

Talbott
Vandiver

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
11:50
FPSC - Records/Reporting

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

FROM: DIVISION OF LEGAL SERVICES (B. KEATING) *BK*
 DIVISION OF COMMUNICATIONS (BIEGALSKI) *MCB*
 DIVISION OF CONSUMER AFFAIRS (DURBIN) *KB* *SW*

RE: DOCKET NO. 980165-TI - INITIATION OF SHOW CAUSE
 PROCEEDING AGAINST AMER-I-NET SERVICES CORP. FOR
 VIOLATION OF RULE 25-4.118, FLORIDA ADMINISTRATIVE CODE,
 INTEREXCHANGE CARRIER SELECTION AND 25-4.043, FLORIDA
 ADMINISTRATIVE CODE, RESPONSE TO COMMISSION STAFF
 INQUIRIES

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

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\980165TI.RCM

CASE BACKGROUND

On July 2, 1991, the Commission granted Amer-I-Net Services Corp. (Amer-I-Net) certificate number 2671 to provide intrastate interexchange telecommunications service.

From May 5, 1997 through March 20, 1998, Commission staff has received a total of 426 complaints against Amer-I-Net. Of those complaints received, 176 are apparent unauthorized carrier change (slamming) infractions in violation of Rule 25-4.118, Florida Administrative Code. The balance of the complaints are either pending closure in the Division of Consumer Affairs or response from the company.

Amer-I-Net uses a sweepstakes entry form (used as a letter of authorization) as a method of obtaining new long distance customers. Based on the complete sweepstakes display received by staff, and the numerous consumer complaints, it appears that the forms Amer-I-Net uses for its sweepstakes entries, in combination

DOCUMENT CONTROL
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FPSC-RECORDS/REPORTING

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with the sweepstakes display, are misleading and deceptive. The consumers thought that they were only entering a sweepstakes, not changing their long distance service provider. It also appears that Amer-I-Net is submitting numerous preferred interexchange carrier (PIC) changes with forged customer signatures. In addition, in some instances, the telephone number listed on the letter of authorization (LOA) is not the telephone number assigned to the person signing the LOA.

In light of the numerous complaints received from consumers, the allegations of false and misleading sweepstakes advertising, and the claims of forgery, it is staff's opinion that Amer-I-Net has violated Commission rules and has not established sufficient safeguards to protect consumers from unauthorized carrier changes. Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission order Amer-I-Net Services Corp. to show cause why it should not have Certificate Number 2671 canceled or be fined \$10,000 per apparent violation for a total of \$1,760,000 for apparent failure to comply with Rule 25-4.118, Florida Administrative Code, Interexchange Carrier Selection?

RECOMMENDATION: Yes. The Commission should order Amer-I-Net to show cause in writing within 20 days of the issuance date of the order why it should not be fined \$10,000 per apparent violation for a total of \$1,760,000 or have its certificate canceled for apparent failure to comply with Rule 25-4.118, Florida Administrative Code. Any 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: Amer-I-Net uses sweepstakes display boxes with separable packets of LOAs attached. The LOA form that staff received 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:

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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 Rule 25-4.118(3)(b), Florida Administrative Code, is 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]

Since May 19, 1997, the Commission staff has received a total of 426 complaints against Amer-I-Net. Of those complaints received, 176 are apparent unauthorized carrier change (slamming) infractions in violation of Rule 25-4.118, Florida Administrative Code. The balance of the complaints are either pending closure in the Division of Consumer Affairs or response from the company. Amer-I-Net responded to some of the slamming complaints by stating that it relied upon the written authorization submitted by its agent.

Examples of complaints received from consumers include the following:

On November 19, 1997, Ms. Santamarina advised staff that her long distance service was switched without authorization. Amer-I-

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Net's report stated that the company received a LOA signed by Mr. Santamarina. The company sent out a confirmation letter and received no adverse response. Amer-I-Net then considered the LOA to be valid and forwarded it for processing. Based on the response from the customer, the LOA is a forgery. (Attachment A, Pages 7-12)

On December 24, 1997, Ms. Fran Buckelew notified staff that her long distance service was switched without authorization. Amer-I-Net stated in its report to staff that the company received a LOA signed by Mr. Elbert Buckelew. The company then mailed out a confirmation letter to the attention of Mr. Buckelew. Amer-I-Net received no adverse response to the letter, considered the LOA to be valid and forwarded it for processing. Upon receipt of a copy of the LOA, Ms. Buckelew notified staff that the signature on the LOA dated October 29, 1997, could not be that of her husband as he died on March 11, 1995. (Attachment B, Pages 13-25)

On October 30, 1997, Mrs. Jacqueline Wendt advised staff that her long distance service was switched without authorization. Amer-I-Net's report stated that the company received a LOA signed by Mr. Wendt. In a letter from Mrs. Wendt dated January 9, 1998, she notified Mr. Crocker, attorney for Amer-I-Net, that the birth date listed on the LOA is not her husband's, the address listed on the LOA is misspelled, and the signature is not that of her husband. (Attachment C, Pages 26-36)

On February 2, 1998, staff received a complaint regarding Amer-I-Net from Mr. Michael McKendall. Mr. McKendall stated that his long distance service had been switched without authorization. Amer-I-Net's report stated that it received an LOA signed by Mr. McKendall. Further investigation determined that the signature on the LOA clearly did not match the signature of Mr. McKendall as evidenced by his signature on the letter dated January 22, 1998, his date of birth was listed incorrectly, and the city was misspelled. (Attachment D, Pages 37-53)

Amer-I-Net has not satisfied staff that it is in compliance with the Commission's rules. Accordingly, by Section 364.285, 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).

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Staff believes that Amer-I-Net'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, 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 Amer-I-Net's conduct at issue here, would meet the standard for a "willful violation."

Based on the 176 apparent unauthorized carrier change infractions, staff believes that Amer-I-Net does not have adequate safeguards to protect consumers from unauthorized carrier changes. Accordingly, staff believes that there is sufficient cause to order Amer-I-Net 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 infraction for a total of \$1,760,000 or have its certificate canceled for its apparent violations of Rule 25-4.118, Florida Administrative Code.

ISSUE 2: Should Amer-I-Net Services Corp. be ordered to show cause why it should not be fined \$1,500 per apparent violation for a total of \$178,500 or have its certificate canceled for apparent violations of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

RECOMMENDATION: Yes. Amer-I-Net should be ordered to show cause in writing within 20 days of the Commission's show cause order why it should not be fined \$1,500 per apparent violation for a total of \$178,500 or have its certificate canceled for apparent violations of Rule 25-4.043, Florida Administrative Code. Any 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: Amer-I-Net has responded late approximately 68% of the time to Commission staff inquiries related to complaints. Rule 25-4.043, Florida Administrative Code, states "the necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission

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shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry."

Out of the 176 apparent slamming violations, 119 of them were responded to in an untimely manner. Therefore, staff believes that Amer-I-Net should be ordered to show cause in writing within 20 days of the effective date of the order why it should not be fined \$1,500 per apparent violation for a total of \$178,500 or have its certificate canceled for its apparent violations of Rule 25-4.043, Florida Administrative Code.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: If staff's recommendation in Issues 1 and 2 are approved, then Amer-I-Net 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 Amer-I-Net timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Amer-I-Net does not respond to the Commission's Order to Show Cause, the fines should be deemed assessed. Staff recommends that if Amer-I-Net 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, Amer-I-Net's certificate should be canceled and this docket closed administratively. (B. Keating)

STAFF ANALYSIS: If staff's recommendation in Issues 1 and 2 are approved, then Amer-I-Net 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 Amer-I-Net timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Amer-I-Net does not respond to the Commission's Order to Show Cause, the fines should be deemed assessed. Staff recommends that if Amer-I-Net 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, Amer-I-Net's certificate should be canceled and this docket closed administratively.

Name SANTAMARINA, LOUIS G.

Company AMER-I-NET SERVICES CORP.

Request No. 1945711

Address SILVIA SANTAMARINA CALLED

Attn. Mark W. Kelly

By KES Time 10:38 AM Date 11/19/97

10101 EAST BAYHARBOR DR. APT 403

Consumer's Telephone # (305)-865-5433

To CO Time FAX Date 11/19/97

City/Zip MIAMI BEACH 33154 County DADE

Can Be Reached _____

Type S form Phone

Account Number _____

Note _____

Category _____

Company Contact _____

Informal Conf. N Outreach TELEPHONE DIRECTORY

Infraction LS-13A

Closed by KES Date 01/21/98

Reply Received L

Customer said that her service was switched without authorization. She did not authorize a change and is requesting a full refund of all charges. Please investigate, follow up with customer, and send a copy of the verification tape with your detailed report. Sprint advises that Amer-i-Net (JMart) is responsible for this account, 1945711.

1/05/98 Report with explanatin; JMART; copy of LOA and rerate.

1/21/98 Case closed as infraction because customer did not sign LOA. Customer states LOA is a forgery.

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: 12/08/97

ATTACHMENT A
DOCKET NO. 980165-TI
MARCH 26, 1998

EARLY, LENNON, PETERS & CROCKER, P.C.

ATTORNEYS AT LAW
900 COMERICA BUILDING
KALAMAZOO, MICHIGAN 49007-4752
TELEPHONE (616) 381-8844
FAX (616) 349-8525

GEORGE H. LENNON
JOHN T. PETERS, JR.
DAVID G. CROCKER
HAROLD E. FISCHER, JR.
LAWRENCE M. BRENTON
GORDON C. MILLER

BLAKE D. CROCKER
ROBERT M. TAYLOR
PATRICK D. CROCKER
ANDREW J. VORBRICH*
NICOLETTE G. HAHN**

OF COUNSEL
VINCENT T. EARLY
HON. C. H. MULLEN
THOMPSON BENNETT

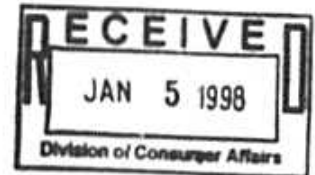
JOSEPH J. BURGE
1926-1993

*Also admitted in Iowa.
**Also admitted in California and North Carolina.

December 30, 1997

VIA FIRST CLASS MAIL

Ms. Kate Smith
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



Re: Complainant: Louis G. Santiamarina
Billing No.: 305-865-5433

Dear Ms. Smith:

We are the attorneys for Amer-I-Net Services Corp. ("Amer-I-Net"). We are in receipt of the above captioned Consumer Request filed with the Florida Public Service Commission ("Commission"), and have conducted an investigation in accordance with your request.

Complainant files this Consumer Request alleging that Amer-I-Net switched Complainant's long distance service without authority. Amer-I-Net denies all wrongdoing in this matter. Amer-I-Net will not change a customer's long distance service without obtaining the customer's consent and verifying the order in accordance with one of the four confirmation procedures established by the Federal Communications Commission ("FCC").

OPERATIVE FACTS

1. In this instance, JMart obtained written authorization of an individual named Louis G. Santiamarina prior to submitting the order to Amer-I-Net's underlying carrier in accordance with 47 C.F.R., §64.1100(a), Verification of Orders for Long Distance Service Generated by Telemarketing.
2. We attach a copy of Complainant's signed letter of agency hereto as Exhibit A.

EARLY, LENNON, PETERS & CROCKER, P.C.

Page 2

Ms. Kate Smith
December 30, 1997

3. Amer-I-Net submitted the order to change Complainant's long distance services on or about October 9, 1997.

GENERAL ALLEGATIONS

The Consumer Request filed in this matter relates to an order to switch Complainant's long distance service solicited by an independent sales representative. This agent obtained this order through a sweepstakes program offered by JMart. We believe that JMart markets service to customers primarily through sweepstakes programs.

Amer-I-Net offers telecommunications services to the public as an agent, aggregator, distributor, or reseller employing the underlying transport facilities of certain common carriers. Amer-I-Net recognizes certain reliability problems associated with soliciting orders through independent sales agents, especially through sweepstakes programs. In fact, Amer-I-Net prefers having prospective customers solicited by a sales representative employed directly by Amer-I-Net. However, competition in the market place dictates that Amer-I-Net engage independent agents to solicit sales despite the obvious misunderstandings which can be avoided by marketing entirely through the former.

Amer-I-Net institutes several safeguards in an effort to protect consumers from problems inherent with soliciting orders in this manner. Amer-I-Net ordinarily requires independent sales agents by contract to solicit orders in accordance with the terms and conditions established by Amer-I-Net, its underlying carriers, and in accordance with applicable federal, state, and general laws. As stated hereinabove, Amer-I-Net's procedures require obtaining the customer's consent prior to submitting any order to change long distance services to Amer-I-Net's underlying carrier, or to the LEC. In this instance, Amer-I-Net relied upon the written confirmation of Luis G. Santiamarina.

CONCLUSION

In this instance, we aver that Complainant subscribed to the service provided through JMart. JMart submitted the written order to change long distance service to Amer-I-Net. Amer-I-Net relied upon the written confirmation of the Complainant in accordance with one of the four confirmation procedures established by the FCC.

Amer-I-Net regrets Complainant's experience with the service offered through Amer-I-Net. However, we believe that Amer-I-Net acted in good faith, consistent with relevant statutory provisions, FCC rules and decisions, and applicable industry practice.

EARLY, LENNON, PETERS & CROCKER, P.C. Page 3

Ms. Kate Smith
December 30, 1997

Notwithstanding, as a one-time customer courtesy, and in full settlement of this matter, upon presentation of a bill, Amer-I-Net will issue Complainant an appropriate credit in the event Amer-I-Net's rates exceed those of Complainant's previous carrier.

Should you have any questions or concerns relating to this matter, please contact the undersigned.

Respectfully submitted,

EARLY, LENNON, PETERS & CROCKER, P.C.

By  _____
Patrick D. Crocker

PDC/jam

c: Debbie Bann
Jeanine Schleiden
Louis G. Santiamarina

EXHIBIT A

(letter of agency is not actual size)

ORDER FORM FOR LONG DISTANCE SERVICE

5894303

SUBSCRIBER NAME LUIS G. SANTAMARINA
As listed on the local telephone bill

DATE OF BIRTH 9/29/22 DATE 8/14/97
I am 21 years of age

PHONE NUMBER (310) 816151-15143131

ADDRESS 10101 E. BAY HARBOR DR. #403

CITY Miami Beach STATE Fla. ZIP 3315

AUTHORIZED SIGNATURE Luis G. Santamarina

You are not required to sign the order form for long distance service changing your long distance carrier to enter the contest. If you want to enter the contest without changing your long distance service do not sign this form to change long distance service, just simply provide the requested information and submit same with the entry stub and contest rules.

By signing above, I hereby authorize AMERINET SERVICES CORP to act as my agent in all matters relating to the primary interexchange carrier for telephone numbers listed above. I understand that by signing this letter of agency, AMERINET SERVICES CORP shall become my long distance telephone company and that I will no longer be served by my current long distance carrier. I also understand that my local telephone company may charge a fee to switch my primary long distance carrier to AMERINET SERVICES CORP. I further understand that I may designate only one long distance carrier for any one telephone number, and therefore hereby revoke any previous appointments or selections concerning the telephone numbers listed above.



Name BUCKELEW, ELBERT

Company AMER-I-NET SERVICES CORP.

Request No. 1986341

Address 9378 SW 90TH CT. Apt F

Attn. Kenton Nice

By RMM Time 9:02 AM Date 12/24/97

Consumer's Telephone # (352)-237-5270

To CO Time FAX Date 12/24/97

City/Zip OCALA 34481-9277 County MARI

Can Be Reached _____

Type S Form Phone

Account Number _____

Note _____

Category _____

Company Contact _____

Informal Conf. _____ Outreach OTHER

Infraction LS-13A

Closed by RMM Date 01/21/98

Reply Received L

Please see attached correspondence concerning the slamming of customer's service. Customer states in letter she did not sign the LOA. Her deceased husband's name was used on the LOA. Provide a report by the date below.

1-20 Reply received. LOA provided by Jmart. According to the report Jmart markets service using sweepstake programs. Company will issue a credit if customer provides a copy of the bill.

File given to Jennifer Erdman-Bridges to Forward to CMU.

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: 01/12/97

ATTACHMENT B
DOCKET NO. 980165
MARCH 26, 1998

-13-

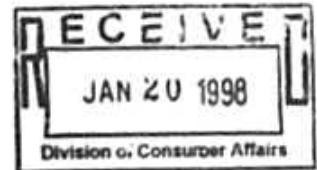
ATTORNEYS AT LAW

900 COMMERCIAL BUZZARD
KALAMAZOO, MICHIGAN 49007-4752
TELEPHONE (616) 381-8844
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GORDON C. MILLERBLAKE D. CROCKER
ROBERT M. TAYLOR
PAUL J. D. CROCKER
ANDREW J. VORBRICH*
NICOLETTE G. HAHN**OF COUNSEL
VINCENT T. EARLY
MON C. H. MULLEN
THOMPSON BENNETTJOSEPH J. BURON
(1936 - 1992)

*Also admitted in Iowa.

**Also admitted in California and North Carolina

January 16, 1998

VIA FEDERAL EXPRESSRuth W. McHargue
Florida Public Service Commission
2450 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: **Complainant:** Elbert Buckelew
Request No.: 198634I
Billing No.: 352-237-5270

Dear Ms. McHargue:

We are the attorneys for Amer-I-Net Services Corp. ("Amer-I-Net"). We are in receipt of the above captioned Consumer Request filed with the Florida Public Service Commission ("Commission"), and have conducted an investigation in accordance with your request.

Complainant files this Consumer Request alleging that Amer-I-Net switched Complainant's long distance service without authority. Amer-I-Net denies all wrongdoing in this matter. Amer-I-Net will not change a customer's long distance service without obtaining the customer's consent and verifying the order in accordance with one of the four confirmation procedures established by the Federal Communications Commission ("FCC").

OPERATIVE FACTS

1. JMart¹ obtained written authorization of an individual named Elbert Buckelew to change the Complainant's long distance service prior to submitting the order to Amer-I-Net's

¹ The contact for JMart is as follows:

Jevon Martin
JMART
6670 Breckenridge
Leslie, IL 60532

Ms. Ruth W. McHargue
January 16, 1998

underlying carrier in accordance with 47 C.F.R., §64.1100(a), Verification of Orders for Long Distance Service Generated by Telemarketing, and Rule 25-4.118(2)(a).

2. A copy of Complainant's signed letter of agency appears hereto as Exhibit A.² This letter of agency conforms with the FCC's prescribed general form and content set forth in 47 C.F.R., §64.1150, and Rule 25-4.118(3).
3. Amer-I-Net subsequently provided the prospective customer with a confirmation letter verifying the order to change long distance service.
4. Amer-I-Net submitted the order to change Complainant's long distance service on or about December 20, 1997.
5. On behalf of Amer-I-Net, we attempted to contact Complainant in an effort to discuss this matter and resolve the issue.

GENERAL ALLEGATIONS

The Consumer Request filed in this matter relates to an order to change Complainant's long distance service obtained by JMart. We believe JMart markets service to customers primarily in conjunction with sweepstakes programs.

Amer-I-Net offers telecommunications services to the public as an agent, aggregator, distributor, or reseller employing the underlying transport facilities of various common carriers. Amer-I-Net recognizes certain reliability problems associated with accepting orders obtained through such programs. In fact, Amer-I-Net prefers having prospective customers solicited by a sales representative employed directly by Amer-I-Net.

As stated above, Amer-I-Net's procedures require obtaining the customer's consent prior to implementing the provisioning process and submitting any order to change long distance service to Amer-I-Net's underlying carrier, or to the LEC. In this instance, Amer-I-Net relied upon the signed letter of agency of Elbert Buckelew. This signed letter of agency contains the title "ORDER FORM FOR LONG DISTANCE SERVICE." This letter of agency conforms with the FCC's prescribed form and content set forth in 47 C.F.R., §64.1150, and Rule 25-4.118(3). As the digitized copy attached as Exhibit A hereto may appear unclear, we attach a sample copy as Exhibit B.

²The signed letter of agency states in pertinent part:

By signing above, I hereby authorize AMER-I-NET SERVICES CORP. to act as my agent in all matters relating to the primary interexchange carrier for the telephone numbers listed above. I understand that by signing this letter of agency, AMER-I-NET SERVICES CORP. shall become my long distance telephone company and that I will no longer be served by my current long distance carrier.

Ms. Ruth W. McHargue
January 16, 1998

Amer-I-Net institutes several safeguards in an effort to protect consumers from problems inherent with soliciting orders in this manner. Prior to provisioning orders to change long distance service under this program, Amer-I-Net contacts prospective subscribers in writing as an additional confirmation of the order to change long distance service. Although not required by any state or federal regulatory agency, this extra step eliminates many fraudulently submitted orders to change long distance service which plague all long distance carriers today. This confirmation letter provides the prospective customer with a toll free number for inquiry or cancellation. We attach a sample confirmation letter as Exhibit C.

Finally, in an effort to further safeguard the process, Amer-I-Net places all orders in abeyance for at least five days to permit the weeding out of fraud, forgery and buyer's remorse.

CONCLUSION

Amer-I-Net avers that the Complainant subscribed to the service provided through JMart. JMart submitted the written order to change long distance service to Amer-I-Net. Amer-I-Net relied upon written confirmation in accordance with one of the four confirmation procedures established by the FCC. Thereafter, Amer-I-Net contacted the prospective customer in writing to confirm the order to change long distance service. Although not mandated, this additional confirmation procedure assists in eliminating unauthorized changes in long distance service.

Amer-I-Net regrets Complainant's experience with the service offered through Amer-I-Net. However, we believe that Amer-I-Net acted in good faith, consistent with relevant statutory provisions, FCC rules and decisions, and applicable industry practice.

Notwithstanding, as a one-time customer courtesy, and in full settlement of this matter, Amer-I-Net will issue Complainant an appropriate credit in the event Amer-I-Net's rates exceed those of Complainant's previous carrier, along with credit for switching charges. In an effort to implement this credit, Amer-I-Net requires a copy of the relevant telephone bill, and by this letter hereby requests same from the Complainant.

Should you have any questions or concerns relating to this matter, please contact the undersigned

Respectfully submitted,

EARLY, LENNON, PETERS & CROCKER, P C

By _____
Patrick D Crocker

PDC/jam

c: Debbie Bann
Jeanine Schleiden
Elbert Buckelew

EXHIBIT A

ATTACHMENT B
DOCKET NO. 980165-TI
MARCH 26, 1998

(letter of agency is not actual size)

5335051

ORDER FORM FOR LONG DISTANCE SERVICE

B
DOCKET NO. 980165-11
MARCH 26, 1998

SUBSCRIBER NAME Elbert Duckelew
As listed on the local telephone bill

DATE OF BIRTH 4/13/55 DATE 10-29-97
I am 21 years of age

PHONE NUMBER (315) 1213171 - 15121710

ADDRESS 932E SW 90TH Court

CITY Ocala STATE FL ZIP 34481

AUTHORIZED SIGNATURE Elbert Duckelew

You are not required to sign this order form for long distance service changing your long distance carrier to enter the contest. No purchase necessary. If you want to enter this contest without changing your long distance service, do not sign this order form for long distance service; simply provide the information requested on the entry stub and submit the entry stub only. Do not return the order for long distance service.

By signing above, I hereby authorize AMERINET SERVICES CORP to act as my agent in all matters relating to the primary interexchange carrier for the telephone numbers listed above. I understand that by signing this letter of agency, AMERINET SERVICES CORP shall become my long distance telephone company and that I will no longer be served by my current long distance carrier. I also understand that my local telephone company may change me as far as to switch my primary long distance carrier to AMERINET SERVICES CORP. I further understand that I may designate only one long distance carrier for my one telephone number, and therefore hereby revoke any previous appointments or selections concerning the telephone numbers listed above.

EXHIBIT B

4971035

ORDER FORM FOR LONG DISTANCE SERVICE

SUBSCRIBER NAME _____

As listed on the local telephone bill

DATE OF BIRTH _____ DATE _____
I am 21 years of age

PHONE NUMBER (____) _____ - _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

AUTHORIZED SIGNATURE _____

You are not required to sign the order form for long distance service changing your long distance carrier to enter the contest. No purchase necessary. If you want to enter this contest without changing your long distance carrier, do not sign this order form for long distance service; simply provide the information requested on the entry stub and submit the entry stub only. Do not return the order for long distance service.

By signing above, I hereby authorize ATTACHMENT SERVICES CORP. to act as my agent in all matters relating to the primary longdistance carrier for the telephone number listed above. I understand that by signing this form of agency, ATTACHMENT SERVICES CORP. shall increase my long distance telephone company and that I will no longer be served by my current long distance carrier. I also understand that my local telephone company may change me to be to switch my primary long distance carrier to ATTACHMENT SERVICES CORP. I further understand that I may designate only one long distance carrier for my one telephone number, and therefore hereby revoke any previous appointments or selections concerning the telephone numbers listed above.



EXHIBIT C

ATTACHMENT B
DOCKET NO. 980165-TI
MARCH 26, 1998



5140 W. Hurley Pond Road
Farmingdale, NJ 07727

ATTACHMENT B
DOCKET NO. 980165-TI
MARCH 26, 1998

Congratulations!

You have registered to win the Grand Prize - a new BMW Roadster or the cash equivalent of \$30,000.00. There will also be a monthly drawing for a brand new color television. All winners will be notified in writing.

Your signature has authorized us to change your long distance service for the telephone number listed above to Amerinet Services Corp. As an Amerinet subscriber, you will receive the following benefits: low discount rates, no per call surcharges and your long distance calls will appear on your local telephone bill.

If you have any questions, or would like to confirm, deny or cancel your selection, please call us at 1-800-883-8775. Thank you for choosing Amerinet Services for your long distance services. Good luck with your entry.

Sincerely,

New Customer Activations

P.S. Bonus just for entering - - Special offer for paging from Solo America.

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



ATTACHMENT B
 DOCKET NO. 980165-TI
 DIVISION OF CONSUMER AFFAIRS
 MARCH 26, 1998
 DIRECTOR
 (850) 413-6100
 TOLL FREE 1-800-342-3552

Public Service Commission

January 5, 1998

Mr. Elbert Buckelew
 9378 Southwest 90th Court
 Ocala, FL 34481-9277


Dear Mr. Buckelew:

Thank you for your recent letter concerning Amer-I-Net Services Corporation.

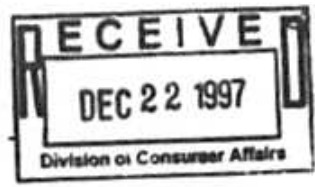
We will look into the matter you outlined, advise the company to contact you to resolve the problem, and require the company to provide the Florida Public Service Commission with a letter outlining its resolution of the matter.

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

Sincerely,


 Ruth W. McHargue
 Regulatory Specialist III
 Division of Consumer Affairs

RWM:ewe



378 F SW 90
Ocala, FL 34481
Dec. 4, 1997

Florida Pblc. Svc. Comm.
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Dear Ladies Attn: Ms. Ruth MacLargue
Bestman:

As per our phone conversation
this morning (12.4.97) - at 12:15 PM
I am sending you this letter as
requested by you, to report what I
believe to be a scam.

First of all I did not sign
or request ^{the} this service - (2) it
is addressed to my deceased husband.

I called (12.4.97) to spoke w.
someone at Amer 1 to cancel +
find out what was going on. After
calling 1-888-256-9381, I was told
to press (1) Give my area code + number
I did ~~that~~ ^{the} 'service'. Or (2) to leave a
message ^{the} silence (no way to speak
with ^{live} operator) I called Sprint +
They gave me your phone number to call
(called) 11/2/97

Memo from

FRAN BUCKELEW



I think this is a
scam to sell pagers (see
advertisement attached).

Please let me
know what you find
out about this.

Also note that their
address is different on
envelope, than on letterhead.

Truly yours,
Fran Buckelew



Name WENDT, THEODORE Company AMER-I-NET SERVICES CORP.
Address JACQUELINE WENDT CALLED Attn. MARK W. KELLY 192137
9882 CAMPBELL CIRCLE Consumer's Telephone # (941)-598-2907
City/Zip NAPLES 34109 County COLL Can Be Reached _____
Account Number _____ Note ifp
Company Contact _____ Informal Conf. N Outreach OTHER

Request No. 1921571
By KES Time 1:08 PM Date 10/30/97
To CO Time FAX Date 11/04/97
Type S Form Phone
Category _____
Infraction LS-13A
Closed by KES Date 01/21/98
Reply Received L

The customer said her service was switched to Amer-I-Net from AT&T without authorization. Please provide proof of authorization LOA/TAPE, follow up with the customer, provide appropriate credit, send the PSC a detailed written report, and respond by the date below.
Inquiry taken by JOHN PLESCOW.

1 Note, the customer said she has been trying to contact the company for 3 days, but she has been unable to talk with anyone.
11/4/97 Due to fax error, case not faxed to company; refaxed; dates changed.
1/05/98 Report with explanation: JMART; copy of LOA; rerate offered.
1/21/98 Closed as infraction because customer stated that signature is not her husband's and the LOA has the wrong date of birth. Forgery.

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: 11/20/97

ATTACHMENT C
DOCKET NO. 980165-T1
MARCH 26, 1998

Date: January 10 1998
Memo: Ms. F. Smith
Re: "Slamming Incident" For T. E. Wendt
for Amer. I. Net Co.

ATTACHMENT C
DOCKET NO. 980165-TI
MARCH 26, 1998

Am forwarding a copy of the correspondence we have received regarding the handling of this incident. We are now sent a Letter of Agreement, (See enclosed) from the lawyers plus a copy of this company's denial of any wrong doing. Upon reading this material, you will note the Letter of Agreement is fraudulent and does not apply to us. We would simply like to be done with this whole mess, but we persist because of its inherently wrong premise. Copies of all the above have been sent to the Attorney General's Office also.

Thank You for your continued Interest and pursual of this incidence.

Enclosures: Letter Of Agreement and Legal Position (Red Pencil marks, ours)
Phone Bill
Our letter of Reply to the Lawyer

T. E. Wendt



9882 Campbell Circle
Naples, FL 34109

Telephone (941) 598-2907

January 9, 1998

Mr. Patrick Crocker, Esq.
900 Comerica Building
Kalamazoo, Michigan 49007-4752

We are in receipt of a letter sent by you and to us as our copy, to a Ms. Kate Smith of the Florida Public Service Commission, regarding the actions of a company referred to as "Amer.I.Net", which according to this letter, you represent. We apologize for the delay in our reply to this letter, as we were on Holiday Vacation, and have just returned home. We did indeed contact this commission and they agreed to look into our concern regarding the matter detailed below.

We must inform you all the facts on the copy of the Letter of Agreement which you included as your response and defense to Ms. Smith are incorrect or do not apply to my husband, in the following instances.

First of all, that is not my husband's signature.

That is not his birth date.

My husband is a Doctor of Ministry, with two college degrees, he would not mis-spell or mis-capitalize his home state of Florida. One check in a phone book would have given your agent the information that even our street address is mis-spelled.

His handwriting is legible.

We do not frequent or even know of a place of business called JMart.

In reading the fine print listed below this Letter of Agreement it indicates that you do not have to consent to having your phone service changed to enter your contest. But my husband would not have given such consent nor chosen to enter, as we are quite satisfied with our present service. And he always reads the fine print!

Further, we are appalled that a seemingly upstanding firm such as one in the way your letterhead presents itself would even care to do business with a company that uses such shoddy practices. Whoever has processed these Letters of Agreements assumes them to be correct and truthful in every detail. As you can see from the information we have shared with you they are not to be trusted or taken for granted.

4859732

DOCKET NO. 980165-T1
MARCH 26, 1998

SUBSCRIBER NAME

Shedrae-Weudt
As listed on the local telephone bill

DATE OF BIRTH

8/15/27
I am 21 years of age

DATE 9-12-27

PHONE NUMBER

(214) 169-181-1290171

ADDRESS

2852 Campbell

CITY

Dallas

STATE

Texas

ZIP 75209

AUTHORIZED SIGNATURE

Shedrae Weudt

You are not required to sign the order form for long distance service changing your long distance carrier to enter the contest. No purchase necessary. If you want to enter this contest without changing your long distance service, do not sign this order form for long distance service; simply provide the information requested on the entry stub and submit the entry stub only. Do not return the order for long distance service.

By signing above, I hereby authorize AMERINET SERVICES CORP to act as my agent in all matters relating to the primary interexchange carrier for the telephone numbers listed above. I understand that by signing this letter of agency, AMERINET SERVICES CORP shall become my long distance telephone company and that I will no longer be served by my current long distance carrier. I also understand that my local telephone company may charge me a fee to switch my primary long distance carrier to AMERINET SERVICES CORP. I further understand that I may designate only one long distance carrier for any one telephone number and therefore hereby revoke any previous appointments or selections concerning the telephone numbers listed above.



*not correct
Red circle indicate erroneous information
supposedly written by husband*

INQUIRIES, CALL 1-800-899-0728.
MON-FRI 7AM-7PM
SAT 8AM-1PM

SUMMARY OF CURRENT CHARGES

NOV 19 TO DEC 18
SERVICE - NOV 19 TO DEC 18
CREDITS
CHARGES
ACCESS

SEE DETAIL
SEE DETAIL
SEE DETAIL
SEE DETAIL

9.85
2.65
9.60
.39
5.50
1.59

27.56

**CURRENT CHARGES
DEBITS AND CREDITS**

LONG INTERSTATE CHARGE TO
DEPENDENT LONG DISTANCE PROVIDER
LONG INTRASTATE CHARGE TO
DEPENDENT LONG DISTANCE PROVIDER
LONG INTERSTATE CHARGE TO ATX
LONG INTRALATA CHARGE TO ATX

2.40

2.40

2.40

2.40

9.60

CONTINUED ON BACK OF THIS PAGE

PAGE 7
941-598-2907 (443)
NOVEMBER 19, 1997

U.S. BILLING, INC.

3 copies of this

79-8724.

SUMMARY OF CURRENT CHARGES

SEE DETAIL
SEE DETAIL

15.33
.86

16.19

LC
TA

**TOTAL CURRENT CHARGES
LONG DISTANCE CHARGES**

REF	DATE	TIME	PLACE CALLED	NUMBER CALLED	FROM PLACE	FROM NUMBER	CODE	MIN	AMOUNT
				202-225-5420				36.0	10.08
				813-920-5000				18.0	5.04
				904-627-3665				1.0	.21
SUBTOTAL									15.33

TOTAL LONG DISTANCE CHARGES

*Net meter indicates charges we have incurred
as of this are out of balance*

ORDER FORM FOR LONG DISTANCE SERVICE

ATTACHMENT C
DOCKET NO. 980165-TI
MARCH 26, 1998

732

NAME

Sheedee-Weudt
As listed on the local telephone bill

DATE

9-12-27

BIRTH

8/15/57
From 21 years of age

NUMBER

(214) 1612151

9852 Campbell

STATE

Florida

TWP 2409

ESS

2409

AUTHORIZED SIGNATURE

Sheedee Weudt

I am not required to sign the order form for long distance service changing your long distance carrier to enter the contest. No premium necessary. If you want to enter this contest without changing your long distance service, do not sign this order form for long distance service; simply provide the information requested on the entry stub and submit the entry stub only. Do not return the order for long distance service. By signing above, I hereby authorize AMER-1-800 SERVICES CORP to act as my agent in all matters relating to the primary interexchange carrier for the telephone numbers listed above. I understand that by signing this letter of agency, AMER-1-800 SERVICES CORP shall become my long distance telephone company and that I will no longer be served by my current long distance carrier. I also understand that my local telephone company may charge me a fee to switch my primary long distance carrier to AMER-1-800 SERVICES CORP. I further understand that I may designate only one long distance carrier for my one telephone number and therefore hereby revoke any previous appointments or selections concerning the telephone numbers listed above.

*red circle indicates not correct information
supposedly written by husband*

EARLY, LENNON, PETERS & CROCKER, P.C.

ATTORNEYS AT LAW
900 COMERICA BUILDING
KALAMAZOO, MICHIGAN 49007-4752
TELEPHONE (616) 381-8844
FAX (616) 349-8525

GEORGE H. LENNON
JOHN T. PETERS, JR.
DAVID G. CROCKER
HAROLD E. FISCHER, JR.
LAWRENCE M. BRENTON
GORDON C. MILLER

BLAKE D. CROCKER
ROBERT M. TAYLOR
PATRICK D. CROCKER
ANDREW J. VORBRICH*
NICOLETTE G. HAHN**

OF COUNSEL
VINCENT T. EARLY
HON. C.H. MULLEN
THOMPSON BENNETT

JOSEPH J. BURGE
1928 1992

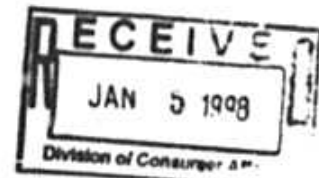
*Also admitted in Iowa.

**Also admitted in California and North Carolina.

December 30, 1997

VIA FIRST CLASS MAIL

Ms. Kate Smith
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



Re: **Complainant:** Theodore Wendt
Request No.: 192137I
Billing No.: 941-598-2907

Dear Ms. Smith:

We are the attorneys for Amer-I-Net Services Corp. ("Amer-I-Net"). We are in receipt of the above captioned Consumer Request filed with the Florida Public Service Commission ("Commission"), and have conducted an investigation in accordance with your request.

Complainant files this Consumer Request alleging that Amer-I-Net switched Complainant's long distance service without authority. Amer-I-Net denies all wrongdoing in this matter. Amer-I-Net will not change a customer's long distance service without obtaining the customer's consent and verifying the order in accordance with one of the four confirmation procedures established by the Federal Communications Commission ("FCC").

OPERATIVE FACTS

1. In this instance, JMart obtained written authorization of an individual named Theodore Wendt prior to submitting the order to Amer-I-Net's underlying carrier in accordance with 47 C.F.R., §64.1100(a), Verification of Orders for Long Distance Service Generated by Telemarketing.
2. We attach a copy of Complainant's signed letter of agency hereto as Exhibit A.

EARLY, LENNON, PETERS & CROCKER, P.C.

Page 2

Ms. Kate Smith
December 30, 1997

3. Amer-I-Net submitted the order to change Complainant's long distance services on or about November 11, 1997.

GENERAL ALLEGATIONS

The Consumer Request filed in this matter relates to an order to switch Complainant's long distance service solicited by an independent sales representative. This agent obtained this order through a sweepstakes program offered by JMart. We believe that JMart markets service to customers primarily through sweepstakes programs.

Amer-I-Net offers telecommunications services to the public as an agent, aggregator, distributor, or reseller employing the underlying transport facilities of certain common carriers. Amer-I-Net recognizes certain reliability problems associated with soliciting orders through independent sales agents, especially through sweepstakes programs. In fact, Amer-I-Net prefers having prospective customers solicited by a sales representative employed directly by Amer-I-Net. However, competition in the market place dictates that Amer-I-Net engage independent agents to solicit sales despite the obvious misunderstandings which can be avoided by marketing entirely through the former.

Amer-I-Net institutes several safeguards in an effort to protect consumers from problems inherent with soliciting orders in this manner. Amer-I-Net ordinarily requires independent sales agents by contract to solicit orders in accordance with the terms and conditions established by Amer-I-Net, its underlying carriers, and in accordance with applicable federal, state, and general laws. As stated hereinabove, Amer-I-Net's procedures require obtaining the customer's consent prior to submitting any order to change long distance services to Amer-I-Net's underlying carrier, or to the LEC. In this instance, Amer-I-Net relied upon the written confirmation of Theodore Wendt.

CONCLUSION

In this instance, we aver that Complainant subscribed to the service provided through JMart. JMart submitted the written order to change long distance service to Amer-I-Net. Amer-I-Net relied upon the written confirmation of the Complainant in accordance with one of the four confirmation procedures established by the FCC.

Amer-I-Net regrets Complainant's experience with the service offered through Amer-I-Net. However, we believe that Amer-I-Net acted in good faith, consistent with relevant statutory provisions, FCC rules and decisions, and applicable industry practice.

EARLY, LENNON, PETERS & CROCKER, P.C. Page 3

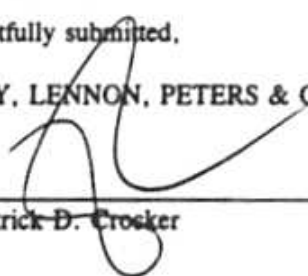
Ms. Kate Smith
December 30, 1997

Notwithstanding, as a one-time customer courtesy, and in full settlement of this matter, upon presentation of a bill, Amer-I-Net will issue Complainant an appropriate credit in the event Amer-I-Net's rates exceed those of Complainant's previous carrier.

Should you have any questions or concerns relating to this matter, please contact the undersigned.

Respectfully submitted,

EARLY, LENNON, PETERS & CROCKER, P.C.

By 
Patrick D. Crocker

PDC/jam

c: Debbie Bann
Jeanine Schleiden
Theodore Wendt

EXHIBIT A

(letter of agency is not actual size)

ORDER FORM FOR LONG DISTANCE SERVICE

T C
980165-T1

4859732

MARCH 26, 1998

SUBSCRIBER NAME Sheela Weidert
As listed on the local telephone bill

DATE OF BIRTH 8/15/77 DATE 9-12-97
I am 21 years of age

PHONE NUMBER (214) 1212151 - 121215171

ADDRESS 9802 Campbell

CITY Irving STATE Texas ZIP 75039

AUTHORIZED SIGNATURE Sheela Weidert

You are not required to sign the order form for long distance service changing your long distance carrier to enter the contract. No purchase necessary. If you want to enter this contract without changing your long distance service, do not sign this order form for long distance service; simply provide the information requested on the entry stub and submit the entry stub only. Do not return the order for long distance service.

By signing above, I hereby authorize AMERINET SERVICES CORP to act as my agent in all matters relating to the primary interexchange carrier for the telephone numbers listed above. I understand that by signing this letter of agency, AMERINET SERVICES CORP shall become my long distance telephone company and that I will no longer be served by my current long distance carrier. I also understand that my local telephone company may charge me a fee to switch my primary long distance carrier to AMERINET SERVICES CORP. I further understand that I may designate only one long distance carrier for any one telephone number, and therefore hereby revoke any previous appointments or selections concerning the telephone numbers listed above.



STATE OF FLORIDA

ATTACHMENT D
DOCKET NO. 980165-TI
MARCH 26, 1998

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



DIVISION OF COMMUNICATORS
WALTER D'HAERLEER
DIRECTOR
(850) 413-6600

Public Service Commission

February 6, 1998

Mr. Richard Knox
Amer-I-Net Services Corp.
5140 W. Hurley Pond Road
Farmingdale, NJ 07727

CERTIFIED

Dear Mr. Knox:

Attached is a copy of a complaint received by the Division of Communications regarding long distance charges billed to Mr. Michael McKendall. It is my understanding that Mr. McKendall did not authorize the switch of long distance services to Amer-I-Net. This is an apparent violation of Rule 25-4.118, Florida Administrative Code, Carrier Selection.

To date, the charges have not been removed and the matter is not solved. Accordingly, please respond in writing by February 23, 1998 with a copy of the customer authorization and method of verification used in compliance with Rule 25-4.118, Florida Administrative Code.

If you have any questions, please contact me at (850) 413-6546.

Sincerely,

Kelly Biegalski
Kelly Biegalski
Regulatory Analyst II
Bureau of Service Evaluation

cc: Mr. Michael McKendall
18417 Hottellet Circle
Port Charlotte, FL 33948

Record #3639



THE CAPITOL

TALLAHASSEE, FLORIDA 32399-1050

ROBERT A. BUTTERWORTH
*Attorney General
State of Florida*

January 27, 1998

Mr. Michael McKendall
18417 Hottel Circle
Port Charlotte, FL 33948

Dear Mr. McKendall:

The Attorney General has reviewed your correspondence regarding the unauthorized switch of your long distance company, commonly known as slamming. The Attorney General and Office of Public Counsel have filed a joint petition with the Florida Public Service Commission requesting a full investigation and public hearing for the purpose of establishing more stringent regulations and tougher penalties to eliminate the practice of slamming. We are maintaining your complaint in our file and have forwarded a copy to the Office of the Public Counsel and the Consumer Affairs Division of the Public Service Commission.

Please contact me if you have any further comments or questions.

Sincerely,

Paula Wood

Paula Wood
Administrative Assistant

PW/fbk

cc: Public Service Commission
Division of Consumer Affairs
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Office of Public Counsel
812 Pepper Building
Tallahassee, Florida 32399-1400

RECEIVED

FEB 02 1998

CMJ

18417 Hottellet Cir.
Port Charlotte, FL.
January 22-98

Att. General
PL-01 The Capitol
Tallahassee, FL.

Dear Ms. Langston,

Per our conversation of January 15-1998 - I am enclosing a copy of my telephone bill. I am also sending a copy of the order form for long distant service which Amer-I-net Service Corp. claims I signed. This is not my signature. Also my date of birth is 7-24-34 I am also sending a copy of the envelope the order form came in.

If I can be of any further assistance this matter please feel free to contact me.

Sincerely yours -

Richard B. Kendall

ORDER FORM FOR LONG DISTANCE SERVICE

4911868

SUBSCRIBER NAME

Michael McKendall

As listed on the local telephone bill

DATE OF BIRTH

4/2/56 DATE 10-8-97

I am 21 years of age

PHONE NUMBER

(91411) 1612141-13111612

ADDRESS

18417 HOTTLET CI

CITY

Port Chaplot STATE FL ZIP 33948

AUTHORIZED SIGNATURE

Michael McKendall

You are not required to sign this order form for long distance service changing your long distance carrier to enter the contest. No purchase necessary. If you want to enter this contest without changing your long distance carrier, do not sign this order form for long distance service; simply provide the information requested on the entry stub and submit the entry stub only. Do not return this order for long distance service.

By signing above, I hereby authorize AMERINET SERVICE CORP to act as my agent in all matters relating to the primary interexchange carrier for the telephone numbers listed above. I understand that by signing this letter of agency, AMERINET SERVICE CORP shall become my long distance telephone company and that I will no longer be served by my current long distance carrier. I also understand that my local telephone company may charge me a fee to switch my primary long distance carrier to AMERINET SERVICE CORP. I further understand that I may designate only one long distance carrier for any one telephone number, and therefore hereby revoke any previous appointments or selections concerning the telephone numbers listed above.

Customer Service
P.O. Box 1186
Blue Bell, PA 19422



Michael Mc Kendall
18417 Hottelot Cir.
Port Canot, FL 33448



SUMMARY OF CURRENT CHARGES

SEE DETAIL 9.52
 SEE DETAIL 10.06

NUMBER CALLED FROM PLACE FROM NUMBER CODE MIN AMOUNT

1-800-339-6381 - called 12/19/97 @ 3 PM

01	491-489-5173	AD	18.0	5.94
02	491-489-5173	AD	7.0	1.96
03	491-489-5173	AD	7.0	1.96
04	491-489-5173	AD	7.0	1.96
05	491-489-5173	AD	7.0	1.96
06	491-489-5173	AD	7.0	1.96
07	491-489-5173	AD	7.0	1.96
08	491-489-5173	AD	7.0	1.96
09	491-489-5173	AD	7.0	1.96
10	491-489-5173	AD	7.0	1.96
11	491-489-5173	AD	7.0	1.96
12	491-489-5173	AD	7.0	1.96
13	491-489-5173	AD	7.0	1.96
14	491-489-5173	AD	7.0	1.96
15	491-489-5173	AD	7.0	1.96
16	491-489-5173	AD	7.0	1.96
17	491-489-5173	AD	7.0	1.96
18	491-489-5173	AD	7.0	1.96
19	491-489-5173	AD	7.0	1.96
20	491-489-5173	AD	7.0	1.96
21	491-489-5173	AD	7.0	1.96
22	491-489-5173	AD	7.0	1.96
23	491-489-5173	AD	7.0	1.96
24	491-489-5173	AD	7.0	1.96
25	491-489-5173	AD	7.0	1.96
26	491-489-5173	AD	7.0	1.96
27	491-489-5173	AD	7.0	1.96
28	491-489-5173	AD	7.0	1.96
29	491-489-5173	AD	7.0	1.96
30	491-489-5173	AD	7.0	1.96
31	491-489-5173	AD	7.0	1.96
32	491-489-5173	AD	7.0	1.96
33	491-489-5173	AD	7.0	1.96
34	491-489-5173	AD	7.0	1.96
35	491-489-5173	AD	7.0	1.96
36	491-489-5173	AD	7.0	1.96
37	491-489-5173	AD	7.0	1.96
38	491-489-5173	AD	7.0	1.96
39	491-489-5173	AD	7.0	1.96
40	491-489-5173	AD	7.0	1.96
41	491-489-5173	AD	7.0	1.96
42	491-489-5173	AD	7.0	1.96
43	491-489-5173	AD	7.0	1.96
44	491-489-5173	AD	7.0	1.96
45	491-489-5173	AD	7.0	1.96
46	491-489-5173	AD	7.0	1.96
47	491-489-5173	AD	7.0	1.96
48	491-489-5173	AD	7.0	1.96
49	491-489-5173	AD	7.0	1.96
50	491-489-5173	AD	7.0	1.96
51	491-489-5173	AD	7.0	1.96
52	491-489-5173	AD	7.0	1.96
53	491-489-5173	AD	7.0	1.96
54	491-489-5173	AD	7.0	1.96
55	491-489-5173	AD	7.0	1.96
56	491-489-5173	AD	7.0	1.96
57	491-489-5173	AD	7.0	1.96
58	491-489-5173	AD	7.0	1.96
59	491-489-5173	AD	7.0	1.96
60	491-489-5173	AD	7.0	1.96
61	491-489-5173	AD	7.0	1.96
62	491-489-5173	AD	7.0	1.96
63	491-489-5173	AD	7.0	1.96
64	491-489-5173	AD	7.0	1.96
65	491-489-5173	AD	7.0	1.96
66	491-489-5173	AD	7.0	1.96
67	491-489-5173	AD	7.0	1.96
68	491-489-5173	AD	7.0	1.96
69	491-489-5173	AD	7.0	1.96
70	491-489-5173	AD	7.0	1.96
71	491-489-5173	AD	7.0	1.96
72	491-489-5173	AD	7.0	1.96
73	491-489-5173	AD	7.0	1.96
74	491-489-5173	AD	7.0	1.96
75	491-489-5173	AD	7.0	1.96
76	491-489-5173	AD	7.0	1.96
77	491-489-5173	AD	7.0	1.96
78	491-489-5173	AD	7.0	1.96
79	491-489-5173	AD	7.0	1.96
80	491-489-5173	AD	7.0	1.96
81	491-489-5173	AD	7.0	1.96
82	491-489-5173	AD	7.0	1.96
83	491-489-5173	AD	7.0	1.96
84	491-489-5173	AD	7.0	1.96
85	491-489-5173	AD	7.0	1.96
86	491-489-5173	AD	7.0	1.96
87	491-489-5173	AD	7.0	1.96
88	491-489-5173	AD	7.0	1.96
89	491-489-5173	AD	7.0	1.96
90	491-489-5173	AD	7.0	1.96
91	491-489-5173	AD	7.0	1.96
92	491-489-5173	AD	7.0	1.96
93	491-489-5173	AD	7.0	1.96
94	491-489-5173	AD	7.0	1.96
95	491-489-5173	AD	7.0	1.96
96	491-489-5173	AD	7.0	1.96
97	491-489-5173	AD	7.0	1.96
98	491-489-5173	AD	7.0	1.96
99	491-489-5173	AD	7.0	1.96
100	491-489-5173	AD	7.0	1.96

CHARGES

and International Long Distance Calls

01	Overseas	01	Overseas	01	Overseas
02	Day	02	Day	02	Day
03	Evening	03	Evening	03	Evening
04	Night/Weekend	04	Night/Weekend	04	Night/Weekend
05	Economy	05	Economy	05	Economy
06	Station	06	Station	06	Station
07	Person	07	Person	07	Person
08	Call Forward	08	Call Forward	08	Call Forward
09	Conference	09	Conference	09	Conference

Call 1-577

9.52

10.06

LLINO, INC.

.28

.25

.54

CONTINUED ON BACK OF THIS PAGE

DOCKET NO. 900100
 MARCH 26, 1998



BUSINESS OFFICE NO. 1-800-339-1811
 PREVIOUS BALANCE IF ANY IS PAST DUE. PLEASE PAY IMMEDIATELY.

PREVIOUS CHARGES	PAYMENTS RECEIVED	ADJUSTMENTS	PAST DUE BALANCE	CURRENT CHARGES	PAYMENT DUE BY
14.33	.00	.00	14.33	19.33	JAN. 08, 1998
					TOTAL AMOUNT DUE
					43.66

CARRIER SUMMARY

CARRIER SPRINT LOCAL COMMUNICATIONS
 U.S. BILLING, INC.

ADJUSTMENTS
 .00
 .00 Not Paid
 .00

CURRENT CHARGES
 19.27
 10.06
 29.33

TOTALS
 OUR RECORDS INDICATE YOUR LOCAL TOLL CARRIER IS AT&T

CONTINUED ON BACK OF THIS PAGE





ATTACHMENT D
ACCOUNT NO. 165
MAY 26, 1998

CALLING INQUIRIES, CALL 1-800-888-8728.
IN HOURS: MON-FRI 7AM-7PM
SAT 9AM-1PM

SUMMARY OF CURRENT CHARGES

SERVICE - DEC 19 TO JAN 18		9.10
CHARGES AND CREDITS	SEE DETAIL	5.30
NETWORK ACCESS	SEE DETAIL	3.50
	SEE DETAIL	1.37
TOTAL CURRENT CHARGES		19.27

CHARGES AND CREDITS

LATE PAYMENT CHARGE		.50
+ CHANGE INTERSTATE CHARGE TO INDEPENDENT LONG DISTANCE PROVIDER		2.40
+ CHANGE INTRASTATE CHARGE TO INDEPENDENT LONG DISTANCE PROVIDER		2.40
TOTAL CHARGES AND CREDITS		5.30

NETWORK ACCESS CHARGES

FCC ACCESS CHARGE		3.50
TOTAL ACCESS CHARGES		3.50

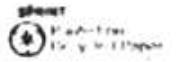
DETAIL OF TAXES

FEDERAL TAX		.55
GROSS RECEIPTS TAX-OTHER		.32
COUNTY 911 SERVICE CHARGE		.50
TOTAL TAX		1.37

CUSTOMER INFORMATION AREA

NONPAYMENT OF REGULATED CHARGES MAY RESULT IN DISCONTINUANCE OF SERVICE. THE AMOUNT OF REGULATED CHARGES MAY BE OBTAINED BY CALLING THE BUSINESS OFFICE NUMBER ON PAGE ONE. ITEMIZATION OF YOUR LOCAL BILLING IS PROVIDED ANNUALLY OR IS AVAILABLE UPON REQUEST AND SHOULD BE REVIEWED UPON RECEIPT.

PLEASE HELP PROTECT THE TELEPHONE NETWORK AGAINST ACCIDENTAL OUTAGES FROM CABLE CUTS BY CALLING AT LEAST 48 HOURS BEFORE YOU DIG OR DRILL, TOLL-FREE, 800-432-4770. WE WILL LOCATE BURIED CABLES FOR YOU FREE OF



-HH-

ATTACHMENT D
DOCKET NO. 980165-TI
MARCH 26, 1998

EARLY, LENNON, PETERS & CROCKER, P.C.

ATTORNEYS AT LAW
908 COMMUNICONS BLVD., SUITE 200
KALAMAZOO, MICHIGAN 49001-4732
TELEPHONE (616) 341-8844
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OF COUNSEL
VINCENT T. EARLY
HOWARD M. MULLIN
THOMPSON SUNNERTY

JOSEPH J. RUSLIK
(1978 - 1992)

*Also admitted to Iowa.

**Also admitted to California and North Carolina.

February 23, 1998

VIA FACSIMILE

Ms. Kelly Biegalski
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee FL 32399-0850

Re: Complainant: Michael McKendall
Record No.: 3639
Billing No.: 941-624-3162

Dear Ms. Biegalski:

We are the attorneys for Amer-I-Net Services Corp. ("Amer-I-Net"). We are in receipt of the above captioned Consumer Request filed with the Florida Public Service Commission ("Commission"), and have conducted an investigation in accordance with your request.

Complainant files this Consumer Request alleging that Amer-I-Net switched Complainant's long distance service without authority. Amer-I-Net denies all wrongdoing in this matter. Amer-I-Net will not change a customer's long distance service without obtaining the customer's consent and verifying the order in accordance with one of the four confirmation procedures established by the Federal Communications Commission ("FCC")

OPERATIVE FACTS

1. We have been advised that JMart¹ obtained written authorization of an individual named Michael McKendall to change the Complainant's long distance service prior to submitting the order to Amer-I-Net's underlying carrier in accordance with 47 C.F.R. §64.1100(a), Verification of Orders for Long Distance Service Generated by Telemarketing, and Rule 25-4.118(2)(a).

¹ The contact for JMart is as follows:

Jevon Martin
JMART
6670 Hucklebridge
Leslie, IL 60532

EARLY, LENNON, PETERS & CROCKER, P.C.

Page 2

Ms. Kelly Biegalski
February 23, 1998

2. A copy of Complainant's signed letter of agency appears hereto as Exhibit A.² This letter of agency conforms with the FCC's prescribed general form and content set forth in 47 C.F.R., §64.1150, and Rule 25-4.118(3).
3. Amer-I-Net subsequently provided the prospective customer with a confirmation letter verifying the order to change long distance service.
4. Amer-I-Net submitted the order to change Complainant's long distance service on or about November 26, 1997. Thereafter, Complainant canceled the service provided through Amer-I-Net on or about January 6, 1998.

GENERAL ALLEGATIONS

The Consumer Request filed in this matter relates to an order to change Complainant's long distance service obtained by JMart. We believe JMart markets service to customers primarily in conjunction with sweepstakes programs.

Amer-I-Net offers telecommunications services to the public as an agent, aggregator, distributor, or reseller employing the underlying transport facilities of various common carriers. Amer-I-Net recognizes certain reliability problems associated with accepting orders obtained through such programs. In fact, Amer-I-Net prefers having prospective customers solicited by a sales representative employed directly by Amer-I-Net.

As stated above, Amer-I-Net's procedures require obtaining the customer's consent prior to implementing the provisioning process and submitting any order to change long distance service to Amer-I-Net's underlying carrier, or to the LEC. In this instance, Amer-I-Net relied upon the signed letter of agency of Michael McKendall. This signed letter of agency contains the title "ORDER FORM FOR LONG DISTANCE SERVICE." This letter of agency conforms with the FCC's prescribed form and content set forth in 47 C.F.R., §64.1150, and Rule 25-4.118(3). As the digitized copy attached as Exhibit A hereto may appear unclear, we attach a sample copy as Exhibit B.

Amer-I-Net institutes several safeguards in an effort to protect consumers from problems inherent with soliciting orders in this manner. Prior to provisioning orders to change long distance service under this program, Amer-I-Net contacts prospective subscribers in writing as an additional confirmation of the order to change long distance service. Although not required by any state or

²The signed letter of agency states in pertinent part:

By signing above, I hereby authorize AMER-I-NET SERVICES CORP. to act as my agent in all matters relating to the primary interexchange carrier for the telephone numbers listed above. I understand that by signing this letter of agency, AMER-I-NET SERVICES CORP. shall become my long distance telephone company and that I will no longer be served by my current long distance carrier.

EARLY, LENNON, PETERS & CROCKER, P.C.

Page 3

Ms. Kelly Biegalski
January 23, 1998

federal regulatory agency, this extra step eliminates many fraudulently submitted orders to change long distance service which plague all long distance carriers today. This confirmation letter provides the prospective customer with a toll free number for inquiry or cancellation. We attach a sample confirmation letter as Exhibit C.

Finally, in an effort to further safeguard the process, Amer-I-Net places all orders in abeyance for at least five days to permit the elimination of fraud, forgery and buyer's remorse.

CONCLUSION

Amer-I-Net avers that the Complainant subscribed to the service provided through JMart. JMart submitted the written order to change long distance service to Amer-I-Net. Amer-I-Net relied upon written confirmation in accordance with one of the four confirmation procedures established by the FCC. Thereafter, Amer-I-Net contacted the prospective customer in writing to confirm the order to change long distance service. Although not mandated, this additional confirmation procedure assists in eliminating unauthorized changes in long distance service.

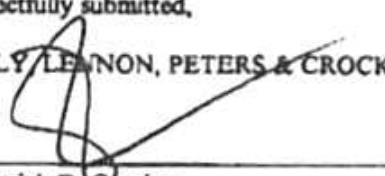
Amer-I-Net regrets Complainant's experience with the service offered through Amer-I-Net. However, we believe that Amer-I-Net acted in good faith, consistent with relevant statutory provisions, FCC rules and decisions, and applicable industry practice.

Notwithstanding, as a one-time customer courtesy, and in full settlement of this matter, Amer-I-Net will issue Complainant a credit in the amount of \$15.36, which constitutes the entire balance due and owing at this time, along with credit for switching charges.

Should you have any questions or concerns relating to this matter, please contact the undersigned.

Respectfully submitted,

EARLY LENNON, PETERS & CROCKER, P.C.

By 
Patrick D. Crocker

PDC/jam

c: Debbie Barn
Jeanine Schleiden
Michael McKendall

ATTACHMENT D
DOCKET NO. 980165-TI
MARCH 26, 1998

EXHIBIT A

(letter of agency is not actual size)

ORDER FORM FOR LONG DISTANCE SERVICE

4911868

SUBSCRIBER NAME Michael McKendall
As listed on the local telephone bill

DATE OF BIRTH 4/2/56 **DATE** 10-8-97
I am 21 years of age

PHONE NUMBER (914) 1612141-13111612

ADDRESS 18417 Hottelet Ct

CITY Port Charlotte **STATE** FL **ZIP** 33948

AUTHORIZED SIGNATURE Michael McKendall

You are not required to sign the order form for long distance service changing your long distance carrier to enter the contract. No purchase necessary. If you want to enter this contract without changing your long distance service, do not sign this order form for long distance service; simply provide the information requested on the entry card and submit the entry card only. Do not return the order for long distance service.

By signing above, I hereby authorize AMERICAN SERVICE CORP to act as my agent in all matters relating to the primary interexchange carrier for the telephone numbers listed above. I understand that by signing this letter of agency, AMERICAN SERVICE CORP shall become my long distance telephone company and that I will no longer be served by my current long distance carrier. I also understand that my local telephone company may change me to be in switch my primary long distance carrier to AMERICAN SERVICE CORP. I further understand that I may designate only one long distance carrier for any one telephone number, and therefore hereby revoke any previous appointments or selections concerning the telephone numbers listed above.



ATTACHMENT D
DOCKET NO. 980165-Ti
MARCH 26, 1998

EXHIBIT B

ATTACHMENT D
DOCKET NO. 980165-TI
MARCH 26, 1998

4971035

ORDER FORM FOR LONG DISTANCE SERVICE

SUBSCRIBER NAME _____

As listed on the local telephone bill

DATE OF BIRTH _____

I am 22 years of age

DATE _____

PHONE NUMBER (____) _____

ADDRESS _____

CITY _____

STATE _____

ZIP _____

AUTHORIZED SIGNATURE _____

The consent required to sign the order form for long distance service is not required to enter the system. No purchase necessary. If you want to enter this system without changing your long distance service, do not sign this order form for long distance service, simply provide the information requested on the entry card and submit the entry card only. We will return this order for long distance service.

By signing above, I hereby authorize _____ to act as my agent in all matters relating to the primary telecommunications order for the telephone number listed above. I understand that by signing this order of service, I am authorizing _____ to receive my long distance telephone company and that I will continue to receive my long distance service. I understand that my long distance telephone company may change at any time without my consent. I understand that I am responsible for my long distance service for my use telephone number, and I understand that I am responsible for my long distance service for my use telephone number, and I understand that I am responsible for my long distance service for my use telephone number.

ATTACHMENT D
DOCKET NO. 980165-TI
MARCH 26, 1998

EXHIBIT C

ATTACHMENT D
DOCKET NO. 980165-T1
MARCH 26, 1998



5140 W. Hurley Pond Road
Farmingdale, NJ 07727

Congratulations!

You have registered to win the Grand Prize - a new BMW Roadster or the cash equivalent of \$30,000.00. There will also be a monthly drawing for a brand new color television. All winners will be notified in writing.

Your signature has authorized us to change your long distance service for the telephone number listed above to Amerinet Services Corp. As an Amerinet subscriber, you will receive the following benefits: low discount rates, no per call surcharges and your long distance calls will appear on your local telephone bill.

If you have any questions, or would like to confirm, deny or cancel your selection, please call us at 1-800-883-8775. Thank you for choosing Amerinet Services for your long distance services. Good luck with your entry.

Sincerely,

New Customer Activations

P.S. Bonus just for entering - - Special offer for paging from Solo America.