

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against All American Telephone, Inc. for violation of Rule 25-4.118, F.A.C., Interexchange Carrier Selection.

DOCKET NO. 971493-TI  
ORDER NO. PSC-98-0268-FOF-TI  
ISSUED: February 10, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.

ORDER TO SHOW CAUSE

BY THE COMMISSION:

I. BACKGROUND

On February 18, 1997, we granted All American Telephone, Inc. (All American) certificate number 4790 to provide intrastate interexchange telecommunications service.

Thereafter, from April 29, 1997, until January 20, 1998, our Division of Consumer Affairs closed 37 complaints against All American as unauthorized carrier change (slamming) infractions in apparent violation of Rule 25-4.118, Florida Administrative Code. The Division of Consumer Affairs has received other complaints that are presently pending a response from All American.

All American uses a sweepstakes entry form (used as a letter of authorization (LOA)) as a method of obtaining new long distance customers. All American is not registered with the Secretary of State to offer sweepstakes in the State of Florida.

DOCUMENT NUMBER-DATE  
02053 FEB 10 1998  
FPSC-RECORDS/REPORTING

## II. ALLEGED VIOLATIONS

All American uses sweepstakes display boxes with separable packets of LOAs attached. The LOA form that our staff received from a complainant appears to be in violation of Rule 25-4.118(3)(b), Florida Administrative Code. The statement required by the rule is not in a text size at least as large as any other text on the document.

Rule 25-4.118(3)(b), Florida Administrative Code, requires in pertinent part:

... The page of the document containing the customer's signature shall contain a statement that the customer's signature or endorsement on the document will result in a change of the customer's long distance service provider and explain that only one long distance service provider may be designated for the telephone number listed; that the customer's selection will apply only to that number, and that the customer's local exchange company may charge a fee to switch service providers. **Such statement shall be clearly legible and printed in type at least as large as any other text on the page.** ...[emphasis added]

Another apparent violation of the same rule, Rule 25-4.118(3)(b), Florida Administrative Code, is that the LOA document as a whole appears to be misleading or deceptive. Rule 25-4.118(3)(b), Florida Administrative Code, states in pertinent part:

... **If any such document is not used solely for the purpose of requesting a PIC change, then the document as a whole must not be misleading or deceptive.** For purposes of this rule, the terms "misleading or deceptive" mean that, because of the style, format or content of the document, it would not be readily apparent to the person signing the document that the purpose of the signature was to authorize a PIC change, or it would be unclear to the customer who the new long distance service provider would be; that the customer's selection would apply only to the number listed and there could only be one long distance service provider for that number; or that the customer's local exchange company might charge a fee to switch service providers. [emphasis added]

Many persons attending fairs, flea markets, home shows, and other events that have sweepstakes boxes present, such as the ones used by All American, are slammed because they are signing many different entries to obtain free giveaway products. The consumers are not expecting to be given something to sign that will result in their long distance service being switched; they simply believe they are signing up for a sweepstakes.

Based on the complete sweepstakes display received by our staff on December 29, 1997, and the numerous consumer complaints, it appears that the forms All American uses for its sweepstakes entries in combination with the sweepstakes display are misleading and deceptive. Consumers thought they were signing up only to enter a sweepstakes, not to change their long distance service provider. Also, it appears that All American is submitting numerous preferred interexchange carrier (PIC) changes with forged customer signatures. In addition, in some instances, the telephone number listed on the LOA is not the telephone number assigned to the person signing the LOA.

Examples of complaints received from consumers include the following:

On July 25, 1997, Mr. Armando Morcate advised our staff that his long distance service was switched without authorization. He stated he did not realize he had been switched until he received a letter from AT&T Communications of the Southern States, Inc. (AT&T), his preferred interexchange carrier (IXC), asking him to re-enroll. All American's report stated that the company received a LOA signed by Ms. Jackie Cordero, listing a different address. The company considered it to be valid and forwarded it to BellSouth Telecommunications, Inc. (BellSouth), his local exchange carrier (LEC). Further investigation determined that there had been a data entry error, and All American apparently switched the wrong customer. (Attachment A)

On August 4, 1997, Ms. Marion McGhee notified our staff that her long distance service was switched without her authorization. Ms. McGhee noticed the change when she was billed by a carrier other than her preferred carrier. All American stated in its response to our staff that the company had received a LOA signed by Ms. McGhee. The company considered it to be valid and forwarded it to BellSouth for processing. Upon receipt of a copy of the LOA, Ms. McGhee notified our staff that the signature on the LOA was not her own. Ms. McGhee also provided a certified copy of her

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signature that obviously does not match the signature on the LOA. It appears that the signature is a forgery. (Attachment B)

On October 16, 1997, Mr. Gregory Henry advised our staff that his long distance service was switched without his authorization. He stated that he realized the change when he received his telephone bill. All American's response stated that the company received a LOA signed by Mr. Chris Henry. The company considered it to be valid and forwarded it to BellSouth for processing. Mr. Henry notified our staff that Chris Henry is a minor and is not authorized to make any long distance service changes. It appears that this action may be a violation of Rule 25-4.118(2), Florida Administrative Code.

Rule 25-4.118(2), Florida Administrative Code, states in pertinent part:

A certified IXC that will be billing in its name may submit a PIC change request, other than a customer-initiated PIC change, directly or through another IXC, to a LEC only if it has certified to the LEC that at least one of the following actions has occurred prior to the PIC change request: (a) the IXC has on hand a ballot or letter from the customer requesting such change. ...

Since Chris Henry is not the customer of record for the telephone number listed on the LOA, the LOA is invalid. (Attachment C)

On June 17, 1997, Mr. Terry Phillips, owner of Rex Telecommunications, advised staff that his long distance service on his pay telephone was switched without his authorization. All American's report stated that the company received a LOA signed by Mr. David Jones. Further investigation determined that neither the address nor the signature on the LOA matched the person authorized to make decisions regarding the long distance service. (Attachment D)

All American has not presently satisfied us that it is in compliance with our rules. Under Section 364.285, Florida Statutes, we are authorized to impose upon any entity subject to our jurisdiction a penalty of not more than \$25,000 for each day a violation continues, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of Chapter 364, Florida Statutes. Utilities are charged with knowledge of our rules and

the Florida Statutes. Additionally, "[i]t is a common maxim, familiar to all minds, that 'ignorance of the law' will not excuse any person, either civilly or criminally." Barlow v. United States, 32 U.S. 404, 411 (1833).

We believe that All American's apparent conduct in switching PICs without customer authorization has been "willful" in the sense intended by Section 364.285, Florida Statutes. In Order No. 24306, issued April 1, 1991, in Docket No. 890216-TL titled In re: Investigation Into The Proper Application of Rule 25-14.003, Florida Administrative Code, Relating To Tax Savings Refund for 1988 and 1989 For GTE Florida, Inc., having found that the company had not intended to violate the rule, we nevertheless found it appropriate to order the company to show cause why it should not be fined, stating that "In our view, willful implies intent to do an act, and this is distinct from intent to violate a rule." Thus, any intentional act, such as All American's conduct at issue here, would meet the standard for a "willful violation."

### III. CONCLUSION

Upon consideration, based on the number of complaints received by our Division of Consumer Affairs, and the 37 complaints closed by the Division of Consumer Affairs as unauthorized carrier change infractions (slamming), we believe that All American does not have adequate safeguards to protect consumers from unauthorized carrier changes. Accordingly, we hereby order All American to show cause in writing within 20 days of the effective date of this Order why its Certificate No. 4790 should not be cancelled or why it should not be fined \$10,000 per infraction for a total of \$370,000 for its apparent violations of Rule 25-4.118, Florida Administrative Code.

If All American timely responds to this Order, this docket will remain open pending resolution of the show cause proceeding. If All American does not respond to this Order, the fine will be deemed assessed. If we do not receive the fine within five business days after the expiration of the show cause response period, All American's certificate shall be cancelled. If the fine is paid, we shall forward it to the Office of the Comptroller for deposit in the Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

Based on the foregoing, it is

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ORDERED by the Florida Public Service Commission that All American Telephone, Inc. show cause, in writing, within 20 days of the effective date of this Order why its Certificate No. 4790 should not be cancelled or why it should not be fined \$10,000 per infraction for a total of \$370,000 for apparent violations of Rule 25-4.118, Florida Administrative Code. It is further

ORDERED that All American Telephone, Inc.'s response shall contain specific allegations of fact and law. It is further

ORDERED that failure to respond to this Order in the manner and by the date set forth in the Notice of Further Proceedings or Judicial Review section of this Order shall constitute an admission of the violations described in the body of this Order, and waiver of a right to a hearing. It is further

ORDERED that if All American Telephone, Inc. fails to respond to this Order within 20 days of its effective date, the fine shall be deemed assessed. It is further

ORDERED that if All American Telephone, Inc. fails to respond to this Order and does not pay the fine within five (5) business days after the expiration of the show cause response period, its certificate shall be cancelled. It is further

ORDERED that the Commission shall forward the fine payment upon receipt to the Office of the Comptroller for deposit in the Florida General Revenue Fund, pursuant to Section 364.285, Florida Statutes.

By ORDER of the Florida Public Service Commission this 10th day of February, 1998.

  
\_\_\_\_\_  
BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

WPC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.037(1), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on March 2, 1998.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.

Name MORCATE, ARMANDO

Company ALL AMERICAN TELEPHONE, INC.

Request No. 180796I

Address 525 W. PARK DR. 105

Attn. CLAY GAREY 180796

By DBM Time 3:55 PM Date 07/25/97

City/Zip MIAMI 33172 County DADE

Consumer's Telephone # (305)-554-8630

To CO. Time FAX Date 07/28/97

Account Number \_\_\_\_\_

Can Be Reached \_\_\_\_\_

Type S Form MAIL

Company Contact \_\_\_\_\_

Note SWEEP

Category \_\_\_\_\_

Limited Response Y

Infraction LS-13A

See attached correspondence regarding unauthorized carrier change. Please provide proof of authorization. Appropriate credits are requested. Please send the customer a copy of your response to this inquiry.

Closed by MEP Date 10/16/97

Reply Received T

08/04/97 Received report with explanation, sweepstakes LOA and \$22.07 credit. A copy of the report was sent to the customer.

**CONSUMER REQUEST**

10/16/97 Closed by letter.

**FLORIDA PUBLIC SERVICE COMMISSION**

2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL. 32399-0850  
904-413-6100

PLEASE RETURN THIS FORM WITH REPORT OF ACTION TO:

Doug Martin

DUE: 08/12/97

ATTACHMENT A

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STATE OF FLORIDA

Commissioners  
JULIA L. JOHNSON, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
DIANE K. KJESLING  
JOE GARCIA



DIVISION OF CONSUMER AFFAIRS  
BEVERLEE DEMELLO  
DIRECTOR  
(850) 413-6100  
TOLL FREE 1-800-342-3552

## Public Service Commission

October 20, 1997

Mr. Armando Morcate  
Apartment #105  
525 West Park Drive  
Miami, FL 33172

Dear Mr. Morcate:

We have reviewed your complaint against All American Telephone, Inc. (AAT).

To resolve your complaint, we contacted the company and requested a detailed written report regarding your concerns. It is my understanding that a representative from the utility contacted you to discuss this matter. Based on a review of the information provided to the Florida Public Service Commission (PSC), it appears that the company did not obtain the necessary information to make a switch in your telephone service. AAT has issued a credit of \$22.07 to your local telephone company.

Thank you for the opportunity to address your concerns. The PSC is concerned about unauthorized changes in customer's local toll and long distance carriers or "slamming". As information, the Commission, along with staff from the Attorney General's Office and Office of Public Counsel, will be holding ten (10) rule development workshops throughout the State to listen to consumers testimony regarding their slamming experiences. The workshop will be held in your area at the following location:

***Miami International Airport  
Embassy Suites  
Key Biscayne Room  
3974 South River Drive  
Miami, FL 33142  
October 23 at 10 AM***

Again thank you for the opportunity to address your concerns. If you have any questions, I am available. I can be reached at 1-800-342-3552.

Sincerely,

A handwritten signature in cursive script that reads "Ellen Plendl".

Ellen Plendl  
Regulatory Specialist I  
Division of Consumer Affairs

MEP:ewe

ATTACHMENT A

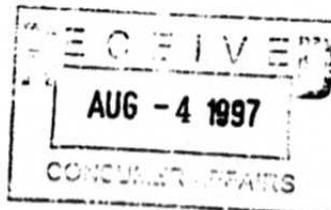
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All American Telephone, Inc.

May 27, 1997

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850



Re: Armando Morcate  
(305) 554-8630  
Req: 1807961

Dear Doug Martin,

Pursuant to your request, we have investigated the above referenced complaint. Enclosed please find a copy of (LOA) letter of authorization which served to switch the customer's long distance service to (AAT) All American Telephone, Inc. It appears this form was signed on February 15, 1997 by a Jackie Cordero, who listed a different telephone number (305) 554-8650 on the application. Due to a data entry error the telephone was transposed as (305) 554-8630.

As of May 15, 1997 Mr. Morcate's had been billed a total of \$10.27 for long distance services. All American Telephone, Inc. will initiate a full credit to Bell South for \$22.07. This amount represents two (2) monthly service fee of \$5.78 and calls that were made 004-09-97 thru 05-15-97 for \$4.49, plus two (2) switching fees of \$10.00. Please note that it may take up to 60 days before the credit appears on the customer's telephone bill.

All American Telephone apologize for this error and any inconvenience it may have caused. It is not our intent or desire to obtain customer who do not wish to utilize our service.

Sincerely,

A handwritten signature in cursive script that reads "Mary Williams".

Mary Williams  
Customer Service Manager

attachment

cc: Armando Morcate

ATTACHMENT A

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All American Telephone, Inc.

July 30, 1997

Armando Morcate  
525 W. Park Dr. 105  
Miami, FL 33172

Ref: (305) 554-8630  
Req No: 180796I

Dear Mr. Morcate,

Our company has received a notice from the Florida Public Service Commission stating that you have filed a complaint.

This complaint directs our company to a written response to Public Service Commission regarding your complaint and to send you a copy of the response.

Should you have any question or require further assistance, please feel free to call me at 1-888-558-4726.

Sincerely,

A handwritten signature in cursive script that reads "Mary Williams".

Mary Williams  
Customer Service Manager

cc: Florida Public Service Commission

DIST #

520

**OFFICIAL LOA FORM**  
LONG DISTANCE APPLICATION  
PLEASE PRINT - FILL OUT COMPLETELY  
ONLY ONE PER HOUSEHOLD

AGE (REQUIRED)  
18 to 35   
36 & over

DATE (REQUIRED) 2/15/97  
NAME Jackie Cordelo \*00265682\*  
ADDRESS 10867 N.W. 76TH APT 11  
CITY Miami STATE FL ZIP 33172  
HOME PHONE (REQUIRED) (31016) 61641-8161  
G2-T5-M7  
SIGNATURE (REQUIRED) X Jackie Cordelo

I certify that I am at least 18 years of age. I further understand that I may cancel this agreement at any time. I hereby authorize All American Telephone, Inc. (AAT) to act as my agent, and to convert the long distance service on my phone listed above from my current carrier to AAT. I understand that this LOA changes my carrier, and that I may designate only one carrier at a time for any 1 number. I understand that I will be billed through my local telephone company by AAT. I understand that my local phone company may assess a charge for my conversion to AAT. If this occurs, AAT will pay me back if I send a copy of my bill to: AAT, 4709 Colleyville Blvd., Suite 580, Dept. 203, Colleyville, TX 76034.



ATTACHMENT A

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STATE OF FLORIDA



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

DIVISION OF CONSUMER AFFAIRS  
BEVERLEE DEMELLO  
DIRECTOR  
(850) 413-6100  
TOLL FREE 1-800-342-3552

**Public Service Commission**

July 29, 1997

Mr. Armando Morcate  
Apartment #105  
525 West Park Drive  
Miami, FL 33172

Dear Mr. Morcate:

Thank you for your recent letter concerning All American Telephone, Inc.

We will look into the matter you outlined, advise the company to contact you to resolve the problem, and require the company to provide the Florida Public Service Commission with a letter outlining its resolution of the matter.

If you have any questions, I can be reached at 1-800-342-3552.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas B. Martin".

Douglas B. Martin  
Consumer Complaint Analyst  
Division of Consumer Affairs

DBM:ewe

180796

TI 575

July 2nd, 1997

Public Service Commission  
3625 NW 82nd Ave.  
Miami, FL 33166



Dear Sirs:

This is a complaint against a long-distance telephone company showing on my monthly telephone bill only as "AAT" as well as against BellSouth.

Two months ago I received a letter from AT&T which informed me that they regretted my decision to change to other company. They also invited me to re-enroll. I called them back and expressed to them my surprise about the change to AAT, which I never requested. The fact is that I always felt happy with AT&T and found the advertising tactics of certain long-distance companies shameful. I agreed to sign and sent to AT&T an application for re-enrollment.

Since my monthly telephone bill continued to charge me \$2.89 for monthly service "provided" by AAT (which I did not detect before the letter from AT&T) I tried to bring the matter to the attention of BellSouth to no avail, since their telephone access has no entry for billing questions on long-distance calls.

I then called AAT (888-558-4726) and explained to the service representative my outrage for their action to enroll and charge me in connection with a service I never requested. The employee explained to me that a so-called Maritza Torres applied for my enrollment. At this point I wish to make clear that I am a widower, live alone and know no Maritza Torres. In addition, my telephone number is private, not listed. How AAT and BellSouth are allowed to complete this change of companies without verifying it with the person receiving the service? Worst of all, why should I continue to pay AAT in spite of the fact that I have denounced the swindle to them?

I hereby request your assistance in finding a solution to this problem for which I thank you in advance.

Sincerely, *Armando Morcate*

Armando Morcate  
525 W Park Dr 105  
Miami, FL 33172  
Tlf-(305) 554-8630

ENCLOSURE



**HOLD**

ARMANDO MORCATE  
 Account Number: 305 554-8630 020  
 Bill Period Date: Jun 17, 1997

**For HOLD Billing Services Billing Questions, Call 1 800 879-4653**

**Detailed Statement of Charges**

|   |          |                                  |               |       |         |     |               |
|---|----------|----------------------------------|---------------|-------|---------|-----|---------------|
| <u>Miscellaneous Charges and Credits</u>    |          |                                  |               |       |         |     | <u>Amount</u> |
| Service Provider - A A T                    |          |                                  |               |       |         |     |               |
| For billing questions, call 888 558-4726    |          |                                  |               |       |         |     |               |
|   | Date     |                                  |               |       |         |     |               |
|   | 1. 05/28 | MO SERV FEE                      |               |       |         | **  | 2.89          |
| Total Miscellaneous Charges and Credits     |          |                                  |               |       |         |     | 2.89          |
| <u>Itemized Calls</u>                       |          |                                  |               |       |         |     | <u>Amount</u> |
| Service Provider - A A T                    |          |                                  |               |       |         |     |               |
| Direct Dialed Calls                         |          |                                  |               |       |         |     |               |
|   | Date     | Place Called                     | Number Called | Rate* | Time    | Min |               |
|   | 2. 05/15 | HAWTHORNE CA                     | 310 644-0810  | AD    | 12:05PM | 1   | .31           |
| Total Direct Dialed Calls                   |          |                                  |               |       |         |     | .31           |
| Total Itemized Calls                        |          |                                  |               |       |         |     | .31           |
| <u>Taxes</u>                                |          |                                  |               |       |         |     | <u>Amount</u> |
| <u>Taxes on Regulated Services</u>          |          |                                  |               |       |         |     |               |
|   | 3.       | Federal Tax                      |               |       |         |     | .01           |
| Total Taxes on Regulated Services           |          |                                  |               |       |         |     | .01           |
| <u>Taxes on Unregulated Services</u>        |          |                                  |               |       |         |     |               |
|   | 4.       | State Tax                        |               |       |         | **  | .21           |
|   | 5.       | Florida Gross Receipts Surcharge |               |       |         | **  | .07           |
|   | 6.       | County Tax                       |               |       |         | **  | .21           |
| Total Taxes on Unregulated Services         |          |                                  |               |       |         |     | .49           |
| Total Taxes                                 |          |                                  |               |       |         |     | .50           |
| Total HOLD Billing Services Current Charges |          |                                  |               |       |         |     | 3.70          |

\*\* Unregulated Charge  
 \* Taxes and Rates Applied - See Back of First Page

This portion of your bill is provided as a service to HOLD Billing Services.  
 There is no connection between BellSouth and HOLD Billing Services.



Name MC GHEE, MARION J.

Company ALL AMERICAN TELEPHONE, INC.

Request No. 181982I

Address P.O. BOX 398

Attn. CLAY GAREY 181982

By DBM Time 4:32 PM Date 08/04/97

City/Zip ARCHER 32618 County ALA

Consumer's Telephone # \_\_\_\_\_

To CO. Time FAX Date 08/05/97

Account Number \_\_\_\_\_

Can Be Reached \_\_\_\_\_

Type S Form MAIL

Company Contact \_\_\_\_\_

Note sweep

Category \_\_\_\_\_

Limited Response Y

Infraction LS-13A

See attached correspondence regarding unauthorized carrier change. Please provide proof of authorization. Appropriate credits are requested. Please send the customer a copy of your response to this inquiry.

Closed by MEP Date 10/16/97

Reply Received T

08/13/97 Received report with explanation, sweepstakes LOA and \$17.41 credit. A copy of the report was sent to the customer.

10/16/97 Closed by letter.

## CONSUMER REQUEST

## FLORIDA PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL. 32399-0850  
904-413-6100

PLEASE RETURN THIS FORM  
WITH REPORT OF ACTION TO:

Doug Martin

DUE: 08/20/97

ATTACHMENT B

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STATE OF FLORIDA

Commissioners  
JULIA L. JOHNSON, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
DLANE K. KIESLING  
JOE GARCIA



DIVISION OF CONSUMER AFFAIRS  
BEVERLEE DEMELLO  
DIRECTOR  
(850) 413-6100  
TOLL FREE 1-800-342-3552

## Public Service Commission

October 20, 1997

Ms. Marion McGhee  
P. O. Box 398  
Archer, FL 32618

Dear Ms. McGhee:

We have reviewed your complaint against All American Telephone, Inc. (AAT).

To resolve your complaint, we contacted the company and requested a detailed written report regarding your concerns. It is my understanding that a representative from the utility contacted you to discuss this matter. Based on a review of the information provided to the Florida Public Service Commission (PSC), it appears that the company did not obtain the necessary information to make a switch in your telephone service. AAT has issued a credit of \$17.41 to your local telephone company.

Thank you for the opportunity to address your concerns. The PSC is concerned about unauthorized changes in customer's local toll and long distance carriers or "slamming". As information, the Commission, along with staff from the Attorney General's Office and Office of Public Counsel, will be holding ten (10) rule development workshops throughout the State to listen to consumers testimony regarding their slamming experiences. The workshop will be held in your area at the following location:

**Prime Osborn Convention Center  
Room 102  
1000 Water Street  
Jacksonville, FL 32204  
November 20 at 2:30 PM**

Again thank you for the opportunity to address your concerns. If you have any questions, I am available. I can be reached at 1-800-342-3552.

Sincerely,

A handwritten signature in cursive script that reads "Ellen Plendl".

Ellen Plendl  
Regulatory Specialist I  
Division of Consumer Affairs

MEP:ewe

ATTACHMENT B

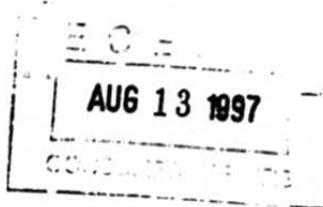
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American Telephone, Inc.

August 8, 1997

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850



Ref: Marion J. Mc Ghee  
(352) 495-2942  
File No: 1819821

Dear Doug Martin,

Pursuant to your request, we have investigated the above referenced complaint. Enclosed please find a copy of letter of authorization (LOA) which served to switch the customer's long distance service to All American Telephone, Inc. (AAT). It appears this form was signed on April 04, 1997 by a Marion J. Mc Ghee at the same address as the complainant.

All American Telephone, Inc., a long distance reseller utilizing the U.S. Long distance network, received an application requesting our service in the name of Marion Mc Ghee. Therefore, the application was considered valid and forwarded to Bell South for processing.

Furthermore, this customer has been billed a total \$17.41, we will initiate a full credit for \$17.41. This amount represents changes for call that were made between 06-05-97 thru 06-06-97. Please note that it may take up to 60 days before the credit appears on the customer's local telephone bill.

All American Telephone apologizes for this error and any inconvenience it may have caused. It is not our intent or desire to obtain a customer who does not wish to utilize our service.

Sincerely,

A handwritten signature in cursive script that reads "Mary Williams".

Mary Williams  
Customer Service Manager

attachment

cc: Marion J. Mc Ghee

DIST #

**OFFICIAL LOA FORM**

LONG DISTANCE APPLICATION

PLEASE PRINT - FILL OUT COMPLETELY

ONLY ONE PER HOUSEHOLD

52-1-3

AGE (REQUIRED)

18 to 35

36 & over

DATE (REQUIRED) 04-15-97

NAME Marion J. McGhee

ADDRESS P.O. Box 398

\*00443833\*

CITY Archer

STATE FL ZIP 32618

HOME PHONE (REQUIRED) (815) 419-1214

G2-T5-M7

SIGNATURE (REQUIRED) X Marion J. McGhee

I certify that I am at least 18 years of age. I further understand that I may cancel this agreement at any time. I hereby authorize All American Telephone, Inc. (AAT) to act as my agent, and to convert the long distance service on my phone listed above from my current carrier to AAT. I understand that this LOA changes my carrier, and that I may designate only one carrier at a time for any 1 number. I understand that I will be billed through my local telephone company by AAT. I understand that my local phone company may assess a charge for my conversion to AAT. If this occurs, AAT will pay me back if I send a copy of my bill to: AAT, 4709 Colleyville Blvd., Suite 580, Dept. 203, Colleyville, TX 76034.

ATTACHMENT B

ORDER NO. PSC-98-0268-FOF-TI  
DOCKET NO. 971493-TI  
PAGE 19

ATTACHMENT B

ORDER NO. PSC-98-0268-FOF-TI  
DOCKET NO. 971493-TI  
PAGE 20



All American Telephone, Inc.

August 8, 1997

Marion J. Mc Ghee  
P.O Box 398  
Archer, FL 32618

Ref: (352) 495-2942

Dear Ms. Mc Ghee,

Our company has received a notice from the Florida Public Service Commission stating that you have filed a complaint.

This complaint directs our company to a written response to Public Service Commission regarding your complaint and to send you a copy of the response.

Should you have any question or require further assistance, please feel free to call me at 1-888-558-4726.

Sincerely,

A handwritten signature in cursive script that reads "Mary Williams".

Mary Williams  
Customer Service Manager

cc: Florida Public Service Commission

ATTACHMENT B

ORDER NO. PSC-98-0268-FOF-TI  
DOCKET NO. 971493-TI  
PAGE 21

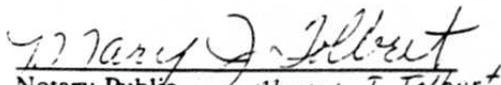
ACKNOWLEDGMENT

STATE OF FLORIDA  
COUNTY OF ALACHUA

Before me personally appeared Marion J. McGhee to me well known and known to me to be the person described in the Official LOA Form attached who, being duly sworn, deposes and says that the signature on the form is not hers as evidenced by her signature here and before me signed.

  
Signature of Marion J. McGhee

Sworn to and subscribed before me this 14th of August, 1997.

  
Notary Public *Mary J. Tolbert*



Personally known  
Notary Number: CC615962  
Commission expires March 16, 2001

DIST #

OFFICIAL LOA FORM

LONG DISTANCE APPLICATION

PLEASE PRINT - FILL OUT COMPLETELY

ONLY ONE PER HOUSEHOLD

AGE (REQUIRED)

18 to 35 \_\_\_\_\_

36 & over

52-1-3

DATE (REQUIRED) 04-15-97

NAME Marion J. McAllee

ADDRESS P.O. Box 398 \*00443833\*

CITY Ascher STATE FL ZIP 32618

HOME PHONE (REQUIRED) (915) 419-1512

G2-T5-M7

SIGNATURE (REQUIRED) X Marion J. McAllee

I certify that I am at least 18 years of age. I further understand that I may cancel this agreement at any time. I hereby authorize All American Telephone, Inc. (AAT) to act as my agent, and to convert the long distance service on my phone listed above from my current carrier to AAT. I understand that this LOA changes my carrier, and that I may designate only one carrier at a time for any 1 number. I understand that I will be billed through my local telephone company by AAT. I understand that my local phone company may assess a charge for my conversion to AAT. If this occurs, AAT will pay me back if I send a copy of my bill to: AAT, 4709 Colleyville Blvd., Suite 580, Dept. 203, Colleyville, TX 76034.

NOTE: THE FORM WAS NOT COMPLETED BY ME. IT APPEARS TO BE A SCAM.

Marion J. McAllee

ATTACHMENT B

ORDER NO. PSC-98-0268-FOF-TI  
DOCKET NO. 971493-TI  
PAGE 22

STATE OF FLORIDA

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



DIVISION OF CONSUMER AFFAIRS  
BEVERLEE DEMELLO  
DIRECTOR  
(850) 413-6100  
TOLL FREE 1-800-342-3552

**Public Service Commission**

August 5, 1997

Ms. Marion J. McGhee  
P. O. Box 398  
Archer, FL 32618

Dear Ms. McGhee:

Thank you for your recent letter concerning All American Telephone, Inc.

We will look into the matter you outlined, advise the company to contact you to resolve the problem, and require the company to provide the Florida Public Service Commission with a letter outlining its resolution of the matter.

If you have any questions, I can be reached at 1-800-342-3552.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas B. Martin".

Douglas B. Martin  
Consumer Complaint Analyst  
Division of Consumer Affairs

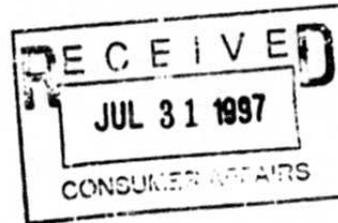
DBM:ewe

ATTACHMENT B

ORDER NO. PSC-98-0268-FOF-TI  
DOCKET NO. 971493-TI  
PAGE 24

181982

P.O. Box 398  
Archer, FL 32618  
July 28, 1997



Ms. Beverly Demello  
Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32399-8153

Dear Ms. Demello:

Please review my problem as stated <sup>in</sup> letters enclosed  
and advise me of procedure. I was terribly upset receiving  
charges from an unauthorized provider.

Your immediate response will be very helpful.

Sincerely,

*Marion J. McGhee*  
Marion J. McGhee

ATTACHMENT B

ORDER NO. PSC-98-0268-FOF-TI  
DOCKET NO. 971493-TI  
PAGE 25

P.O. Box 398  
Archer, FL 32618  
July 28, 1997

AAT  
2020 West Northwest Highway  
Suite, 107  
Grapevine, TX 76051

Dear Sir:

This letter is to inform you that your company or business is not authorized to provide service to my phone. It appears that your action originated from a plan to advance your personal design.

Your billing for June is different from my plan with AT&T. Therefore, I am requesting you to rerate according to our plan with them. In fact, the charges are your responsibility due to your unethical actions.

Also, I found you to be unaccessible by phone. I was placed on hold for 15 minutes or more several times with no further response.

Please desist future billing.

Your immediate response is appreciated.

Sincerely,

  
Marion J. McGhee

copy: Federal Trade Commission  
Florida Public Service  
BellSouth

ATTACHMENT B

ORDER NO. PSC-98-0268-FOF-TI  
DOCKET NO. 971493-TI  
PAGE 26

P.O. Box 398  
Archer, FL 32618  
July 28, 1997

BellSouth  
P.O. Box 33009  
Charlotte, NC 28243-0001

Dear Sir:

Enclosed find payment for your charges due Aug. 5, 1997 in the amount of \$20.54. The balance on the statement is in dispute due to unauthorized service by AAT. My provider is AT&T.

Copies of letters are enclosed as related to dispute. You will be informed of the final decision.

Your cooperation is appreciated.

Sincerely,



Marion J. McGhee

copy: Federal Trade Commission  
Florida Public Service  
AAT

ATTACHMENT B

ORDER NO. PSC-98-0268-FOF-TI  
DOCKET NO. 971493-TI  
PAGE 27

P.O Box 398  
Archer, FL 32618  
July 28, 1997

Federal Trade Commission  
6th Street & Penn. Avenue, NW  
Washington, DC 20580

Dear Sir:

I am hereby expressing my displeasure with AAT interference with my phone service. AT&T was authorized by me to provide long distance service.

My present statement from Bell South has AAT as provider. I feel that there should be a penalty for this action. The charges include a service charge along with a different rate from AT&T. The service charge should be deleted (I did not pay AT&T a service charge). Also, the charges should be rerated according the plan agreed with AT&T. Better yet, the bill should be written off due to an unethical act.

Bell South is instructed to return service to AT&T and freeze to prevent slamming. There should be no further billing from AAT.

I am holding payment billed by AAT in dispute while waiting for your response.

A copy of phone statement is enclosed along with a letter from AT&T and our rate plan.

Your immediate response is appreciated in order to resolve problem timely.

Sincerely,



Marion J. McGhee

copy: Bell South  
Florida Public Service

ATTACHMENT B

ORDER NO. PSC-98-0268-FOF-TI  
DOCKET NO. 971493-TI  
PAGE 28

P.O Box 398  
Archer, FL 32618  
August 21, 1997

All American Telephone, Inc.  
9001 Airport Fwy, Suite 570  
Fort Worth, TX 76180

Dear Ms. Williams:

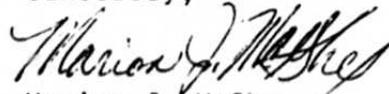
Your letter to Doug Martin, Florida Public Service Commission, dated August 8, 1997, was based on a fraudulent document. I did not request AAT to provide service nor communicate with the company regarding service. Other words, the business is unknown to me.

The application that you presented to the Florida Service Commission does not resemble my handwriting. Therefore, I am registering an official copy of my signature with the Florida Service Commission and also Bell South.

Bell South presented a statement, with \$89.85 due by August 5th. Of this amount, \$20.54 was due Bell South and the balance was calculated for AAT.

The amount you stated for full credit does not cover the balance due on Bell South's statement. It appears that you should request the amount to balance to zero.

Sincerely,

  
Marion J. McGhee

copy: Florida Public Service Commission  
Bell South





ORDER NO. PSC-98-0268-FOF-TI  
 DOCKET NO. 971493-TI  
 PAGE 30



DAVID MCGHEE

Account Number: 352 495-2942 940 1984

Bill Period Date: Jul 14, 1997

**Helpful Numbers (continued)**

BellSouth Telecommunications, Inc. (BST)

NOTE: Numbers for other companies are listed on their bill pages.

**Billing Questions or to Place an Order 24 Hours a Day - 7 Days a Week:**

If calling from within the Florida BellSouth service area ..... 780-2355

If calling from outside Florida or outside the Florida BellSouth service area ..... 1-800-753-2909

**Repair:**

If calling from within the Florida BellSouth service area ..... 611

**Text Telephone (TTY) Users 7:00 AM - 7:00 PM (CST) Monday - Friday:**

If calling from within the Florida BellSouth service area ..... 780-2274

If calling from outside Florida or outside the Florida BellSouth service area ..... 800-254-5125

**Detailed Statement of Charges**

Monthly Service Charges

Monthly Service - Jul 14 thru Aug 13

Basic Services

|   | <u>Quantity</u> | <u>Amount</u> |
|---|-----------------|---------------|
| 1. Residential Line   | 1 ...           | 8.80          |
| 2. Emergency 911 Charge. This charge is billed on behalf of Alachua County. | 1 ... **        | .50           |
| 3. FCC Charge for Interstate Toll Access                                    | 1 ...           | 3.50          |
| 4. Telecommunications Access System Act Surcharge                           | 1 ... **        | .12           |
| <b>Total Basic Services</b>   |                 | <u>12.92</u>  |

Optional Services

|                                      | <u>Quantity</u> | <u>Amount</u> |
|--------------------------------------|-----------------|---------------|
| 5. Call Waiting                      | 1 ...           | 4.00          |
| 6. Maintenance Plan(s)               | 1 ... **        | <u>2.00</u>   |
| <b>Total Optional Services</b>       |                 | 6.00          |
| <b>Total Monthly Service Charges</b> |                 | <b>18.92</b>  |

\*\* Unregulated Charge

AC E008528

(continued)▶

ORDER NO. PSC-98-0268-FOF-TI  
DOCKET NO. 971493-TI  
PAGE 31



DAVID MCGHEE  
Account Number: 352 495-2942 940 1984  
Bill Period Date: Jul 14, 1997

**Detailed Statement of Charges**

|  | <u>Amount</u> |
|--|---------------|
| <u>Taxes</u>                                 |               |
| <u>Taxes on Regulated Services</u>           |               |
| 7. Federal Tax .....                         | .50           |
| 8. Florida Gross Receipts Surcharge .....    | .21           |
| 9. County Tax .....                          | .91           |
| Total Taxes on Regulated Services .....      | 1.62          |
| Total Taxes .....                            | 1.62          |
| <b>Total BellSouth Current Charges .....</b> | <b>20.54</b>  |

Messages

BellSouth's RightTouch® service is an easy way to do business with us. Use any touch-tone phone to check your account balance, schedule reports of your last payment, make payment arrangements, order services like Call Waiting and Caller ID, request a duplicate copy of your bill, order local telephone directories, or change your Personal Access Code (PAC). We even provide help on how to use telephone features. Call 1 800 826-6290, 24 hours a day, and follow the directions.

Effective July 3, 1997, the rate for residential message and measured service has increased. The enclosed bill reflects this change.

AC E008528

(continued)▶

**HOLD**

DAVID MCGHEE

Account Number: 352 495-2942 940 1984

Period Date: Jul 14, 1997

For HOLD Billing Services Billing Questions Call 1 800 879-4653.

**Detailed Statement of Charges**

Miscellaneous Charges and Credits

Service Provider - A A T

For billing questions, call 888 558-4726

Date

1. 06/24 MO SERV FEE .....

Total Miscellaneous Charges and Credits .....

Amount

2.89  
2.89

Itemized Calls

Service Provider - A A T

Direct Dialed Calls

| Date      | Place Called  | Area            | Time    | Min |
|-----------|---------------|-----------------|---------|-----|
| 2. 06/05  | MIAMI FL      | 305 585-7096 KD | 01:18PM | 1   |
| 3. 06/05  | MIAMI FL      | 305 716-4592 KD | 01:20PM | 4   |
| 4. 06/05  | MIAMI FL      | 305 716-4592 KD | 01:30PM | 1   |
| 5. 06/05  | MIAMI FL      | 305 585-7096 KD | 03:09PM | 2   |
| 6. 06/05  | MIAMI FL      | 305 758-9595 KE | 10:34PM | 8   |
| 7. 06/06  | WASHINGTON DC | 202 363-6978 AM | 06:48AM | 3   |
| 8. 06/06  | MIAMI FL      | 305 751-7816 KD | 02:33PM | 1   |
| 9. 06/06  | WASHINGTON DC | 202 429-1111 AD | 02:52PM | 28  |
| 10. 06/06 | ORLANDO FL    | 407 423-4552 KD | 03:20PM | 16  |
| 11. 06/07 | WASHINGTON DC | 202 363-6978 AM | 05:00PM | 51  |
| 12. 06/08 | WASHINGTON DC | 202 363-6978 AM | 10:31AM | 1   |
| 13. 06/08 | WASHINGTON DC | 202 363-6978 AM | 11:06AM | 3   |
| 14. 06/09 | ORLANDO FL    | 407 423-4552 KD | 04:58PM | 5   |
| 15. 06/09 | WASHINGTON DC | 202 429-1111 AE | 05:42PM | 47  |
| 16. 06/11 | FORT MYERS FL | 941 693-5856 KN | 06:44AM | 10  |
| 17. 06/11 | FORT MYERS FL | 941 693-5856 KE | 07:38PM | 33  |
| 18. 06/13 | FORT MYERS FL | 941 693-5856 KD | 09:12AM | 1   |
| 19. 06/14 | FORT MYERS FL | 941 693-5856 KN | 08:01AM | 1   |
| 20. 06/16 | FORT MYERS FL | 941 693-5856 KE | 08:53PM | 2   |
| 21. 06/17 | FORT MYERS FL | 941 693-5856 KE | 09:08PM | 8   |

Amount

.28  
 1.12  
 .28  
 .56  
 1.60  
 .57  
 .28  
 8.40  
 4.32  
 9.69  
 .19  
 .57  
 1.35  
 8.93  
 1.60  
 6.27  
 .28  
 .16  
 .38  
 1.52

2.22  
 .28  
 .22  
 .44  
 8.00  
 3.00  
 2.80  
 1.00  
 1.75  
 1.75  
 1.00  
 3.30  
 1.00  
 2.00

\*\* Unregulated Charge

\* Taxes and Rates Applied - See Back of First Page

305

E008528

(continued)

**HOLD**

DAVID MCGHEE

Account Number: 352 495-2942 940 1984

Bill Period Date: Jul 14, 1997

For HOLD Billing Service Billing Questions, Call 1 800 879-4653

**Detailed Statement of Charges**

Itemized Calls (continued)

Amount

Service Provider - A A T (continued)

For billing questions, call 888 558-4726

Direct Dialed Calls (continued)

| Date                            | Place Called  | Number Called | Rate | Time    | Min | Amount    |
|---------------------------------|---------------|---------------|------|---------|-----|-----------|
| 22. 06/17                       | FORT MYERS FL | 941 693-5856  | KE   | 10:30PM | 10  | 1.90 1.00 |
| 23. 06/18                       | FORT MYERS FL | 941 693-5856  | KN   | 12:10AM | 1   | .16 1.00  |
| 24. 06/18                       | BOUNDBROOK NJ | 908 273-1937  | AD   | 08:47AM | 3   | .90 7.5   |
| 25. 06/18                       | FORT MYERS FL | 941 693-5856  | KE   | 07:53PM | 1   | .19 1.00  |
| 26. 06/22                       | WASHINGTON DC | 202 363-6978  | AN   | 09:53AM | 21  | 3.99 3.25 |
| 27. 06/22                       | WASHINGTON DC | 202 429-1090  | AN   | 04:00PM | 1   | .19 2.5   |
| 28. 06/22                       | WASHINGTON DC | 202 429-1090  | AN   | 04:25PM | 1   | .19 2.5   |
| 29. 06/22                       | WASHINGTON DC | 202 429-1090  | AN   | 04:28PM | 5   | .95 1.25  |
| 30. 06/22                       | WASHINGTON DC | 202 429-1090  | AN   | 04:48PM | 1   | .19 2.5   |
| 31. 06/22                       | WASHINGTON DC | 202 429-1090  | AE   | 07:55PM | 1   | .19 1.00  |
| 32. 06/22                       | WASHINGTON DC | 202 429-1090  | AE   | 07:59PM | 5   | .95 5.0   |
| 33. 06/25                       | FORT MYERS FL | 941 693-5856  | KE   | 09:48PM | 12  | 2.28 1.20 |
| 34. 06/27                       | FORT MYERS FL | 941 693-5856  | KN   | 06:47AM | 1   | .16 1.00  |
| 35. 06/28                       | WASHINGTON DC | 202 363-6978  | AN   | 06:36PM | 1   | .19 1.00  |
| Total Direct Dialed Calls ..... |               |               |      |         |     | 60.78     |
| Total Itemized Calls .....      |               |               |      |         |     | 60.78     |

Taxes

Amount

Taxes on Regulated Services

|  |      |
|--|------|
| 36. Federal Tax .....                      | 1.87 |
| 37. Florida Gross Receipts Surcharge ..... | 1.51 |
| 38. County Tax .....                       | 1.77 |
| Total Taxes on Regulated Services .....    | 5.15 |

\* Taxes and Rates Applied - See Back of First Page

AC E008528

(continued) ▶

ORDER NO. PSC-98-0268-FOF-TI  
DOCKET NO. 971493-TI  
PAGE 34

**HOLD**

DAVID MCGHEE

Account Number: 352 495-2942 940 1984

Bill Period Date: Jul 14, 1997

**For HOLD Billing Services Billing Questions, Call 1 800 879-4653**

**Detailed Statement of Charges**

| <u>Taxes (continued)</u>                   | <u>Amount</u> |
|--|---------------|
| <i>Taxes on Unregulated Services</i>       |               |
| 39. State Tax .....                        | **.21         |
| 40. Florida Gross Receipts Surcharge ..... | **.07         |
| 41. County Tax .....                       | **.21         |
| Total Taxes on Unregulated Services .....  | .49           |
| Total Taxes .....                          | 5.64          |

Total HOLD Billing Services Current Charges 69.31

**\*\* Unregulated Charge**

This portion of your bill is provided as a service to HOLD Billing Services.

There is no connection between BellSouth and HOLD Billing Services.

AG E008528

Name HENRY, GREGORY Company ALL AMERICAN TELEPHONE, INC.  
Address 1134 HIDDEN VALLEY WAY Attn. CLAY GAREY  
City/Zip WESTON 33327 County BRO Consumer's Telephone # (954)-349-3825  
Can Be Reached (305)-252-4500  
Account Number \_\_\_\_\_ Note \_\_\_\_\_  
Company Contact \_\_\_\_\_ Limited Response N Outreach OTHER

Request No. 190380I  
By RHM Time 12:12 PM Date 10/16/97  
To CO Time FAX Date 10/16/97  
Type S Form Phone  
Category \_\_\_\_\_  
Infraction LS-13A  
Closed by RHM Date 10/16/97  
Reply Received I

Customer said her service was switched from AT&T without authorization in Mar. Customer said as a result she was billed higher rates. Customer said she found out about the switch when she received her bill.

5-6 reply received.

7-24 I called customer regarding the LOA. He said Chris Henry was a minor child and did not have authorization to have the service switched.

File closed by letter.

See 1695171.

## CONSUMER REQUEST

# FLORIDA PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL. 32399-0850  
904-413-6100

PLEASE RETURN THIS FORM  
WITH REPORT OF ACTION TO:

Ruth W. McHarque

DUE: 10/31/97

ORDER NO. PSC-98-0268-FOF-TI  
DOCKET NO. 971493-TI  
PAGE 36

STATE OF FLORIDA

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



DIVISION OF CONSUMER AFFAIRS  
BEVERLEE DEMELLO  
DIRECTOR  
(850) 413-6100  
TOLL FREE 1-800-342-3552

**Public Service Commission**

October 16, 1997

Mr. Gregory Henry  
1134 Hidden Valley Way  
Weston, FL 33327

Dear Mr. Henry:

This is in response to your complaint concerning All American Telephone.

The company was in violation of Florida Administrative Code 25-4.118, Ch. 25-4, Supp. No. 178. This rule is regarding what we call "slamming", or the unauthorized switching of your telephone service. The company will be issuing a credit of \$13.63 for the services you were billed.

The Florida Public Service Commission is concerned about unauthorized changes in local and long distance service. The Commission, along with staff from the Attorney General's Office and the Office of Public Counsel, will hold ten rule development workshops throughout the state to listen to consumers' concerns regarding slamming. The workshop will be held in your area on October 23 at 6:30 PM at the following location:

**Broward County Governmental Center  
Room 422  
115 South Andrews Avenue  
Ft. Lauderdale, FL 33301**

Thank you for giving me the opportunity to address your concerns. I am attaching a copy of the company's report for your review. If you have any questions, please call me, toll-free, at 1-800-342-3552.

Sincerely,

  
Ruth W. McHargue  
Regulatory Specialist III  
Division of Consumer Affairs

RWM:ewe

Attachment: Company report

ATTACHMENT C

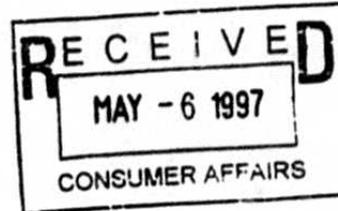
ORDER NO. PSC-98-0268-FOF-TI  
DOCKET NO. 971493-TI  
PAGE 37



All American Telephone, Inc.

May 5, 1997

Florida Public Service Commission  
C/O Ruth W. McHargue  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850



RE: Henry, Gregory  
(954) 349-3825  
# 1695171

Dear Ms. McHargue,

Pursuant to your request, we have investigated the above referenced complaint. Enclosed please find a copy of (LOA) letter of authorization which served to switch the customer's long distance service to (AAT) All American Telephone., Inc.. It appears that this form was signed on March 13, 1997 by a Chris Henry at 1134 Hidden Valley Way Weston, FL 33327.

As of March 26, 1997, Mr. Henry had been billed a total of \$41.83 for long distance services. All American Telephone have initiate credit to Bell South for \$13.63. this amount represents two (2) monthly service fees and calls that were made 03-26-97 thru 04-21-97. Please note that it may take up to 60 days before the credit appears on the customer's telephone bill.

All American Telephone apologizes for this error and any inconvenience it may have caused. It is not our intent or desire to obtain customer who do not wish to utilize our service.

**CONTACT CUSTOMER:**

Mr. Gregory Henry, left message in regarding the complaint and advise customer a credit had been initiate for \$13.63, advise customer " if he had any question to please call me " at 1-888-558-4726.

Sincerely,

A handwritten signature in cursive script that reads "Mary Williams".

Mary Williams  
Customer Service Manage

cc: Gregory Henry

DIST #

**OFFICIAL LOA FORM**  
LONG DISTANCE APPLICATION  
PLEASE PRINT - FILL OUT COMPLETELY  
ONLY ONE PER HOUSEHOLD

|                |                                     |
|----------------|-------------------------------------|
| AGE (REQUIRED) |                                     |
| 18 to 35       | <input type="checkbox"/>            |
| 36 & over      | <input checked="" type="checkbox"/> |

DATE (REQUIRED) 3/13/97  
 NAME Chris Henry \*00284878\*  
 ADDRESS 1134 Hidden Valley way  
 CITY Weston STATE Fl. ZIP 33327  
 HOME PHONE (REQUIRED) (915) 141-1318 1215  
 G2-T5-M7  
 SIGNATURE (REQUIRED) X Chris Henry

I certify that I am at least 18 years of age. I further understand that I may cancel this agreement at any time. I hereby authorize All American Telephone, Inc. (AAT) to act as my agent, and to convert the long distance service on my phone listed above from my current carrier to AAT. I understand that this LOA changes my carrier, and that I may designate only one carrier at a time for any 1 number. I understand that I will be billed through my local telephone company by AAT. I understand that my local phone company may assess a charge for my conversion to AAT. If this occurs, AAT will pay me back if I send a copy of my bill to: AAT, 4709 Colleyville Blvd., Suite 580, Dept. 203, Colleyville, TX 76034.

Name REX TELECOMMUNICATIONS

Company ALL AMERICAN TELEPHONE, INC.

Request No. 176188I

Address TERRY PHILLIPS

Attn. CLAY GAREY 176188I

By KES Time 4:09 PM Date 06/17/97

5447 CENTER STREET

Consumer's Telephone # (561)-996-9050

To CO Time MAIL Date 06/18/97

City/Zip JUPITER 33458 County PLB

Can Be Reached (561)-575-0663

Type S Form Phone

Account Number \_\_\_\_\_

Note \_\_\_\_\_

Category \_\_\_\_\_

Company Contact \_\_\_\_\_

Limited Response N

Infraction LS-13C

Closed by KES Date 09/11/97

Reply Received T

Customer said that the service at its payphone located at 105 NW 10th Avenue in South Bay, FL (at the convenience store) was changed without his authority. The company would like an explanation for this change. USLD advises that All American is handling this account. Please investigate, follow up with customer and send a detailed report. [cross-reference 174894I]

7/03/97 Report with explanation; copy of LOA; customer contacted. No billing occurred so there is no credit.

9/11/97 File closed.

**CONSUMER REQUEST**

**FLORIDA PUBLIC SERVICE COMMISSION**

2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL. 32399-0850  
904-413-6100

PLEASE RETURN THIS FORM WITH REPORT OF ACTION TO:

Kate Smith

DUE: 07/03/97

ATTACHMENT D

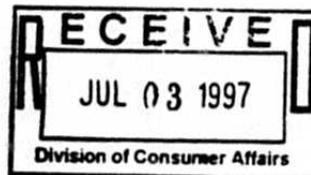
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ORDER NO. PSC-98-0268-FOF-TI  
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All American Telephone, Inc.

June 30, 1997



Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Rex Telecommunications  
(561) 996-9050  
Ref: 1761881

Dear Kate Smith,

Pursuant to your request, we have investigated the above referenced complaint. Enclosed please find a copy of letter of authorization (LOA) which served to switch the customer's long distance service to All American Telephone, Inc. (AAT) It appears this form was signed on April 07, 1997 by a David Jones, who listed the same telephone number on the application as the complainant, Mr. Terry Phillips. The address listed on the application also did not match Mr. Phillips business address.

We have also reviewed the billing tape and find that as of today's date, this customer has not been billed for any services.

All American Telephone apologize for this error and any inconvenience it may have caused. It is not our intent or desire to obtain customer who do not wish to utilize our service.

Sincerely,

A handwritten signature in cursive script that reads "Mary Williams".

Mary Williams  
Customer Service Manager

attachment

cc: Terry Phillips

ORDER NO. PSC-98-0268-FOF-TI  
DOCKET NO. 971493-TI  
PAGE 41



All American Telephone, Inc.

June 30, 1997

Rex Telecommunications  
C/O: Terry Phillips  
5447 Center Street  
Jupiter, FL 33458

Re: (561) 996-9050  
Ref No: 1761881

Dear Terry Phillips,

Our Company has received a notice from the Florida Public Service Commission stating that you have filed a complaint.

This complaint directs our company to a written response to Public Service Commission regarding your complaint and to send you a copy of the response.

Should you have any question or require further assistance, please feel free to call me at 1-888-558-4726.

Sincerely,

A handwritten signature in cursive script that reads "Mary Williams".

Mary Williams  
Customer Service Manager.

cc: Florida Public Service Commission

DIST #

521

**OFFICIAL LOA FORM**  
LONG DISTANCE APPLICATION  
PLEASE PRINT — FILL OUT COMPLETELY  
ONLY ONE PER HOUSEHOLD

AGE (REQUIRED)  
18 to 35   
36 & over

DATE (REQUIRED)

4-7-97

NAME

David Jones

ADDRESS

190 N.W. 9th Apt #3 \*00407477\*

CITY

South Bay

STATE FL ZIP

33493

HOME PHONE (REQUIRED)

(516) 919-1910

G2-T5-M7

SIGNATURE (REQUIRED) X

David Jones

I certify that I am at least 18 years of age. I further understand that I may cancel this agreement at any time. I hereby authorize All American Telephone, Inc. (AAT) to act as my agent, and to convert the long distance service on my phone listed above from my current carrier to AAT. I understand that this LOA changes my carrier, and that I may designate only one carrier at a time for any 1 number. I understand that I will be billed through my local telephone company by AAT. I understand that my local phone company may assess a charge for my conversion to AAT. If this occurs, AAT will pay me back if I send a copy of my bill to: AAT, 4709 Colleyville Blvd., Suite 580, Dept. 208, Colleyville, TX 76034.