

Talbott  
Vandiver

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*RV*

FLORIDA PUBLIC SERVICE COMMISSION  
Capital Circle Office Center • 2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

M E M O R A N D U M

March 26, 1998

RECEIVED

MAR 26 1998

10:10

FPSC - Records/Reporting

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

FROM: DIVISION OF LEGAL SERVICES (BOWMAN, K. PEÑA) *KB* *UP* *MCB*  
 DIVISION OF COMMUNICATIONS (BIEGALSKI) *KB* *AM*  
 DIVISION OF CONSUMER AFFAIRS (MCHARGUE) *BA* *AM*

RE: DOCKET NO. 971489-TI - INITIATION OF SHOW CAUSE  
 PROCEEDING AGAINST HOME OWNERS LONG DISTANCE INCORPORATED  
 FOR VIOLATION OF RULE 25-4.118, FLORIDA ADMINISTRATIVE  
 CODE, INTEREXCHANGE CARRIER SELECTION

AGENDA: 04/07/98 - REGULAR AGENDA - INTERESTED PERSONS MAY  
 PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\971489TI.RCM

CASE BACKGROUND

On August 17, 1993, the Commission granted Home Owners Long Distance Incorporated (Home Owners) certificate number 3189 to provide intrastate interexchange telecommunications service. Home Owners reported gross operating revenues of \$1,123,668.45 on its Regulatory Assessment Fee Return for the period January 1, 1997, through December 31, 1997. In addition, Home Owners operates in forty-four other states and generates revenue from third party billing of regulated and unregulated charges. As a provider of interexchange telecommunications service in Florida, Home Owners is subject to the rules and regulations of this Commission.

From January 1, 1996, until March 11, 1998, the Division of Consumer Affairs has received a total of 258 complaints against Home Owners. Of those complaints received, 101 are apparent unauthorized carrier change (slamming) infractions in violation of Rule 25-4.118, Florida Administrative Code. There are additional complaints that are either pending closure in the Division of Consumer Affairs or response from the company.

DOCUMENT NUMBER-DATE

03570 MAR 26 98

FPSC-RECORDS/REPORTING

DOCKET NO. 971489-TI  
DATE: March 26, 1998

Based on the number of apparent slamming violations, staff opened this docket to investigate whether Home Owners should be required to show cause why it should not be fined or have its certificate canceled, pursuant to Section 364.285, Florida Statutes. However, prior to show cause proceedings, Home Owners submitted an offer to settle the case. (Attachment A, Pages 8-10)

### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission order Home Owners Long Distance Incorporated to show cause why it should not have Certificate Number 3189 canceled or be fined \$10,000 per apparent violation for a total of \$1,010,000 for apparent failure to comply with Rule 25-4.118, Florida Administrative Code, Interexchange Carrier Selection?

**RECOMMENDATION:** Yes. The Commission should order Home Owners to show cause in writing within 20 days of the effective date of the order why it should not be fined \$10,000 per apparent violation for a total of \$1,010,000 or have its certificate canceled for apparent failure to comply with Rule 25-4.118, Florida Administrative Code. All collected fine monies should be forwarded to the Office of the Comptroller for deposit in the state General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. (Biegalski)

**STAFF ANALYSIS:** Home Owners uses sweepstakes display boxes with separable packets of LOAs attached as a method of obtaining new long distance customers. Staff requested a sweepstakes display from Home Owners, but was notified by Home Owners that due to the fact that the sweepstakes has been discontinued, a copy of the display could not be obtained. Although the display could not be obtained, the LOA forms attached to the numerous consumer complaints appear 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

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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]

Based on the numerous consumer complaints, it appears that the forms Home Owners uses for its sweepstakes entries in combination with the sweepstakes display are misleading and deceptive. This is an apparent violation of Rule 25-4.118(3)(b), Florida Administrative Code, in that the document as a whole appears to be misleading or deceptive. Staff believes that the sweepstakes display combined with the attached LOA is misleading because many customers thought they were only entering a sweepstakes. According to Rule 25-4.118(3)(b), Florida Administrative Code, 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]

It appears that Home Owners is submitting numerous preferred interexchange carrier (PIC) changes with forged customer signatures. In addition, in some instances, the name and address listed on the letter of authorization (LOA) is not the same as the address assigned to the person authorized to make the decision regarding the long distance service. Home Owners responded to some of the slamming complaints by stating that it received no adverse response to the confirmation letter and therefore, considered the application valid.

Examples of complaints received from consumers include the following:

On November 20, 1996, Mr. Truman Flournoy advised staff that his long distance service was switched without authorization. Home Owners' report stated that the company received a LOA signed by Ms.

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Patricia Davis. Further investigation determined that the signature on the LOA did not match the person authorized to make decisions regarding the long distance service. In addition, the address was not that of the customer of record, therefore the welcome letter would not have been received by Mr. Flournoy. (Attachment B, Pages 11-17)

On March 14, 1997, Mr. Ashwani Wadhwa advised staff that his long distance service was switched without authorization. He stated he realized the change when he received his telephone bill. Home Owners' report stated that the company received a LOA signed by Mr. Witin Wadhwa. The company considered it to be valid and forwarded it to BellSouth for processing. Mr. Wadhwa notified staff that Witin Wadhwa is a minor and is not authorized to make any long distance service changes.

According to Rule 25-4.118(2), Florida Administrative Code, 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 Witin Wadhwa is not the customer of record for the telephone number listed on the LOA, the LOA is invalid. (Attachment C, Pages 18-28) This is a common example of how the sweepstakes entry method of switching a person's long distance service can result in a slam. Many persons attending fairs, flea markets, home shows, and other events that have sweepstakes boxes present are slammed because they are signing many different entries to obtain free giveaway products and are not expecting to be given something to sign that will result in their long distance service being switched.

On March 13, 1996, Mr. Thomas Clark notified staff that his long distance service was switched without authorization. Home Owners stated in its report to staff that the company received a LOA signed by Mr. Clark. The company considered it to be valid and forwarded it to BellSouth for processing. Upon receipt of a copy of the LOA, Mr. Clark notified staff that the signature on the LOA was not his. Mr. Clark's signature on the letter he submitted to staff clearly does not match the signature on the LOA. It appears that the signature is a forgery. (Attachment D, Pages 29-34)

Home Owners has not satisfied staff that it is in compliance with the Commission's rules. Accordingly, by Section 364.285,

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Florida Statutes, the Commission is authorized to impose upon any entity subject to its 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. Utilities are charged with knowledge of the Commission's rules and 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).

Staff believes that Home Owners' 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, the Commission nevertheless found it appropriate to order it 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 Home Owners' conduct at issue here, would meet the standard for a "willful violation."

Based on the 101 apparent unauthorized carrier change infractions, staff believes that Home Owners does not have adequate safeguards to protect consumers from unauthorized carrier changes. Accordingly, staff believes that there is sufficient cause to order Home Owners to show cause in writing within 20 days of the effective date of the order why it should not be fined \$10,000 per infraction for a total of \$1,010,000 or have its certificate canceled for its apparent violations of Rule 25-4.118, Florida Administrative Code.

**ISSUE 2:** Should the Commission accept the settlement offer proposed by Home Owners Long Distance Incorporated to resolve the apparent violations of Rule 25-4.118, Florida Administrative Code, Interexchange Carrier Selection?

**RECOMMENDATION:** No. The Commission should not accept the settlement offer proposed by Home Owners. (Biegalski)

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STAFF ANALYSIS: On January 22, 1998, Home Owners met with staff and addressed its concerns about the apparent violations. On February 27, 1998, Home Owners submitted its offer to settle. In its settlement offer Home Owners agreed to do the following:

- HOLD will not market its services in Florida through the use of a sweepstakes program or in any other manner, and will not submit to any LEC orders to change the long distance service of Florida consumers to that provided by HOLD, for a period of at least three years from the date that this settlement offer has been agreed to by the PSC.
- HOLD will continue to respond to consumer complaints in a timely manner, will refund any fees incurred by consumers for changing back to their preferred carrier, and will credit the difference between the rates charged by HOLD and the consumers' preferred carrier.
- HOLD will make a contribution of \$80,000 to the general revenue fund of the State of Florida with no admission of liability or wrongdoing, payable in twenty-four equal monthly installments until paid.

Staff supports Home Owners' proposal to refrain from marketing in Florida for a period of at least three years. Staff also supports Home Owners' agreement to respond to consumer complaints in a timely manner and rerate calls in compliance with Commission rules. Staff cannot, however, support Home Owners' proposed settlement of the financial penalties proposed in Issue 2.

Although Home Owners states it only has 1,500 active customers in Florida, it does generate additional revenue through third party billing of regulated and unregulated charges and operates in forty-four other states. Based on the consumer response from the public hearings related to the slamming rule docket and the fact that in recent show cause dockets regarding apparent slamming violations the Commission has approved staff's recommendation of \$10,000 per violation, staff believes that the settlement offer is inadequate. Home Owners' proposal is simply insufficient for the harm to the public interest that Home Owners' apparent slamming violations have caused. In addition, the monetary settlements accepted in the past have not been of sufficient size to deter slamming. Therefore, it is staff's view that the fine should be greater than those accepted in the past.

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ISSUE 3: Should this docket be closed?

RECOMMENDATION: If staff's recommendation in Issue 1 is approved, then Home Owners will have 20 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed. If Home Owners timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Home Owners does not respond to the Commission's Order to Show Cause, the penalties should be deemed assessed. If Home Owners fails to respond to the Order to Show Cause, and the fines are not received within five business days after the expiration of the show cause response period, Home Owners' certificate should be canceled and this docket closed administratively. If staff's recommendation in Issue 1 is not approved and the settlement offer is accepted, this docket should be closed upon the remittance of the \$80,000 settlement. The \$80,000 settlement should be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. (Bowman, K. Peña)

STAFF ANALYSIS: If staff's recommendation in Issue 1 is approved, then Home Owners will have 20 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed or have its certificate canceled. If Home Owners timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Home Owners does not respond to the Commission's Order to Show Cause, the fines should be deemed assessed. If Home Owners fails to respond to the Order to Show Cause, and the fines are not received within five business days after the expiration of the show cause response period, Home Owners' certificate should be canceled and this docket closed administratively. If staff's recommendation in Issue 1 is not approved and the settlement offer is accepted, this docket should be closed upon the remittance of the \$80,000 settlement.

LAW OFFICES OF  
**GRESHAM, DAVIS, GREGORY, WORTHY & MOORE**  
A PROFESSIONAL CORPORATION

BRAD S. AKIN  
SAMUEL H. BAYLESS  
BARRY G. BENTON  
MATTHEW D. BRADLEY  
BEN J. CHILCUTT\*  
R. CHRISTOPHER CLARK  
BOND DAVIS  
MOULTON S. DOWLER, JR.  
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NANCY A. NORMAN  
RICHARD M. TAYLOR  
JAMIE M. WILSON  
A. W. WORTHY

112 EAST PECAN STREET  
NINTH FLOOR  
SAN ANTONIO, TEXAS 78205-1542  
FOUNDED 1880

RUPERT N. GRESHAM (1892-1973)  
RICHARD T. DAVIS (1911-1991)

TELEPHONE  
(210) 226-4157

FACSIMILE  
(210) 226-5154

February 27, 1998

**VIA FACSIMILE 1 (850) 413-6583**  
**AND FEDERAL EXPRESS OVERNIGHT DELIVERY**

OF COUNSEL  
RAUL M. CALDERON

\*ALSO LICENSED IN COLORADO

Mr. Rick Moses  
Florida Public Service Commission  
2450 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mr. John Bowman  
Office of General Counsel  
Florida Public Service Commission  
2450 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**RE: Home Owners Long Distance, Inc. -- Docket No. 971489**

Dear Mr. Moses and Mr. Bowman:

Thank you again for taking the time to meet with me the other day in your offices. As I said that I would at our meeting, Home Owners Long Distance, Inc. ("HOLD") has revised its proposed settlement proposal. Therefore, enclosed please find, proposed by HOLD, the terms and provisions of a revised settlement offer. On behalf of HOLD, I submit the enclosed proposal in good faith for your review. Again, we hope that this proposal will meet your objectives concerning Florida consumers as HOLD has agreed to cease its marketing efforts for at least three (3) years, while at the same time making payments to the state of Florida, the amount and method of which will not render HOLD insolvent.

Please review this proposal, for consideration by the Public Service Commission at its March 24, 1998 docket.

If you have any questions or if I can be of further assistance, please do not hesitate to call.

Very truly yours,

  
Peter E. Hosey

cc: Home Owners Long Distance, Inc.  
Attn: Joseph Webb and Dana Wilson  
Public Service Commission Via Facsimile Transmission 1-850-413-6582  
Attn: Kelly Begofsky

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2450 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mr. John Bowman  
Office of General Counsel  
Florida Public Service Commission  
2450 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**RE: Home Owners Long Distance, Inc. -- Docket No. 971489**

Dear Mr. Moses:

Home Owners Long Distance, Inc. ("HOLD"), by its undersigned, respectfully submits its revised settlement offer in the above-referenced matter.

HOLD is an interexchange carrier which provides interexchange service in 44 states. HOLD was certified by the Florida Public Service Commission to provide intrastate interexchange service in Docket No. 930327-T1 on August 17, 1993. HOLD currently provides service to approximately 1,500 active customers in Florida.

HOLD has historically marketed its long distance through the use of a sweepstakes program in which customers enter a sweepstakes and may also change their long distance service to that provided by HOLD. The majority of complaints filed with the Commission stem from the use of the sweepstakes marketing method.

HOLD respectfully proposes the following terms of settlement:

1. HOLD will not market its services in Florida through the use of a sweepstakes program or in any other manner, and will not submit to any local exchange carrier (LEC) orders to change the long distance service of Florida consumers to that provided by HOLD, for a period of at least three (3) years from the date that this settlement offer has been agreed to by the PSC. HOLD will resume its marketing efforts thereafter in the state of Florida, only upon the approval by the Staff of the PSC of such marketing methods which HOLD proposes to utilize.

**Mr. Rick Moses and Mr. John Bowman**  
**Florida Public Service Commission**  
**February 27, 1998**  
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2. HOLD will continue to respond to consumer complaints in a timely manner, will refund any fees incurred by consumers for changing back to their preferred carrier, and will credit the difference between the rates charged by HOLD and the consumers' preferred carrier, where such rates are lower than those charged by HOLD.
3. HOLD will make a contribution of \$80,000.00 to the general revenue fund of the State of Florida with no admission of liability or wrongdoing, payable in twenty-four (24) equal monthly installments until paid.

We believe that the foregoing settlement terms and conditions are consistent with the following considerations. It is the Commission's and HOLD's goal to minimize instances of slamming in the State of Florida. HOLD recognizes that its previous marketing methods have resulted in consumer confusion and allegations of slamming. The number of these complaints in Florida far outnumber complaints received in any other jurisdiction. Accordingly, in order to ensure that there is no change of further problems, HOLD will discontinue all marketing efforts in Florida in accordance with the terms of Paragraph 1 above. HOLD recognizes that its marketing activities created problems for Florida consumers and placed demands on the time and resources of the Commission and its Staff. HOLD believes that the interests of the public, the Commission and HOLD itself can best be served at this time through settlement. The amount of the voluntary contribution is significant, reflecting how seriously the Commission considers unauthorized carrier changes. At the same time, the amount of the payment reflects the fact that HOLD has voluntarily removed itself from the Florida marketplace.

If you have any questions, or wish to discuss this matter further, please do not hesitate to contact the undersigned.

Respectfully submitted,



Peter E. Hoey

Counsel for Home Owners Long Distance, Inc.

cc: Home Owners Long Distance  
Attn: Joseph Webb and Dana Wilson  
Swidler & Berlin  
Attn: Marcy Greene  
Public Service Commission  
Attn: Kelly Begofsky

Via Facsimile Transmission 1-850-413-6582

ATTACHMENT B  
DOCKET NO. 971489-TI  
MARCH 26, 1998

Name FLOURNOY, IRUMAN Company HOME OWNERS LONG DISTANCE INCORPORA  
Address 2318 SOUTH DALE AVENUE, #11 Attn. JOSEPH WEBB 1486221  
Consumer's Telephone # (904)-785-1078  
City/Zip PANAMA CITY 32405 County BAY Can Be Reached \_\_\_\_\_  
Account Number \_\_\_\_\_ Note sweep(name/ani)  
Company Contact \_\_\_\_\_ Limited Reponse N

Request No. 1486221  
By KES Time 3:59 PM Date 11/20/96  
To CO Time FAX Date 11/20/96  
Type S Form Phone  
Category \_\_\_\_\_  
Infraction IS-13A  
Closed by NEP Date 02/13/97  
Reply Received L

Customer said that his preferred carrier, AT&T, had been changed when he received his regular bill. He did not give any authorization for a change and is requesting a full refund of all usage and fees. Please investigate, provide proof of authorization, contact customer and advise.

12/10 Report as letter to customer with explanation, credit and sweepstakes LOA. 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: 12/09/96

ATTACHMENT B  
DOCKET NO. 971489-TI  
MARCH 26, 1998

LOURNOY, TRUMAN Company HOME OWNERS LONG DISTANCE INCORPOR  
2318 SOUTH DALE AVENUE, #11 Acct. JOSEPH WEBB 1486221  
Consumer's Telephone # (904)-785-1078  
City PANAMA CITY 32405 County BAY Can Be Reached \_\_\_\_\_  
Case Number \_\_\_\_\_ Note \_\_\_\_\_  
Reply Contact \_\_\_\_\_ Limited Response N

Request No. 1486221  
By KES Time 3:59 PM Date 11/20/96  
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Type S Form Phone  
Category \_\_\_\_\_  
Infraction \_\_\_\_\_  
Closed by \_\_\_\_\_ Date 1/1  
Reply Received \_\_\_\_\_

Customer said that his preferred carrier, AT&T, had been changed when he received his regular bill. He did not give any authorization for a change and is requesting a full refund of all usage and fees. Please investigate, provide proof of authorization, contact customer and advise.

**CONSUMER REQUEST**

RECEIVED  
NOV 26 1996  
BY: *dana*

FILE  
DEC 10 1996  
COMMUNICATIONS AFFAIRS

**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: 12/09/96

-12-

**HOLD**

Home Own Long Distance, Inc.  
P.O. Box 6906  
San Antonio, Texas 78269  
(210) 525-8152 Fax (210) 525-0637

ATTACHMENT B  
DOCKET NO. 971489-TI  
MARCH 26, 1998

December 3, 1996

Truman Flournoy  
2318 South Dale Avenue #11  
Panama City, FL 32405  
904-785-1078  
Req. No. 148622I

Dear Mr. Flournoy:

Please accept our sincere apologies regarding the change in your long distance service.

Home Owners Long Distance, a long distance reseller utilizing the MCI network, received an application requesting our service in the name of Patricia Davis for the above referenced telephone number. Shortly after the application was received, a confirmation letter was sent to the address indicated on the application to confirm all applicant information and to ensure that a change in long distance service was desired. There was no adverse response to the confirmation letter. Therefore, the application was considered valid and forwarded to Bell South for processing. It was not apparent by the application that Ms. Davis was not authorized to change long distance companies.

As requested, your account with Home Owners Long Distance has been canceled. At this time our records do not indicate any long distance billing, however, if you receive a bill from HOLD please contact me and an adjustment will be issued. Enclosed is a refund of \$2.98 for switch over fees.

Once again, we apologize for this error and any inconvenience it may have caused. It is not our intent or desire to obtain customers who do not wish to utilize our service.

Should you have any questions or require further assistance, please contact me at 1-800-879-4653 ext. 440.

Sincerely,



Liesl Mitchell  
Administrative Assistant

cc: Florida Public Service Commission

## Official LOA Form Long Distance Application

Please Print - Fill out completely - Only one per household

Home Phone: 904) 785-1074 Date: 10-13 1996  
Name This Number Is Listed Under: Patricia Davis  
Mother's Maiden Name (Used for verification purposes only): Patricia Smith  
Address: 625 Apache Circle Apartment Number: \_\_\_\_\_  
City: DeBona State: FL Zip: 32728  
Signature: Patricia Davis

(Must be signed and fully completed to qualify.)

MARITAL STATUS  single  married AGE  under 21  21 & over

By signing the above Letter of Agency (LOA) form, I am agreeing to change my current long distance carrier to Home Owners Long Distance, Inc., ("HOLD"), and I designate HOLD as my agent to cancel my agreement with my existing carrier in favor of new service with HOLD, for my 1+ long distance service only. I understand that I can have only one 1+ long distance service and that service with my previous 1+ long distance company will be cancelled when my 1+ service is switched to HOLD. I understand that only the person legally responsible for payment of the charges incurred on the telephone number written above may authorize this switch in 1+ service, and by signing above I acknowledge that I am that person. Charges for my 1+ long distance will be billed by my local telephone company as charges from HOLD. I understand that my local telephone company will charge me a one-time charge of up to \$5, plus tax, for this selection.

## LONG DISTANCE OFFER

By signing the letter of agency on the reverse side you are selecting Home Owners Long Distance, Inc., ("HOLD") as your 1 + long distance service company. You will be mailed a welcome letter from HOLD before your long distance service is changed to HOLD.

HOLD's long distance rates are: 25 c per minute daytime (8 a.m. - 5 p.m., Monday through Friday), to anywhere in the contiguous 48 states and 20 c per minute all other times.

NOTE: Florida residents only. A copy of the official registration and financial information may be obtained from the division of consumer service by calling toll-free 1-800-HELP-FLA, within the State of Florida. Registration does not imply endorsement, approval or recommendation by the State.

NOTE: Commonwealth of Pennsylvania residents only. A copy of the official registration and financial information may be obtained from the Consumer Protection Bureau by calling toll-free 1-800-441-2555, within the Commonwealth of Pennsylvania. Registration does not imply endorsement, approval or recommendation by the State.

ATTACHMENT B  
DOCKET NO. 971489-TI  
MARCH 26, 1998

2318 SOUTH DALE AVENUE #11

JOSEPH WEBB 1486221

KES Time 3:59 PM Date 11/20/96

Name FLOURNOY, TRUMAN

Company HOME OWNERS LONG DISTANCE INCORPORA

Request No. 1486221

Address 2318 SOUTH DALE AVENUE, #11

Attn. JOSEPH WEBB 1486221

By KES Time 3:59 PM Date 11/20/96

Consumer's  
Telephone # (904)-785-1078

To CO Time FAX Date 11/20/96

City/Zip PANAMA CITY 32405 County BAY

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

Type S Form Phone

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

Note sweep(name/ani)

Category \_\_\_\_\_

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

Limited Reponse N

Infraction 1s-13A

Closed by NEP Date 02/13/97

Reply Received L

Customer said that his preferred carrier, AT&T, had been changed when he received his regular bill. He did not give any authorization for a change and is requesting a full refund of all usage and fees. Please investigate, provide proof of authorization, contact customer and advise.

12/10 Report as letter to customer with explanation, credit and sweepstakes LOA. 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: 12/09/96

-15-

## Official LOA Form

### Long Distance Application

Please Print - Fill out completely - Only one per household

Home Phone: 904 785-1078 Date: 10-13, 1996  
Name This Number Is Listed Under: Patricia Davis  
Mother's Maiden Name (Used for verification purposes only): Patricia Smith  
Address: 625 Apache Circle Apartment Number: \_\_\_\_\_  
City: Deltona State: FL Zip: 32728  
Signature: Patricia Davis  
*(Must be signed and fully completed to qualify.)*

MARITAL STATUS  single  married AGE  under 21  21 & over

By signing the above Letter of Agency (LOA) form, I am agreeing to change my current long distance carrier to Home Owners Long Distance, Inc., ("HOLD"), and I designate HOLD as my agent to cancel my agreement with my existing carrier in favor of new service with HOLD, for my 1+ long distance service only. I understand that I can have only one 1+ long distance service and that service with my previous 1+ long distance company will be cancelled when my 1+ service is switched to HOLD. I understand that only the person legally responsible for payment of the charges incurred on the telephone number written above may authorize this switch in 1+ service, and by signing above I acknowledge that I am that person. Charges for my 1+ long distance will be billed by my local telephone company as charges from HOLD. I understand that my local telephone company will charge me a one-time charge of up to \$5, plus tax, for this selection.

## LONG DISTANCE OFFER

By signing the letter of agency on the reverse side you are selecting Home Owners Long Distance, Inc., ("HOLD") as your 1 + long distance service company. You will be mailed a welcome letter from HOLD before your long distance service is changed to HOLD.

HOLD's long distance rates are: 25 ¢ per minute daytime (8 a.m. - 5 p.m., Monday through Friday), to anywhere in the contiguous 48 states and 20 ¢ per minute all other times.

NOTE: Florida residents only. A copy of the official registration and financial information may be obtained from the division of consumer service by calling toll-free 1-800-HELP-FLA, within the State of Florida. Registration does not imply endorsement, approval or recommendation by the State.

NOTE: Commonwealth of Pennsylvania residents only. A copy of the official registration and financial information may be obtained from the Consumer Protection Bureau by calling toll-free 1-800-441-2555, within the Commonwealth of Pennsylvania. Registration does not imply endorsement, approval or recommendation by the State.



**HOLD**

Home Owners Long Distance, Inc.  
P.O. Box 690670  
San Antonio, Texas 78269  
(210) 525-8152 Fax (210) 525-0637

ATTACHMENT B  
DOCKET NO. 971489-TI  
MARCH 26, 1998

December 3, 1996

Truman Flournoy  
2318 South Dale Avenue #11  
Panama City, FL 32405  
904-785-1078  
Req. No. 148622I

Dear Mr. Flournoy:

Please accept our sincere apologies regarding the change in your long distance service.

Home Owners Long Distance, a long distance reseller utilizing the MCI network, received an application requesting our service in the name of Patricia Davis for the above referenced telephone number. Shortly after the application was received, a confirmation letter was sent to the address indicated on the application to confirm all applicant information and to ensure that a change in long distance service was desired. There was no adverse response to the confirmation letter. Therefore, the application was considered valid and forwarded to Bell South for processing. It was not apparent by the application that Ms. Davis was not authorized to change long distance companies.

As requested, your account with Home Owners Long Distance has been canceled. At this time our records do not indicate any long distance billing, however, if you receive a bill from HOLD please contact me and an adjustment will be issued. Enclosed is a refund of \$2.98 for switch over fees.

Once again, we apologize for this error and any inconvenience it may have caused. It is not our intent or desire to obtain customers who do not wish to utilize our service.

Should you have any questions or require further assistance, please contact me at 1-800-879-4653 ext. 440.

Sincerely,



Liesl Mitchell  
Administrative Assistant

cc: Florida Public Service Commission

ATTACHMENT C  
DOCKET NO. 971489-TI  
MARCH 26, 1998

Name WADHWA ASHWANI Company HOME OWNER'S LONG DISTANCE INCORPORATED  
Address 264 NW 102ND TERRACE Attn. JOSEPH W. WEBB 164894I  
Consumer's Telephone # (954)-475-4239  
City/Zip PLANTATION 33324 County BRO Can Be Reached (954)-475-4239  
Account Number \_\_\_\_\_ Note sweepstakes  
Company Contact \_\_\_\_\_ Limited Response N

Request No. 164894I  
By MEP Time 1:24 PM Date 03/14/97  
To CO Time FAX Date 03/17/97  
Type S Form MAIL  
Category \_\_\_\_\_  
Infraction LS-13A  
Closed by MEP Date 04/02/97  
Reply Received T

See attached correspondence regarding customer's concerns with a switch in his long distance service from MCI to Home Owner's Long Distance without authorization or request. Customer has returned to carrier of choice. Please investigate this matter, contact the customer, and provide me with a detailed written report including LOA/Tape and applicable credits for switching fees as well as an adjustment of rates to that of the customer's preferred carrier by the date below.

04/01/97 Received report as letter to customer with explanation, \$265.03 credit and sweepstakes LOA.

04/02/97 Closed by telephone conversation with Mr. Wadhwa, who states that his child filled out what he thought was a sweepstakes entry.

CONSUMER REQUEST -18-

**FLORIDA PUBLIC  
SERVICE  
COMMISSION**

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

PLEASE RETURN THIS FORM  
WITH REPORT OF ACTION TO:

Ellen Plendl

DUE: 04/01/97

Home Owners Long Distance, Inc.  
P.O. Box 690670  
San Antonio, Texas 78269  
(210) 525-8152 Fax (210) 525-0637

HOLD

March 26, 1997

Ashwani Wadhwa  
264 NW 102<sup>nd</sup> Terrace  
Plantation, FL 33324

Re: 954-475-4239  
Req. No. 164894I

Dear Mr. Wadhwa:

Please accept our sincere apologies regarding the change in your long distance service.

Home Owners Long Distance, a long distance reseller utilizing the MCI network, received an application requesting our service in the name of Witin Wadhwa for the above referenced telephone number. Shortly after the application was received, a confirmation letter was sent to the address indicated on the application to confirm all applicant information and to ensure that a change in long distance service was desired. There was no adverse response to the confirmation letter. Therefore, the application was considered valid and forwarded to Bell South for processing. It was not apparent by the application that Witin was not authorized to change long distance companies, nor was there any reason to believe that the application was altered.

As requested, your account with Home Owners Long Distance has been canceled. Please be advised that a credit of \$265.03 for difference in rates and switch over fees has been issued to Bell South and will appear on your bill within one to two billing cycles.

Once again, we apologize for this error and any inconvenience it may have caused. It is not our intent or desire to obtain customers who do not wish to utilize our service.

Should you have any questions or require further assistance, please contact me at 1-800-818-6806.

Sincerely,



Liesl Mitchell  
Administrative Assistant

cc: Florida Public Service Commission

**Long Distance Service Application**  
(PLEASE PRINT CLEARLY)

HOME PHONE# (305) 475-4239 DATE 3-12/96 1996

NAME THIS NUMBER IS LISTED UNDER Witin Wadhwa  
ADDRESS 264 NW 102 Terrace APT# \_\_\_\_\_  
CITY Plantation STATE FL ZIP 33324  
MARITAL STATUS  SINGLE  MARRIED AGE  UNDER 21  21 & OVER  
SIGNATURE Witin Wadhwa  
(MUST BE SIGNED AND FULLY COMPLETED)

YES, I WOULD LIKE A VOX GOLD LONG DISTANCE TRAVEL CARD (SUPER RATES).

By signing above I designate Home Owners Long Distance, Inc., (HOLD) as my agent to cancel my agreement with my existing carrier in favor of new service with HOLD, for my 1+ long distance service only, and understand that: I can have only one 1+ long distance service and any previous selection of a 1+ long distance company made by me will be cancelled. I am the person legally responsible for charges on the telephone number written above. Charges for my 1+ long distance from HOLD will be billed by my local telephone company and I understand that my local telephone company may charge me a one time charge of up to \$5.00 plus tax for this selection.

**LONG DISTANCE OFFER**

By signing the letter of agency on the reverse side you are selecting Home Owners Long Distance, Inc., (HOLD) as your 1+ long distance company. You will be mailed a welcome letter before your service is changed to HOLD. HOLD's long distance rates are: 25¢ per minute daytime (8 a.m. - 5 p.m. Monday through Friday, to anywhere in the contiguous 48 states and 20¢ per minute for all other times.)

This offer is void in any state where prohibited by law. You must be 18 years old or older to apply. One application per family. This material is being used for the purpose of obtaining letters of agency for telephone customers to change their long distance service.

NOTE: FLORIDA RESIDENTS ONLY: A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICE BY CALLING TOLL FREE 1-800-HELP-FLA, WITHIN THE STATE OF FLORIDA. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL OR RECOMMENDATION BY THE STATE.

NOTE: COMMONWEALTH OF PA RESIDENTS ONLY: A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE CONSUMER PROTECTION BUREAU BY CALLING TOLL FREE 1-800-441-2555, WITHIN THE COMMONWEALTH OF PA. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL OR RECOMMENDATION BY THE STATE.

Copyright 1995 Home Owners Long Distance, Inc.  
P.O. Box 690670 San Antonio, Texas 78269 1-800-879-4653

State of Florida

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



DIVISION OF CONSUMER AFFAIRS  
BEVERLEE DeMELLO  
DIRECTOR  
(904) 413-6100  
TOLL FREE 1-800-342-3552

**Public Service Commission**

*March 18, 1997*

**Mr. Ashwani Wadhwa**  
**264 Northwest 102nd Terrace**  
**Plantation, FL 33324**

**Dear Mr. Wadhwa:**

***Thank you for your recent letter concerning Home Owners Long Distance Incorporated.***

***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 cursive script that reads "Ellen Plendl".

**Ellen Plendl**  
**Regulatory Specialist I**  
**Division of Consumer Affairs**

MEP:ewe

164894T

REG-709

REG - 102  
PUBLIC UTILITY  
Consumer Complaints  
DAW

264 NW 102nd Terr.  
Plantation, Fl. 33324  
Tel. 954-475-4239  
Feb. 19, 1997

Lawton Chiles  
Governor  
State Capitol  
Federal Building  
Tallahassee, Florida

#532736 Wadhwa, Ashwani  
Recd. 02/27/1997 DEO: DFM  
To: CAS-NFA-DAW Due: 03/13/1997

REF: REPORTING SUSPICIOUS AND FRAUDULENT PRACTICE BY LONG  
DISTANCE CARRIER - Home Owners Long Distance Inc., (HOLD)  
P.O. Box. 690670  
San Antonio, Tx. 78269

Sir,

I received my telephone bill from Bell South yesterday and upon reviewing I noticed HOLD was my long distance carrier and had some charges due me. I had my long distance carrier as AT and T for my years but I switched to MCI about three months ago and I did not remember assigning any other company as my long distance carrier.

I requested my wife to call their office to find out. She talked to Anita at their 1 800 879 4653 telephone number and requested her to fax the authorization which she did. It was very interesting to note that

- a. The application was filled out by my son who is a minor (10 years old).
- b. The application was dated 3/12/96 and the switching of the long distance was done in Jan./Feb, 1997. Our area code has changed from 305 to 954 and no consideration was made to that.
- c. The telephone is listed under my name and he had put his name and it was not verified by their office staff.
- d. The marital status is checked off as MARRIED AND is cheked off as if he is 21 years old and OVER. There is a check off mark on YES also. The handwriting on the check off marks very clearly DOES NOT MATCH HIS HANDWRITING.
- e. There is an obvious discrepancy with the statement on the application where it states that he designates HOLD company as the long distance carrier. Copies of my telephone bill and the application showing my son's signature are enclosed for your ready reference.

My wife tried to call back and started questioning their agent Anita. When she could not answer, SHE HUNG UP THE PHONE. My wife called again and requested to talk to the supervisor. Pat came on the line and SHE TOO HUNG UP THE PHONE.

I called Bell South to report and I was notified that my long distance company was changed again about four days ago to US LONG DISTANCE. I called them at their 1-800-460-1111 and talked to Anna. She informed me that my long distance company was changed again this morning to Multi Media All American. I called them at their 1-888-558-4726 telephone number and an answering machine came on.

There appears to be some fraudulent practice going on and I would sincerely appreciate your investigating into the matter.

Your co-operation is appreciated.

Sincerely



Ashwani K. Wadhwa

03-12-1998 04:57PM FROM HOME OWNERS LONG DISTANCE TO 199-44-4364

**Long Distance Service Application**  
(PLEASE PRINT CLEARLY)

HOME PHONE# (305) 475-4239 DATE 3-12/96 19 96

NAME THIS NUMBER IS LISTED UNDER Nitin Wadhwa

ADDRESS 264 NW 102 Terrace APT# \_\_\_\_\_

CITY Plantation STATE FL ZIP 33324

MARITAL STATUS  SINGLE  MARRIED AGE  UNDER 21  21 & OVER

SIGNATURE Nitin Wadhwa  
(MUST BE SIGNED AND FULLY COMPLETED)

YES, I WOULD LIKE A VOX GOLD LONG DISTANCE TRAVEL CARD (SUPER RATES).  
By signing above I designate Home Owners Long Distance, Inc., (HOLD) as my agent to cancel my agreement with my existing carrier in favor of new service with HOLD, for my 1+ long distance service only, and understand that: I can have only one 1+ long distance service and any previous selection of a 1+ long distance company made by me will be cancelled. I am the person legally responsible for charges on the telephone number written above. Charges for my 1+ long distance from HOLD will be billed by my local telephone company and I understand that my local telephone company may charge me a one-time charge of up to \$5.00 plus tax for this selection.

**LONG DISTANCE OFFER**

By signing the letter of agency on the reverse side you are selecting Home Owners Long Distance, Inc., (HOLD) as your 1+ long distance company. You will be mailed a welcome letter before your service is changed to HOLD. HOLD's long distance rates are: 25c per minute daytime (8 a.m. - 5 p.m. Monday through Friday, to anywhere in the contiguous 48 states and 20c per minute for all other times.)

This offer is void in any state where prohibited by law. You must be 18 years old or older to apply. One application per family. This material is being used for the purpose of obtaining letters of agency for telephone customers to change their long distance service.

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Copyright 1995 Home Owners Long Distance, Inc.  
P.O. Box 660870 San Antonio, Texas 78269 1-800-879-4253



**HOLD**

Page

ASHWANI K WADHWA  
Account Number: 954 475-4239 620 180  
Bill Period Date: Feb 8, 1997

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

**Detailed Statement of Charges**

<u>Itemized Calls</u>							<u>Amount</u>
954 475-4239							
<i>Service Provider - HOME OWNERS LONG DST</i>							
<i>Direct Dialed Calls</i>							
Date	Place Called	Number Called	Rate*	Time	Min		
1. 01/07	VLV STREAM NY	516 561-6497	AD	10:53AM	3	.75	
2. 01/07	VLV STREAM NY	516 561-6497	AD	10:55AM	2	.50	
3. 01/09	INDIA	91184252914	AD	09:01AM	4	13.57	
4. 01/09	INDIA	91161672635	AD	09:05AM	17	48.19	
5. 01/11	ORLANDO FL	407 351-9993	KN	03:03PM	3	.60	
6. 01/11	ORLANDO FL	407 351-9993	KN	04:03PM	8	1.60	
7. 01/13	ORLANDO FL	407 843-4600	KD	03:36PM	1	.25	
8. 01/13	INDIA	9111524861	AN	11:25PM	10	26.21	
9. 01/15	ORLANDO FL	407 351-9993	KD	09:03AM	1	.25	
Total Direct Dialed Calls .....						91.92	
Total Charges for 954 475-4239 .....						91.92	
The above total does not include the following taxes:							
Federal Tax .....						\$2.83	
Local Tax .....						\$0.19	
Florida Gross Receipts Surcharge .....						\$2.29	
Total Itemized Calls .....						91.92	

<u>Taxes</u>	<u>Amount</u>
<i>Taxes on Regulated Services</i>	
10. Federal Tax .....	2.83
11. Florida Gross Receipts Surcharge .....	2.29
12. City Tax .....	.19
Total Taxes on Regulated Services .....	5.31
Total Taxes .....	5.31

**Total HOLD Billing Services Current Charges 97.23**

\* 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.

AC E041871

02-19-1998 04:57PM FROM HOME OWNERS LONG DISTANCE TO 19544745246 P.02

**Long Distance Service Application**  
(PLEASE PRINT CLEARLY)

HOME PHONE# (305) 475-4239 DATE 3-12/96 19 96

NAME THIS NUMBER IS LISTED UNDER Nitin Wadhwa  
ADDRESS 264 NW 102 Terrace APT# \_\_\_\_\_  
CITY Plantation STATE FL ZIP 33324  
MARITAL STATUS  SINGLE  MARRIED AGE  UNDER 21  21 & OVER  
SIGNATURE Nitin Wadhwa  
(MUST BE SIGNED AND FULLY COMPLETED)

YES, I WOULD LIKE A VOX GOLD LONG DISTANCE TRAVEL CARD (SUPER RATES).

By signing above I designate Home Owners Long Distance, Inc., (HOLD) as my agent to cancel my agreement with my existing carrier in favor of new service with HOLD, for my 1+ long distance service only, and understand that: I can have only one 1+ long distance service and any previous selection of a 1+ long distance company made by me will be cancelled. I am the person legally responsible for charges on the telephone number written above. Charges for my 1+ long distance from HOLD will be billed by my local telephone company and I understand that my local telephone company may charge me a one time charge of up to \$5.00 plus tax for this selection.

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Copyright 1995 Home Owners Long Distance, Inc.  
P.O. Box 690670 San Antonio, Texas 78269 1-800-575-4853

**HOLD**

ASHWANI K WADHWA  
Account Number: 954 475-4239 620 18C  
Bill Period Date: Feb 8, 1997

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

**Detailed Statement of Charges**

<u>Itemized Calls</u>							<u>Amount</u>
954 475-4239							
<i>Service Provider - HOME OWNERS LONG DST</i>							
<i>Direct Dialed Calls</i>							
<u>Date</u>	<u>Place Called</u>	<u>Number Called</u>	<u>Rate*</u>	<u>Time</u>	<u>Min</u>		
1. 01/07	VLV STREAM NY	516 561-6497	AD	10:53AM	3	.75	
2. 01/07	VLV STREAM NY	516 561-6497	AD	10:55AM	2	.50	
3. 01/09	INDIA	91184252914	AD	09:01AM	4	13.57	
4. 01/09	INDIA	91161672635	AD	09:05AM	17	48.19	
5. 01/11	ORLANDO FL	407 351-9993	KN	03:03PM	3	.60	
6. 01/11	ORLANDO FL	407 351-9993	KN	04:03PM	8	1.60	
7. 01/13	ORLANDO FL	407 843-4600	KD	03:36PM	1	.25	
8. 01/13	INDIA	9111524861	AN	11:25PM	10	26.21	
9. 01/15	ORLANDO FL	407 351-9993	KD	09:03AM	1	.25	
Total Direct Dialed Calls .....						91.92	
Total Charges for 954 475-4239 .....						91.92	
The above total does not include the following taxes:							
Federal Tax .....						\$2.83	
Local Tax .....						\$0.19	
Florida Gross Receipts Surcharge .....						\$2.29	
Total Itemized Calls .....						91.92	
<u>Taxes</u>							
<u>Taxes on Regulated Services</u>							
10. Federal Tax .....						2.83	
11. Florida Gross Receipts Surcharge .....						2.29	
12. City Tax .....						.19	
Total Taxes on Regulated Services .....						5.31	
Total Taxes .....						5.31	

**Total HOLD Billing Services Current Charges 97.23**

\* 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.

AC E041871



LAWTON CHILES  
GOVERNOR

STATE OF FLORIDA

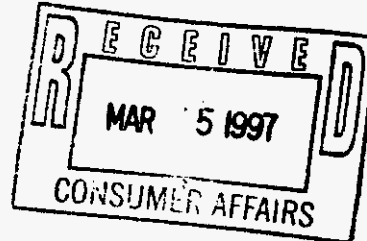
## Office of the Governor

THE CAPITOL  
TALLAHASSEE, FLORIDA 32399-0001

March 3, 1997

Ashwani K. Wadhwa  
264 Northwest 102 Terrace  
Plantation, Florida 33324

FEB 28 1997



Dear Ashwani:

Although I am glad to have the opportunity to review your recent letter, the agency you should contact to address your concerns is the Public Service Commission (PSC). The PSC was created by the legislature and is by Florida Statute an arm of the legislative branch of government. The PSC contains a division of consumer affairs which I believe can help or direct you.

I have forwarded your letter to the PSC. I feel sure you will hear from them when they have had a chance to evaluate your complaint, but if you have interim questions, call toll-free the PSC's Division of Consumer Affairs at 1-800-342-3552 or write to them at the address indicated below. If you would like to bring this issue to the attention of someone other than the PSC, you should contact either your state senator or representative.

If I can be of assistance on any issue or concern that comes under my jurisdiction, please do not hesitate to contact me.

With kind regards, I am

Sincerely,

A handwritten signature in cursive script that reads "Lawton Chiles".

LAWTON CHILES

LC/hml/pk

cc: Public Service Commission  
Division of Consumer Affairs  
2540 Schumard Oak Boulevard  
Tallahassee, Florida 32399-0850  
904/413-6100

ATTACHMENT D  
DOCKET NO. 971489-TI  
MARCH 26, 1998

Name CLARK, THOMAS E. Company HOME OWNERS LONG DISTANCE INCORPORATED  
Address 2402 SOUTH CLARK AVENUE Attn. Joseph W. Webb  
Consumer's Telephone # (813)-251-8184  
City/Zip TAMPA 33629 County HILL Can Be Reached \_\_\_\_\_  
Account Number \_\_\_\_\_ Note sweep (forgery)  
Company Contact \_\_\_\_\_ Limited Response N

Request No. 116989I  
By JRD Time 3:53 PM Date 03/13/96  
To CO Time FAX Date 03/14/96  
Type S Form MAIL  
Category \_\_\_\_\_  
Infraction LS-13A  
Closed by NEP Date 04/18/96  
Reply Received T

See attached correspondence concerning unauthorized PIC change.  
3/22 Report as letter to customer with LOA.  
  
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:

Richard Durbin

DUE: 03/29/96

2-16-96

Dear Madame,

Regarding my complaint of "blamming" by Home Depot long distance, please review this contract offered by A.H.D. as my application for their service. You will quickly notice that this is not my signature.

Thank You.

Thomas E. Clark  
THOMAS E. CLARK  
2402 S. CLARK AVE.  
TAMPA, FL 33607

OFFICIAL  
RULES ON BACK



# LONG DISTANCE APPLICATION & ENTRY BLANK

(PLEASE PRINT)

ATTACHMENT B  
NECESSARY TO WIN  
DOCKET NO. 971489-TI  
BY  
MARCH 26, 1998

HOME PHONE # 813, 251-8184 DATE sep 23 1995

Marital Status

NAME THIS NUMBER IS LISTED UNDER ~~XXXXXXXXXX~~ Thomas Clark

MARRIED

ADDRESS 2407 S. Clark Ave. APT. #         

SINGLE

CITY Tampa STATE Fla ZIP 33629

Age

SIGNATURE Thomas Clark

Under 21

21 or over

(Appropriate age box must be checked)

### MUST BE SIGNED AND FULLY COMPLETED TO QUALIFY

Yes! I would like \$60 CASH. Enter my name in the \$35,000 CASH or HIS AND HERS GRAND PRIZE drawing. In addition to the grand prize drawing, enter my name in the monthly drawing for the 25" remote color TV. By signing above, I designate Home Owners Long Distance, Inc. (HOLD) as my agent to cancel my agreement with my existing carrier in favor of new service with HOLD, for my 1+ long distance service only, and understand that: I can have only one 1+ long distance service and any previous selection of a 1+ long distance company made by me will be cancelled. I am the person legally responsible for charges on the telephone number written above. Charges for my 1+ long distance from HOLD will be billed by my local telephone company and I understand that my local telephone company may charge me a one time charge of up to \$3.00 plus tax for this selection. HOLD'S network transmission services are provided by MCI, LDDS / Metromedia or Aflinet. I hereby disallow any further changes to my service unless authorized by me in writing.

By checking this box, I am deciding that I do not wish to change my long distance service. Please enter my name in the drawing only.  
Copyright 1994 Home Owners Long Distance, Inc. 1-800-879-4633

Form DP 1/95

## LONG DISTANCE OFFER

When you select Home Owners Long Distance, Inc. (HOLD) as your 1+ long distance company by completing the Letter of Agency on reverse side, HOLD will provide \$60.00 CASH in the form of 4 coupons mailed to you with a welcome letter before your service is changed to HOLD. Once every three months one of the coupons must be sent to HOLD to receive a check for \$15.00 by return mail for a total of \$60.00. HOLD'S Long Distance rates are: 25¢ per minute daytime (8 a.m. - 5 p.m.) Monday through Friday, to anywhere in the continental 48 states. 20¢ per minute for all other times.

## OFFICIAL CONTEST RULES

This offer is void in any state where prohibited by law. You must be 18 years old or older to enter. No purchase necessary to win. One entry per family. Do not need to be present to win. Prize drawing is for \$35,000 CASH or HIS AND HERS GRAND PRIZE (MSRP \$38,600 combined total). Odds: 1 in 900,000. In addition to the grand prize drawing, there is a monthly drawing for a 25" remote color TV (MSRP \$300). All federal, state and local taxes are the sole responsibility of the winner. Winner will be notified by mail. The Grand Prize will be awarded November 30, 1995. For the name of the Grand Prize winner send a self-addressed, stamped #10 envelope to Home Owners Long Distance, Inc. • P.O. BOX 690670 • San Antonio, Texas 78269. This advertising material is being used for the purpose of obtaining Letters of Agency for telephone customers to change their long distance service.

NOTE: FLORIDA RESIDENTS ONLY: A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICE BY CALLING TOLL FREE 1-800-HELP-FLA, WITHIN THE STATE OF FLORIDA. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL OR RECOMMENDATION BY THE STATE.

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P.O. BOX 690670 • San Antonio, Texas 78269 • 1-800-879-4633

Form DP 1/95

Name **CLARK, THOMAS E.**  
Address **2402 SOUTH CLARK AVENUE**  
City **TAMPA** Zip **33629** County **HILL**  
Agent  
Contact

Company **HOME OWNERS LONG DISTANCE INCORPORATION**  
Agent **Joseph W. Webb**  
Consumer's Telephone # **(813)-251-8184**  
Can Be Reached \_\_\_\_\_  
Note \_\_\_\_\_  
Limited Response **N**

Request No. **1169891**  
By **JRD** Time **3:53 PM** Date **03/13/96**  
To **CO** Time **FAX** Date **03/14/96**  
Type **S** Form **MAIL**  
Category \_\_\_\_\_  
Infraction \_\_\_\_\_  
Closed by \_\_\_\_\_ Date **1/1**  
Reply Received \_\_\_\_\_

ATTACHMENT D  
DOCKET NO. 971489-3  
MARCH 24 1998

See attached correspondence concerning unauthorized PIC change.

**CONSUMER REQUEST**

**FLORIDA PUBLIC  
SERVICE  
COMMISSION**

**2540 SHUMARD OAK BOULEYARD  
TALLAHASSEE, FL 32399-6850  
904-413-6100**

**PLEASE RETURN THIS FORM  
WITH REPORT OF ACTION TO:**

Richard Durbia

DUE: 03/29/96

**RECEIVED**  
MAR 14 1996  
BY: *[Signature]*

FL PUBLIC SERVICE COMMISSION FORM 3500 (REV. 7-88)

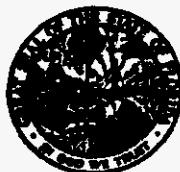
-32-



**State of Florida**

**Commissioners:**

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



DIVISION OF CONSUMER AFFAIRS  
BEVERLEE DeMELLO  
DIRECTOR  
(904) 413-6100  
TOLL FREE 1-800-342-3552

**Public Service Commission**

March 15, 1996

Mr. Thomas E. Clark  
2402 South Clark Avenue  
Tampa, Florida 33629

Dear Mr. Clark:

Thank you for your recent letter concerning Home Owners Long Distance Incorporated.

We will look into the matter you outlined and get back in touch with you at the conclusion of our investigation.

Sincerely,

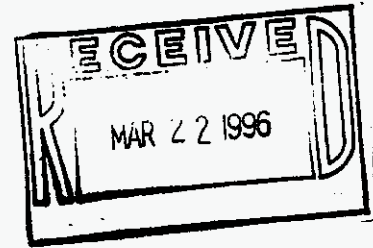
Dick Durbin  
Consumer Services Consultant  
Division of Consumer Affairs

DD/pr

HOLD

Home Owners Long Distance, Inc.  
P.O. Box 690670  
San Antonio, Texas 78269  
(210) 525-8152 Fax (210) 525-0637

ATTACHMENT D  
DOCKET NO. 971489-TI  
MARCH 24, 1998



March 18, 1996

Mr. Thomas Clark  
2402 South Clark Avenue  
Tampa, FL 33629  
**813-251-8184**  
Req. No. 116989I and 111432I

Dear Mr. Clark:

Please accept our sincere apologies regarding the change in your long distance service.

Home Owners Long Distance, a long distance reseller utilizing the LDDS network, received an application requesting our service in the name of Thomas Clark for the above referenced telephone number. It was not apparent by the application that you did not wish to convert to Home Owners Long Distance, nor was there any reason to believe that the signature was not valid.

Our records indicate that on February 16, 1996, a refund check was mailed to you for your switch over fees. Enclosed is a second refund totaling \$17.96 for all billing.

Should you have any questions or require further assistance, please contact me at 1-800-879-4653.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Weaver". The signature is written in black ink and is positioned above the typed name.

Deborah Weaver  
Customer Service Manager

cc: Florida Public Service Commission JRD