daughter that was up there in Georgia. They thought
4 nobody was paying her bill; nobody was doing anything
5 but just freeloading.

6 So what happened was they even said that
7 there was some fraud in the house. I'm up in -- then
8 I went back to Washington. They said there was some
9 fraud. In the meanwhile, we had a relative that
10 passed. I had called PSC, and I forgot his name,
11 Autumn or some -- someone -- Mr. Austin or
12 something -- and he called on the day that we were
13 going to the funeral. And I told him I'd get back.
14 Meanwhile, when I got back to him it was over. They
15 gave me a name to call, Ms. Jennifer from MCI. I
16 asked her was there supposed to be an authorization.
17 She said definitely it was. So I said oh, thank you.

18 We hadn't got any kind of satisfaction from
19 that time on up until, I think it's last year -- not
20 last year, it was this year. My daughter got a paper
21 from one of the reps there in Fort Lauderdale. They
22 had slammed her service in Georgia, slammed her
23 service. I happened to be there in Georgia. The
24 service went out. She by chance had a check. She
25 hollered at me. And I'm a grown woman, 60-some-odd

1 years old. I had to get in the car to go and pay her
2 bill so that service would get back on.

3 Now, they slammed her service on this
4 service down here. And it was really devastating.
5 The family was at each other. I was up in Georgia.
6 My children was getting ready to fight one another
7 over the phone. I had to rush out of Georgia and come
8 here to Jacksonville to keep them from, oh, you did
9 this; oh, you did that -- blaming one another. Now
10 that was the problem that I had. And they still had a
11 little problem.

12 Then they even contacted somebody in my
13 family to say that, oh, there was some fraud that was
14 taking place. They sent out a bill, a tariff thing.
15 I happened to read it. I called up PSC. I said send
16 me this information. He sent it.

17 In the meanwhile, I called what was the
18 human relation -- regulations. He told me they should
19 have that service back on in 24 hours. If not,
20 Florida could be sued because if there was any
21 sickness or anything that was supposed -- you know,
22 that could have taken place in the family. They
23 turned it on maybe a couple of days after without
24 anything. They turned it right back on. But in the
25 meanwhile, when I read the letter that they sent me

1 from PSC, it was about a tariff that was completely
2 different. They were using it the way they want.

3 But I have to give the Lord all the glory.
4 He was the one that let me know that this was
5 misrepresenting the process, the billing and whatever
6 else, and whatever ideas that other people here in
7 Jacksonville had in their mind.

8 Then I got ahold to another letter that was
9 from another family member stating the same thing, but
10 by chance on the thing they had, they had to recopy
11 the matter but they recopied it wrong.

12 So it wasn't the same paper, but it was the
13 same tariff. So this is the problem that we have.
14 And I think that just like MCI, my daughter sent this
15 information to state that MCI was supposed to have
16 sent the information to us to who we're supposed to
17 speak to. They sent it all the way out to Kansas City
18 somewhere. And I kept calling there and got nothing
19 from them. They kept putting me to hold, and we
20 didn't get anything resolved. She sent me this
21 information. They sent her \$60 for turning off her
22 service, BellSouth did. But then the money that they
23 overcharged us for no authorization is over \$1,000.
24 And we asked MCI -- FCC, we wanted that money back.
25 They said, "Okay, we're going to get it back for you."

1 But in the meanwhile, I needed to do get this
2 information -- what do you call it, Freedom of
3 Information Act -- all of the information that was
4 needed to show who signed the authorization.

5 So BellSouth told me to say a letter of
6 authorization, a letter, A-L-A, or something.

7 CHAIRMAN JOHNSON: LOA?

8 WITNESS BROWN: LOA. A Letter of
9 Authorization. So that's what I was trying to find
10 out. Where do I contact these people? At MCI they
11 told me, oh -- in North Carolina, Greenville --
12 green-something, North Carolina, then Kansas, and I
13 still haven't gotten any. Then also one that the FCC
14 gave me there in Washington. But I still hadn't
15 gotten the satisfaction because they ignored the fact.
16 Then I found out they are not allowed to go in certain
17 states, also. Mississippi and Louisiana had a
18 problem.

19 CHAIRMAN JOHNSON: Which company was that?

20 WITNESS BROWN: MCI.

21 CHAIRMAN JOHNSON: MCI.

22 WITNESS BROWN: Yes. So this is where --
23 she needs her money back. I need to prove back my
24 character, that there was no problem with me. It was
25 not the bill; I was not using the phone for anything

1 else but whatever the services that were there. So,
2 therefore, like they charged me without the
3 authorization; they charged her without the
4 authorization. They had not sent the letter or
5 anything to show proof of any authorization. That's
6 what I was saying with that. And I think it's wrong,
7 because they are messing with everybody in the family.
8 Whoever is in the family, they go with it, you see.

9 MR. MOSES: Ms. Brown, could I ask you a
10 couple of questions?

11 WITNESS BROWN: Yes.

12 MR. MOSES: Were you with MCI originally
13 with the Friends and Family program?

14 WITNESS BROWN: She was with that, yes.

15 MR. MOSES: And then you were switched
16 within MCI to a different type of program. You were
17 charged higher rates? Was that the problem?

18 WITNESS BROWN: Higher rates, yes.

19 MR. MOSES: So you weren't switched to a
20 different company, it was just within the MCI programs
21 different rates?

22 WITNESS BROWN: That's right.

23 MR. MOSES: Okay. Thank you.

24 CHAIRMAN JOHNSON: Ms. Brown, Mr. Durbin,
25 the gentlemen in the back with the blue shirt on,

1 we'll see if he can assist you and see if we can work
2 through some of these issues.

3 Thank you, and we appreciate your testimony.

4 MR. BECK: Ruby Dot Hill.

5 (No response)

6 MR. BECK: I think that's the completion of
7 the witnesses who signed up ahead of time.

8 CHAIRMAN JOHNSON: Okay. Are there any
9 other witnesses here that have not signed up but that
10 would like to testify today?

11 I'd like to thank everyone that came out and
12 provided -- just a minute, I think there's someone who
13 testified earlier that may have something else to say.
14 If you could come forward, sir.

15 WITNESS BEAUFORT: I just had a question.

16 CHAIRMAN JOHNSON: Sure.

17 WITNESS BEAUFORT: The rules that the lady
18 read off, they all sound good. Actually, it sounds
19 the way it should have been from Day One. Would those
20 rules prevent companies from doing what happened in my
21 case, where they go to some unknown party and having
22 them authorize --

23 MR. MOSES: Hopefully, the rules will.
24 We're requiring them to do a recording of the
25 consumer's consent, which may help in some --

1 **WITNESS BEAUFORT:** It should be the account
2 holders.

3 **MR. MOSES:** Exactly.

4 **WITNESS BEAUFORT:** In other words, not
5 someone who answers the phone. Not --

6 **MR. MOSES:** We may need to add some language
7 in the proposed rules to where it would require the
8 account holder to be the person that is consenting to
9 it, instead of someone --

10 **WITNESS BEAUFORT:** That's a very good idea.

11 **MR. MOSES:** Right. Because, otherwise, like
12 in convenient stores, sometimes people have been
13 changed because they got ahold of a clerk, and the
14 clerk didn't know, and they authorized it. So we have
15 had that happen, also. We may need to change some of
16 the language.

17 **WITNESS BEAUFORT:** That was the only
18 question I had.

19 **CHAIRMAN JOHNSON:** And one of the things
20 that we're doing, certainly we're trying to strengthen
21 the rules in order to provide greater protection.

22 One of the things that may address some of
23 the issue is -- and I'm not certain as to -- there
24 were a couple of witnesses that spoke to this issue.
25 But currently we just restate the bill and you pay what

1 you would have paid.

2 But under the proposal there is a -- if you
3 are slammed in 90 days you won't be charged even for
4 the service that was rendered by a company that you
5 didn't ask for.

6 We have had other customers testify, so we
7 have at least suggestions in the record that we change
8 that to six months. And someone testified last night
9 that we make it a 12-month period.

10 Currently -- at least the customer that
11 testified stated that currently in our rules it allows
12 a company that like might have misbilled to go back
13 for a year. And his logic was like, well, if you
14 allow them to go back for a year, then if someone is
15 slammed, they should have service free for up to 12
16 months until that is taken care of.

17 So those are some of the remedies that we'll
18 be looking at. How do we best protect the customer?
19 We've heard time and time and time again from
20 customers like yourself that this is a very
21 time-consuming process and time is money. And we're
22 trying to figure out ways to remedy that.

23 **WITNESS BEAUFORT:** One other question
24 occurred to me, ma'am. The rules that you are looking
25 at, would they stop a company from doing what happened

1 to me and what happened to another gentlemen where
2 they just add on a service that we -- for example, a
3 voice mail with a paging service, you know, without
4 switching my long distance? Would they stop a company
5 from doing that because that's -- that's what -- I
6 mean, I had --

7 **COMMISSIONER GARCIA:** Are we addressing that
8 in this rule?

9 **MR. MOSES:** We're addressing it in a
10 different rule, in the billing rule. And we have got
11 some proposed language we'll be bringing to you on
12 that that will, hopefully, eliminate that problem.

13 **COMMISSIONER GARCIA:** Will we be handling
14 both hearings together or no?

15 **MR. MOSES:** No. I'm not sure of that, but I
16 don't believe so at this time.

17 **COMMISSIONER GARCIA:** Ms. Caldwell, could we
18 look at the possibility of doing that? I would hate
19 to -- if we have the time frames available, I would
20 just hate to --

21 **WITNESS BEAUFORT:** It won't take them long
22 to catch on to the fact that we can't switch long
23 distance services anymore without a penalty.

24 **COMMISSIONER GARCIA:** Since we are going to
25 a hearing anyway -- it has nothing to do with the

1 protest, I'm certain that, perhaps, we could just do
2 the same thing in this case -- because I think whether
3 it be cramming or slamming, I think both of them are
4 things that we --

5 (Simultaneous conversation)

6 COMMISSIONER GARCIA: You know, and we're
7 going to have the same parties involved and it might
8 just make it more efficient.

9 MS. CALDWELL: I think the only concern we
10 would have would be noticing problems of the rules,
11 but we'll look into it.

12 COMMISSIONER GARCIA: Right. Because I
13 think the actual hearing is in February, so I don't --
14 I may be wrong, you're the expert -- but I don't think
15 we'd have noticing problems if just go straight to
16 hearing.

17 MS. CALDWELL: It depends on the rule that
18 is proposed.

19 COMMISSIONER GARCIA: Okay.

20 WITNESS BEAUFORT: Well, at least if they
21 know you're looking at them, maybe they one head off
22 in that direction.

23 COMMISSIONER GARCIA: You're absolutely
24 right. Perhaps it's a misperception on our part that
25 I thought we were probably looking at both together.

1 But if we possibly can, you know, just for efficiency
2 sake, because we're going to have all of the same
3 parties involved.

4 **CHAIRMAN JOHNSON:** At least we do have a
5 open docket, do we not? Is it an open docket or is it
6 an investigation?

7 **MS. CALDWELL:** It's an internal process
8 where the rulemaking request form has been sent up to
9 us and legal -- Appeals is reviewing it, and we will
10 be going through this same type of process looking at
11 it.

12 **COMMISSIONER GARCIA:** Let's try to put it on
13 a quick time frame because I'd rather have it before
14 the Public Counsel and the Attorney General have a
15 press conference before us in rulemaking.

16 **CHAIRMAN JOHNSON:** But, Mr. Beaufort, you're
17 absolutely right, we're starting to hear more and
18 more. As we wrap up the slamming hearings, we're
19 hearing more and more about the cramming, and how they
20 are putting on services that people didn't order. And
21 that's becoming a national problem, too; it's not just
22 specific to Florida.

23 **COMMISSIONER GARCIA:** Plus the rule on PIC
24 freeze should include both of them. Clearly, we can't
25 have different types of freezes. We should literally

1 allow the customer -- when they have a freeze, it
2 should apply to the entire bill; whatever it is, they
3 need a special authority to get anything on the bill.

4 MR. MOSES: Okay.

5 CHAIRMAN JOHNSON: Thank you, sir. Any
6 other questions?

7 Seeing none, I'd like to thank everyone for
8 coming out this evening. We will continue this
9 hearing and reconvene at 6:30 to take further
10 testimony of anyone who is not present or present and
11 would like to come back with further concerns or
12 complaints. Thank you very much again.

13 (Thereupon, recess was taken at 4:20 p.m.,
14 and reconvened at 6:30 p.m.)

15 - - - - -

16 CHAIRMAN JOHNSON: We're going to go and
17 continue the hearing tonight. And I did want to
18 announce it is still being transmitted over the
19 Internet. We began the proceeding at 2:30, and we
20 wanted to give individuals the opportunity to come in
21 and provide additional testimony in an evening
22 hearing, and that's what we're here for tonight.

23 My name is Julia Johnson. I'm the Chairman
24 of the Florida Public Service Commission and seated to
25 my left is Commissioner Joe Garcia. Again, we're here

1 to hear any complaints or concerns that you may have
2 and that you'd like to bring to our attention at this
3 time. We also have Staff members that are here to
4 assist you. We have access to our office, so if you
5 have a pending complaint we can try to research that
6 and update that for you. There's a lot of information
7 on the front table. You were probably greeted by
8 Ms. Thelma Crump. If you have any questions regarding
9 slamming, how you might protect yourself that
10 information is available also.

11 So with that, if you would like to testify
12 at this time, if you could stand and raise your right
13 hand.

14 Sir are you going to testify?

15 UNIDENTIFIED SPEAKER: Yes.

16 CHAIRMAN JOHNSON: I think you're the only
17 one.

18 UNIDENTIFIED SPEAKER: Yes.

19 (Witness sworn.)

20 CHAIRMAN JOHNSON: I'm going to allow the
21 individuals seated at the table here to introduce
22 themselves. Well, actually I'm going to introduce
23 them for you.

24 The gentlemen, I think he already introduced
25 himself to you, is Earl Poucher. He's with the Office

1 of Public Counsel. They represent the Citizens of the
2 State of Florida. Diana Caldwell, I think she did a
3 summary, a personal summary of the rule for your
4 benefit. Seated next to her is Rick Moses. He's a
5 technical Staff member and can entertain any technical
6 questions that you might have. And seated next to him
7 is Kelly Biegalski. She works with him in his office
8 and can also entertain your questions. Blanca Bayo is
9 with our staff. The court reporter is Joy Kelly. She
10 will take down all of your comments, and we can rely
11 upon your minutes when we make our final decision.
12 Dick Durbin is one of our best analysts. Again, he
13 can assist you if you need to contact the office or if
14 you need to file any additional complaints, and Thelma
15 Crump who is in the rear there.

16 So you have a full house of Commission
17 employees to hear your concerns. Again, don't feel
18 intimidated by the process. We had quite a few people
19 here at 2:30. We thought we would have a lot more
20 this afternoon, but apparently you're it. So if you'd
21 like to come forward -- and, again, it's being
22 broadcasted over the Internet, so if anyone is in
23 their home and they have a computer they can hear your
24 testimony.

25 Sir, you can come forward.

1 MS. CALDWELL: Would you state your name.

2 WITNESS SAPIN: My name is Ernesto Sapin.

3 MS. CALDWELL: And your address?

4 WITNESS SAPIN: My address is 10955 -- my
5 address is 2538 Oak View Drive.

6 CHAIRMAN JOHNSON: 35.

7 THE WITNESS: 2538 Oak View Drive,
8 Jacksonville, Florida.

9 COMMISSIONER GARCIA: Your last name?

10 WITNESS SAPIN: That's my old residence I
11 mention. I no longer reside there.

12 CHAIRMAN JOHNSON: Okay.

13 COMMISSIONER GARCIA: Sapin you said you
14 name is?

15 WITNESS SAPIN: Yes, Mr. Garcia.

16 MS. CALDWELL: Could you spell that for us?

17 WITNESS SAPIN: S-A-P-I-N.

18 CHAIRMAN JOHNSON: Okay. Thank you.
19
20
21
22
23
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25

1 **ERNESTO N. SAPIN**
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 **WITNESS SAPIN:** The only thing I have in
7 addition to what you already have, ladies and
8 gentlemen, is probably were it not for this document I
9 just received from AT&T I wouldn't be here. But this
10 thing bothers me a lot. When it comes to sending you
11 folks documents and stuff, then that's the time for me
12 to say something.

13 I received a letter from AT&T. This letter
14 to cover what my wife has been asking them. I think
15 my wife has talked to Mr. Garcia about this phone
16 slamming. My wife's name is Thelma.

17 **COMMISSIONER GARCIA:** Okay.

18 **WITNESS SAPIN:** And after inquiring, AT&T
19 come up with this false document they call AT&T
20 agreement, plan, or something. Everything on there
21 was forged. I don't know who forged it. But they are
22 not mine. And I'm here to find out what can I do to
23 prevent this from happening to myself and anybody else
24 out there.

25 **CHAIRMAN JOHNSON:** You said that you filed a

1 complaint with the Commission already?

2 WITNESS SAPIN: My wife has been asking
3 questions.

4 CHAIRMAN JOHNSON: Okay.

5 COMMISSIONER GARCIA: I think we do -- I
6 think a complaint must have been filed, right?

7 MR. DURBIN: Do you live in Jacksonville in
8 Duval County?

9 WITNESS SAPIN: Yes, sir.

10 MR. DURBIN: I still don't see the complaint
11 listed under -- listed against AT&T. Oh, excuse me.
12 Not one that has been closed, so -- I can't really
13 tell real quick. I'm not on-line tonight.

14 COMMISSIONER GARCIA: Why don't you show us
15 what you're talking about so we can -- did you say you
16 had something? By the way, one of the good things
17 about you coming is the only one in the room is AT&T
18 besides us. They are the only ones we didn't
19 introduce you to. So if want to give dirty looks,
20 there they are right there. And I'm sure they are
21 more than happy to work this out. But why don't you
22 give us what you were talking about so we have it.

23 You can't talk if you step away from the
24 mike.

25 WITNESS SAPIN: All of the documents I've

1 handed over were copies, so you can have it if you
2 want to.

3 MS. CALDWELL: Thank you.

4 CHAIRMAN JOHNSON: Who was your service
5 provider before AT&T?

6 WITNESS SAPIN: That was MCI.

7 CHAIRMAN JOHNSON: MCI, okay. And AT&T sent
8 you a document that was a forged signature of yours?

9 WITNESS SAPIN: Uh-huh. As to their
10 explanation as to why they switched us over.

11 CHAIRMAN JOHNSON: Did they switch you back?

12 WITNESS SAPIN: I think my wife -- after my
13 wife called them, I think they did. That's what they
14 said, they are going to switch us back to MCI.

15 CHAIRMAN JOHNSON: Did it cost you any
16 money, any additional money?

17 WITNESS SAPIN: At this time, I don't know.

18 CHAIRMAN JOHNSON: Okay.

19 WITNESS SAPIN: I'm not sure, but it's
20 probably going to reflect on my next --

21 COMMISSIONER GARCIA: And I take when you
22 say this is falsified this, obviously, is not your
23 wife's signature.

24 WITNESS SAPIN: Obviously not my wife's
25 signature nor or mine, sir.

1 **COMMISSIONER GARCIA:** And not yours. Okay.
2 It says "Ernesto."

3 **WITNESS SAPIN:** Right.

4 **CHAIRMAN JOHNSON:** One of the things that we
5 can do, sir, for you, after this is over, if you could
6 get with Mr. Durbin and we'll open a file to
7 investigate this further. And if there are any
8 charges, we can make sure that you are charged -- that
9 your rates -- and if they are higher than what you
10 were charged before, we'll make sure that you're
11 charged the appropriate rate.

12 If you picked up the materials outside, one
13 of the things that we're trying to do is come up with
14 more consumer education and information that we can
15 provide to consumers to help them protect themselves
16 against this happening. One of the vehicles available
17 is a PIC freeze, and that's where you can call your
18 local company which, I guess, is Southern Bell?

19 **WITNESS SAPIN:** I have been seeing that on
20 the statements. I'm not really sure. I don't use the
21 phone too much, that much.

22 **CHAIRMAN JOHNSON:** Okay.

23 **WITNESS SAPIN:** Other than a permanent MCI
24 customer, I cannot tell anything else.

25 **CHAIRMAN JOHNSON:** Okay. We could help you

1 with that.

2 **COMMISSIONER GARCIA:** Get with Mr. Durbin
3 for a moment. Give him all of the information. Let's
4 go ahead and file a complaint. Because I thought
5 there was one already filed. Let's file a complaint,
6 and AT&T is here to help you, specifically.

7 **WITNESS SAPIN:** Thank you very much.

8 **COMMISSIONER GARCIA:** That way we'll take
9 care of it once and for all.

10 **WITNESS SAPIN:** Thank you very much.

11 **MR. POUCHER:** Mr. Sapin.

12 **WITNESS SAPIN:** Yes, sir.

13 **MR. POUCHER:** When you recontact MCI, you
14 might make sure that you get your previous discount
15 plan. You've got to ask for it, so make sure that
16 when you call MCI to switch back, you need to contact
17 them and ask them for the discount plan that you had
18 or if they have got anything better.

19 **WITNESS SAPIN:** They were telling me that
20 their long distance phone bill was a lot cheaper than
21 MCI, but my wife found that hard to believe.

22 **MR. POUCHER:** Well, be sure to ask for that
23 discount, because some people have failed to and they
24 don't get the discounted rates.

25 **COMMISSIONER GARCIA:** Who knows, maybe AT&T

1 will beat that rate today.

2 **CHAIRMAN JOHNSON:** And, sir, on that yellow
3 sheet we provided for you, another safeguard is
4 there's a 1-700 number, 1-700-555-4141. If you dial
5 that number it will at least tell you and your wife
6 who your provider is. So if someone tried to switch
7 you, you would at least know, if you dialed that
8 number, to help confirm who your carrier is.
9 Mr. Durbin will tell you other things that you can do
10 to help prevent this from happening. And now you'll
11 have our 1-800 number, so if something else like this
12 happens, call us directly and we'll try to work
13 through it with you.

14 And one of the things that's being
15 considered through the rulemaking process, several
16 customers have stated, just like you did, that this is
17 a forgery, and that these are criminal actions. The
18 AG's office is involved in this -- that's the Attorney
19 General -- and he's looking into making these types of
20 activities criminal. So we are looking at ways to
21 protect you and we have some information on how you
22 can better protect yourself, and AT&T is anxiously
23 awaiting to help you out tonight.

24 **WITNESS SAPIN:** Thank you very much.

25 **CHAIRMAN JOHNSON:** Thank you for coming.


1 STATE OF FLORIDA)
: CERTIFICATE OF REPORTER
2 COUNTY OF LEON)

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

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

7 CERTIFIED that I stenographically reported
the said proceedings; that the same has been
8 transcribed under my direct supervision; and that this
transcript, consisting of 100 pages, constitutes a
9 true transcription of my notes of said proceedings.

10 DATED this 10th day of December, 1997.

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13 _____
JOY KELLY, CSR, RPR
14 Chief, Bureau of Reporting
(904) 413-6732
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