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State of Florida

RECORDS AND
REPORTING
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-

DATE: JULY 9, 1998

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

FROM: DIVISION OF LEGAL SERVICES (BEDELL) *CB MEB*
DIVISION OF CONSUMER AFFAIRS (DURBIN) *DD BLO*
DIVISION OF COMMUNICATIONS (BIEGALSKI) *KB RW*

RE: DOCKET NO. 971492-TI - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC. AND D/B/A CONNECT 'N SAVE FOR VIOLATION OF RULE 25-4.118, FLORIDA ADMINISTRATIVE CODE, INTEREXCHANGE CARRIER SELECTION.

AGENDA: 07/21/98 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\971492.RCM

CASE BACKGROUND

On January 1, 1984, the Commission granted AT&T Communications of the Southern States, Inc. And d/b/a Connect 'N Save (AT&T) Certificate Number 69 to provide intrastate interexchange telecommunications service. As a provider of interexchange telecommunications service in Florida, AT&T is subject to the rules and regulations of this Commission.

The Division of Communications staff has investigated numerous unauthorized carrier change (slamming) complaints received by the Division of Consumer Affairs regarding AT&T. Staff has also received and reviewed additional information on the complaints provided by AT&T, local exchange companies and several

DOCUMENT NUMBER-DATE

971492 JUL -9 88

FPSC-RECORDS/REPORTING

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DATE: July 9, 1998

complainants. We believe there is adequate justification to count 183 slamming complaints against AT&T, as apparent violations that occurred between January 1, 1997 and May 18, 1998. There are additional complaints related to slamming against AT&T that are either pending response from the company or closure in the Division of Consumer Affairs.

In addition to staff's investigation into these specific slamming complaints, Docket Number 971433-TI was opened to investigate a complaint against AT&T filed by the Office of the Attorney General and the Office of Public Counsel on behalf of Robert Flint for slamming. In Order Number PSC-98-0072-PCO-TI, Docket Number 971433-TI was consolidated with this docket.

In 1996, show cause proceedings were initiated against AT&T for apparent slamming violations. On November 20, 1996, in Order No. PSC-96-1405-AS-TI, the Commission approved a \$30,000 settlement offer in Docket No. 960626-TI. In this docket, a review of the complaints revealed that the five major causes of the unauthorized switches were improper procedures at the AT&T Customer Service Centers, unexplained errors, problems with direct marketing tactics, name and number mismatches, and telemarketing.

Based on the number of complaints received regarding apparent unauthorized carrier changes by AT&T and the additional information received when speaking with customers, it appears the majority of justified complaints in this case relate to customer initiated calls into the AT&T Customer Service Centers, telemarketing, and direct marketing. These are the same problems that existed in the 1996 show cause docket. Therefore, it appears the safeguards implemented by AT&T in settlement of the previous show cause docket were not sufficient to protect subscribers from slamming.

Staff notes that additional consumer safeguards adopted by the Commission in its slamming rule proceeding, DN 97882-TP, have been delayed by the industry's challenge to the rules. It appears to staff that AT&T believes it is more cost efficient for the company to issue rate adjustments and apologies in response to complaints than to investigate the cause of (and cure) many of its slams. In a number of cases AT&T's response to complaints has been that they are unable to locate or retrieve documentation required by the current rules. Therefore, staff is concerned that AT&T's current level of apparent violations will continue, absent additional action by the Commission to increase AT&T's economic incentive to investigate how its slams occur and to fix those problems. Accordingly, staff believes the following recommendations are appropriate.

DATE: July 9, 1998

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission order AT&T to show cause why it should not have Certificate Number 69 canceled or be fined for apparent violation of Rule 25-4.118, Florida Administrative Code, Interexchange Carrier Selection?

RECOMMENDATION: Yes. The Commission should order AT&T to show cause in writing within 20 days of the effective date of the order why it should not have Certificate Number 69 canceled or be fined \$30,000 per apparent violation for a total of \$5,490,000. Said fine is for apparent violation of 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: The Division of Consumer Affairs publishes a monthly consumer activity report which tracks the level of activity for the month in various categories, including slamming. Each certificated telecommunications company is provided a copy of this report. Based upon the number of slamming complaints contained in this report, it was determined an investigation into AT&T's slamming complaints was necessary.

The Division of Communications staff reviewed the numerous complaints received in the Division of Consumer Affairs regarding AT&T's alleged slamming infractions. Staff requested additional information from AT&T and the local exchange companies, and staff held many conversations with the consumers who filed the complaints. Staff has identified complaints from consumers regarding unauthorized carrier changes due to forged LOAs and inbound customer service calls from consumers, where the customer did not request a PIC change.

In many of the responses submitted by AT&T, the company was unable to locate a copy of the LOA or obtain any information related to the inbound call. Therefore, it appears that AT&T has not taken the appropriate steps to maintain adequate records in compliance with the rules of the Florida Public Service Commission.

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

A LEC shall also accept PIC change requests from a certificated interexchange company (IXC) acting on behalf of the customer. 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;

In addition, when reviewing the information contained in the previous show cause docket, it appears the same type of responses continue to be given by AT&T. Thus, based on the constant influx of consumer slamming complaints regarding AT&T received by the Division of Consumer Affairs, it appears that the procedures implemented by AT&T as resolution to the previous show cause docket were not adequate to protect the consumers of Florida from being slammed.

Examples of complaints received from consumers include the following:

On September 5, 1997, Mrs. Irma Rosen contacted staff and stated that her long distance service was switched without authorization. AT&T's report stated that the company received an LOA signed by Mr. Paul Rosen on August 26, 1997. The company considered it to be valid and forwarded it for processing. Mr. Rosen informed staff that not only was his signature forged, but the city and zipcode listed on the LOA were incorrect as well. (Attachment A, Pages 8-20)

On September 11, 1997, Mr. Ben Fine contacted staff and stated that his intralata service was switched without authorization. AT&T's report stated that the company received an LOA signed by Mr. Fine on July 28, 1997. The company considered it to be valid and forwarded it for processing. Mr. Fine informed staff during a telephone conversation on May 27, 1998, that not only was the signature on the LOA a forgery, but the form also was marked for AT&T long distance and local toll service. Mr. Fine was already an AT&T long distance customer. (Attachment B, Pages 21-27)

On April 28, 1997, Mr. Bill Carthen contacted staff and stated that his long distance service was switched without authorization. AT&T's report stated that the company received written authorization, but was unable to produce a copy of the LOA.

Rule 25-4.118(3)(d), Florida Administrative Code, states:

Ballots or letters will be maintained by the IXC for a period of one year.

Due to the fact that AT&T is unable to produce a copy of the authorization obtained, it appears that it is in violation of this rule. (Attachment C, Pages 28-32)

On January 16, 1997, Mr. Fred Thomas contacted staff and stated that his long distance service was switched without authorization. AT&T's report stated that the service was switched based on an inbound call placed to the Customer Service center. AT&T further states that "had the representative followed procedure, there would have been notations to the extent that we could provide you with the name of the caller and some details of the actual exchange that took place."

Rule 25-4.118(3)(c), Florida Administrative Code, states:

If a PIC change request results from either a customer initiated call or a request verified by an independent third party, the information set forth in (3)(a)1.--3. above shall be obtained from the customer.

Since AT&T did not obtain the customer's name, address and telephone number and a statement from the person calling that they are authorized to make a change in service, it appears that AT&T is in violation of this rule. (Attachment D, Pages 33-35)

On January 12, 1998, Mr. Michael Modjoros contacted staff and stated that his long distance service was switched without authorization. AT&T's report stated that the company received an LOA signed by Mr. Majors, considered it to be valid, and submitted it for processing. Upon contacting the customer on July 1, 1998, Mr. Modjoros informed staff that his name is listed in the telephone book as Mike Majors, but his account with the local exchange company is in the name of Michael Modjoros. Therefore, the LOA appears to be a forgery. (Attachment E, Pages 36-40)

On October 14, 1997, Mrs. Ella Warren submitted correspondence to staff regarding the unauthorized switch of her long distance service. AT&T states in its response that it relied upon a written LOA signed by Mr. James Warren, considered it valid and submitted it for processing. Mrs. Warren notified staff that Mr. Warren died on March 3, 1991. (Attachment F, Pages 41-51)

On March 3, 1997, Mr. Ben Nemser, owner of Nemal Electronics, contacted staff and stated that his company's long distance service had been changed without authorization. AT&T's response stated "in looking at your Letter of Agency, clearly these two lines were not listed on the line numbers you were authorizing. We were in error to pic the lines to AT&T." (Attachment G, Pages 52-59)

AT&T has not satisfied staff that it has complied 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, or cancel its certificate, if such entity is found to have refused to comply with or to have willfully

DOCKET NO. 971492-TI
DATE: July 9, 1998

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 AT&T'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 AT&T's conduct at issue here, would meet the standard for a "willful violation."

Based on the 183 apparent unauthorized carrier change infractions, staff believes that AT&T does not have adequate safeguards to protect consumers from unauthorized carrier changes. Accordingly, staff believes that there is sufficient cause to order AT&T to show cause in writing within 20 days of the effective date of the order why it should not be fined \$30,000 per apparent infraction for a total of \$5,490,000 or have its certificate canceled for its apparent violations of Rule 25-4.118, Florida Administrative Code.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: If staff's recommendation in Issue 1 is approved, then AT&T 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 AT&T timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If AT&T does not respond to the Commission's Order to Show Cause, the fines should be assessed. Staff recommends that if AT&T 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, AT&T's certificate should be canceled and this docket closed administratively. (Bedell)

DOCKET NO. 971492-11
DATE: July 9, 1998

STAFF ANALYSIS: If staff's recommendation in Issue 1 is approved, then AT&T 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 AT&T timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If AT&T does not respond to the Commission's Order to Show Cause, the fines should be assessed. Staff recommends that if AT&T 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, AT&T's certificate should be canceled and this docket closed administratively.

Name ROSEN, PAL

Company AT&T COMMUNICATIONS OF THE SOUTHERN

Request No. 1855701

Address MRS. IRMA ROSEN

Attn. LIZ WAY 1855701

By SAS Time 2:30 PM Date 09/05/97

9685 ARBOR VIEW DRIVE, NORTH

Consumer's Telephone # (561)-369-3309

To CO Time FAX Date 09/05/97

City/Zip BOYNTON BEACH 33437 County PLB

Can Be Reached (561)-392-4844

Type S Form Phone

Account Number _____

Note SH/DIR/ATTY.GEN

Category _____

Company Contact _____

Limited Response N Outreach NEWSPAPER ARTICLE

Infraction LS-13C

Closed by SAS Date 11/05/97

Reply Received T

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:

Shirley Stokes

DUE: 09/22/97

Her other telephone number is 561/369-5633.

Ms. Rosen says that her long distance and LOCAL long distance services were switched from LDDS Worldcom and BellSouth without her authorization on both lines. She says that she found out about the switches when she received a Welcoming letter from AT&T last week and a letter from BellSouth this week. She strongly objects to the switches, and states that AT&T charges are much higher than LDDS and BellSouth charges. With the switch, she says that her extended area calls for 25 cents were billed as long distance calls by AT&T. She wants all of calls adjusted to LDDS' and BellSouth's rates. (PLEASE INVESTIGATE AND PROVIDE ME WITH A DETAILED WRITTEN REPORT INCLUDING LOA/TAPE AND APPLICABLE CREDITS FOR ANY SWITCHING FEES AND LONG DISTANCE CALLS AFTER YOUR CONTACT WITH THE CUSTOMER AND BY THE DATE LISTED AT YOUR LOWER RIGHT.)

09-22 Interim report received and requesting an extension until October 7

10-07 Interim report received and requesting an extension until October 22

10-22 Final report received

10-31 Referral from the Attorney General's office regarding this slamming case with a copy to the Office of the Public Counsel. THEREFORE, THIS CASE WILL BE HANDLED AS AN SH.

ECTS 01197

ATTACHMENT A
DOCKET NO. 971492-T1
JULY 9, 1998

11-05 Closed by letter explaining credit and the PSC's action regarding slamming with Bev's signature and copies to Chairman Johnson, Mr. Bob Butterworth, Attorney General, and Mr. Jack Shreve, Public Counsel.

-9-

STATE OF FLORIDA

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



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

Public Service Commission

November 17, 1997

Mr. & Mrs. Paul Rosen
9685 Arbor View Drive, North
Boynton Beach, FL 33437

Dear Mr. & Mrs. Rosen:

This is a follow-up to your complaint regarding a change in long distance service by AT&T Communications.

An investigation reveals that your long distance service was switched as a result of a signed service agreement form, however, I understand your concern that the signature on the form did not resemble your signature. Due to the unauthorized change, AT&T has rerated the calls, and credits have been issued for \$10.30 for free-minutes credit plus an adjustment of \$1.91. Also, an order was issued to remove your name from AT&T's telemarketing list, which should take up to 60 days for completion.

The Florida Public Service Commission (PSC) shares your concern about unauthorized carrier change, that is why the PSC is developing new rules to address changes in the way the industry operates to curb unauthorized carrier changes or "slamming," about which the PSC receives more complaints than any other issue.

Customers often tell us that changes in their telephone service were not authorized; therefore, the PSC is reviewing its rules to ensure that each change is adequately validated by the company claiming a subscriber. The PSC wants to make sure that consumers have an opportunity to tell us about the problems they have encountered with companies wanting to change their preferred local or long distance service provider. The PSC has scheduled ten rule development workshops in various locations throughout Florida. At the workshop the Commissioners will listen to consumers' testimony regarding their slamming experiences, and provide consumers with information on how to guard against this unauthorized practice. The PSC staff, after considering all public testimony and evidence regarding slamming experiences, and a formal hearing scheduled for February 6, 1998, will prepare a recommendation to the Commissioners. The final slamming rules will be determined by the Commissioners' decision at a future Agenda Conference to be held in Tallahassee.

I have enclosed some information regarding the hearings and locations, along with information on how to access the live internet audio broadcast on the PSC's Home Page site.

EXTERNAL CONTACT TRACKING ADD FORM

CONTACT NO: 01197	CHAIRMAN'S NO:	DATE OF CONTACT: 11/04/1997	DUE DATE: 11/13/1997
CONTACT TYPE: LETTER		NATURE OF CONTACT: CONSUMER CONCERN	
ENTERED BY: SHIRLEY STOKES		RECEIVED BY: CAF	REFERRED BY:
LAST NAME	FIRST	MI	
ROSEN	PAUL	MS.	
MAILING ADDRESS	CITY	STATE	
9685 ARBOR VIEW DRIVE	BOYNTON BEACH	FL	
	ZIP: 33437		
WORK PHONE: (561)-369-3309	HOME PHONE:	FAX: (561)-369-5633	
NAME OF ORGANIZATION:			
INTERNET/E-MAIL:			
COMPANY NAME: AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC. (AND D/B/			
COMPANY CODE: TI741			
ACCT NO:			
TYPE: TS	SUBJECT: SLAMMING		
NOTES: SAS FOR DIRECTOR			
ASSIGNED TO: CATS 1855701			
<u>ACTION TAKEN</u>		<u>ACTION DATE</u>	
		11/04/1997	
DIVISION ASSIGNED:			
RESPONSE:		RESPONSE DATE:	
DATE CLOSED: 11/04/1997			

OFFICE OF THE ATTORNEY GENERAL

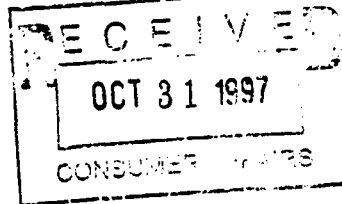


THE CAPITOL

TALLAHASSEE, FLORIDA 32399-1050

ROBERT A. BUTTERWORTH
Attorney General
State of Florida

October 29, 1997



Mr. Paul Rosen
9685 Arbor View Drive
Boynton Beach, FL 33437

Dear Mr. Rosen:

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
Administrative Assistant

PW/flw

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

97 THU 10:02 AM GIMELSTOB/HUNTERS RUN FAX NO. 407 738 2661

P. 02

Contra/claimant

Irma & Paul Rosen
9685 Arbor View Drive
Boynton Beach, Fl. 33437
Phone (561) 369-3309 Fax (561) 369-5633

October 22, 1997

VIA FAXIMILE

Robert A. Butterworth

RE: "Slamming Inquiry"

Dear Sir:

Prior to being slammed by AT&T on July 26, 1997, my long distance carrier was Worldcom and my local service was BellSouth. AT&T slammed both of these accounts.

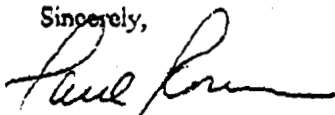
When I called to complain, they were very arrogant and claimed that they had my signature authorizing the switch to AT&T. I asked for a copy of this signature and waited five weeks before it was received by me. The authorization document was fraudulent as the signature did not resemble my signature in any way, manner or shape. In fact, the document appeared to have been filled out by an illiterate person as the city in which I live was misspelled, and the zip code was incorrect.

I notified AT&T of this and asked what disciplinary action they would take to punish the culprit who perpetrated this fraud. Although they knew exactly who it was, they stated that no action would be taken against him. As far as I am concerned, that tells me that they are condoning this type of fraud, and they do not care if the culprit does it again.

After a great deal of time and effort, I finally switched my services back to my original carriers and have put a "block" on my service so that it does not happen again. By the way, while I was fighting with AT&T, they noticed that somebody tried to "slam" my services for a second time.

Should you require any back-up documents to my story, I have retained everything, including a copy of the fraudulent change of service request.

Sincerely,



Paul Rosen

To: 9.413-6362

10/22/97 12:11

From: 404 810 7076

AT+T L+GA → FPSC

10-22-97 12:39pm p. 1 of 1
NC.707 P801/200-

Facsimile Cover Sheet

To: Shirley Stokes
Company: Consumer Affairs
Phone: (850) 413-6125
Fax: (850) 413-6126

From: Kim Coleman
Company: AT&T Law & Government Affairs
Phone: (404) 810-4947
Fax: (404) 810-7076

Date: 10/22/97

**Pages including this
cover page: 4**

Comments:

RE: Rosen, Paul 1855701

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To: 9,413-6362

from: 404 810 7076

10/22/97 12:13pm p. 3 of 4
NC.707 P003/004

10/22/97 12:12 AT+T L+GA → FFSC

10/17/97 FRI 13:17 FAX 1 908 204 2897
1 908 204 2897 AT&T CRC

006



P.O. Box 830
Bernardsville, NJ 07924

September 18, 1997

Paul Rosen
9685 Arbor View Dr.
Boyton, FL 33435

Dear Mr. Rosen:

This letter is in response to your recent complaint that your telephone service was changed to AT&T without your permission.

We apologize for any inconvenience you may have experienced. We have investigated your concern and have determined the following. The order which changed your service to AT&T Long Distance and Local Toll was generated as a result of our receipt of the enclosed AT&T Service Agreement Form. After the form was completed, it was forwarded to our processing center. When the form was processed, the representative entering the order assumed by the information provided that the change to AT&T was authorized and the order was entered.

Thank you for the opportunity to serve you. If you have any questions, please contact me, in writing, at the above address.

Sincerely,

Grace Miller

Grace Miller
Customer Relations Center

10/07/97 15:44 AT+T L+GA → FFSC

NC.158 P001/001

Facsimile Cover Sheet

To: Shirley Stokes
Company: Consumer Affairs
Phone: (850) 413-6100
Fax: (850) 413-6362

From: Kim Coleman
Company: AT&T Law & Government Affairs
Phone: (404) 810-4947
Fax: (404) 810-7076

Date: 10/7/97

**Pages including this
cover page: 2**

Comments:

RE: Rosen, Paul 1855701

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10/07/97 15:45 AT+T L+GA → FFSC

NC.159 P002/002



LIZ WAY
Associate Docket Manager
Law & Government Affairs

1200 Peachtree Street, NE
Room 6047
Atlanta, GA 30309
(404) 810-4136
(404) 810-7076 (fax)

October 7, 1997

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

RE: Rosen, Paul
1855701

Dear Ms. Stokes:

AT&T is still investigating the above-referenced complaint. We have not received the information from other company contacts necessary to conclude our investigation. Please allow another extension of the date due until October 22, 1997. As soon as we receive the results of our investigation, we will forward them to your office.

As stated in our letter dated September 22, 1997, an AT&T representative contacted Mr. Paul Rosen and apologized for the inconvenience of the switch. Mr. Rosen confirmed that his service has been returned to his preferred long distance and regional toll carrier. The AT&T representative advised the customer that the AT&T charges on his bill would be re-rated to \$.10 per minute for inter lara calls and \$.25 each for intra lara call; with the free minutes credit of \$10.30. The adjustment amounted to \$1.91, leaving a balance due AT&T at \$6.77.

The AT&T representative also issued an order to remove the customer from AT&T telemarketing lists and advised that it would take up to 60 days. The customer was also provided with the AT&T representatives name and telephone number, if further personal contact is necessary.

If you have any questions, please call me on (404) 810-4136.

Sincerely,

A handwritten signature in cursive script that reads "E. B. Way".

E. B. Way

09/22/97 15:39 AT+T L+GA → FFSC

NR 1525 F0007004

Facsimile Cover Sheet

To: Shirley Stokes
Company: Consumer Affairs
Phone: (850) 413-6100
Fax: (850) 413-6362

From: Kim Coleman
Company: AT&T Law & Government Affairs
Phone: (404) 810-4947
Fax: (404) 810-7076

Date: 9/22/97

**Pages including this
cover page: 2**

Comments:

RE: Rosen, Paul 1855701

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LIZ WAY
Associate Docket Manager
Law & Government Affairs

1200 Peachtree Street, NE
Room 6047
Atlanta, GA 30309
(404) 810-4136
(404) 810-7076 (fax)

September 22, 1997

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

RE: Rosen, Paul
185570I

Dear Ms. Stokes:

AT&T has received and is still in the process of investigating the above-referenced complaint. We have not received the information from other company contacts necessary to conclude our investigation. Please allow an extension of the date due until October 7, 1997. As soon as we receive the results of our investigation, we will forward them to your office.

An AT&T representative contacted Mr. Paul Rosen and apologized for the inconvenience of the switch. Mr. Rosen confirmed that his service has been returned to his preferred long distance and regional toll carrier. The AT&T representative advised the customer that the AT&T charges on his bill would be re-rated to \$.10 per minute for inter lata calls and \$.25 each for intra lata call; with the free minutes credit of \$10.30. The adjustment amounted to \$1.91, leaving a balance due AT&T at \$6.77.

The AT&T representative also issued an order to remove the customer from AT&T telemarketing lists and advised that it would take up to 60 days. The customer was also provided with the AT&T representatives name and telephone number, if further personal contact is necessary.

If you have any questions, please call me on (404) 810-4136.

Sincerely,

Handwritten signature of E. B. Way in cursive script.
E. B. Way

Name FINE, BEN

Company AT&T COMMUNICATIONS OF THE SOUTHERN

Request No. 186212I

Address 1053 LAKESIDE BLVD

Attn. LIZ WAY 186212

By SRG Time 2:29 PM Date 09/11/97

Consumer's Telephone # (561)-852-9475

To CO Time FAX Date 09/11/97

City/Zip BOCA RATON 33434 County PLB

Can Be Reached _____

Type S Form Phone

Account Number _____

Note jfp

Category _____

Company Contact _____

Informal Conf. N

Infraction LS-13B

Closed by SRG Date 10/08/97

Reply Received T

The customer said that his local toll service was switched from BellSouth to AT&T without authorization. The customer would like his calls rerated and credit for any switching fees. Please, provide proof of authorization LOA/TAPE, follow up with the customer, send the PSC a detailed written report, and respond by the date below.

Inquiry taken by JOHN PLESCOW.

09-19 - Inquiry FAXed today. The new due date is 10-06./JFP

10/6/97 Report received. Customer will receive a credit of \$3.15, and customer has also been contacted and is satisfied with results.

10/28/97 Report received. Additional information with the form with the customer's information.

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:

Sam Gonzalez

DUE: 10/06/97

12-21

ATTACHMENT B
DOCKET NO. 971492-TI
JULY 9, 1998

Facsimile Cover Sheet

To: Sam Gonzalez
Company: Consumer Affairs
Phone: (850) 413-6100
Fax: (850) 413-6362

From: Kim Coleman
Company: AT&T Law & Government Affairs
Phone: (404) 810-4947
Fax: (404) 810-7076

Date: 10/6/97

**Pages including this
cover page: 2**

Comments:

RE: Fine, Ben 186212I

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ATTACHMENT B
DOCKET NO. 971492-TI
JULY 9, 1998

LIZ WAY
Associate Docket Manager
Law & Government Affairs

1200 Peachtree Street, NE
Room 6047
Atlanta, GA 30309
(404) 810-4136
(404) 810-7076 (fax)

October 6, 1997

Mr. Sam Gonzalez
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RE: Fine, Ben
186212I


Dear Mr. Gonzalez:

AT&T has received and is investigating the slamming portion of the above referenced complaint. We have not received the information from other company contacts necessary to conclude our investigation. As soon as we receive the results of our investigation, we will forward it to your office. Please allow an extension of the date due until October 21, 1997.

An AT&T representative contacted Mr. Ben Fine and extended an apology for any inconvenience experienced due to the switch of service. The AT&T representative explained that the customer will be receiving a letter stating how the switch of service occurred and confirmed that the customer's intra lata service is back with his preferred carrier, advising the customer of the availability of a PIC restriction. On September 24, 1997, the customer received a full adjustment for the intra lata calls on the September 1997 bill in the amount of \$3.15. Mr. Fine accepted and is satisfied with the resolution of this complaint.

If you have any questions, please call me on (404) 810-4136.

Sincerely,


E. B. Way

Facsimile Cover Sheet

To: Sam Gonzalez
Company: Consumer Affairs
Phone: (850) 413-6131
Fax: (850) 413-6132

From: Kim Coleman
Company: AT&T Law & Government Affairs
Phone: (404) 810-4947
Fax: (404) 810-7076

Date: 10/28/97

**Pages including this
cover page: 4**

Comments:

RE: Fine, Ben - 186212I

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NO. 953 P001/002

10-28-97 17:35

FROM: 404 810 4947

RT+T L+GA + FFSC

10/28/97 17:35

10: 94130302



LIZ WAY
Associate Docket Manager
Law & Government Affairs

1200 Peachtree Street, NE
Room 6047
Atlanta, GA 30309
(404) 810-4136
(404) 810-7070 (fax)

October 28, 1997

Mr. Sam Gonzalez
Florida Public Service Commission
2540 Shurnard Oak Boulevard
Tallahassee, FL 32399-0850

RE: Fine, Ben
186212I

Dear Mr. Gonzalez:

AT&T has concluded its investigation into the above referenced complaint. The attached letter and LOA was mailed to Mr. Fine on October 28, 1997 regarding the switching of his service.

If you have any questions, please call me on (404) 810-4136.

Sincerely,

E. B. Way

Att.

Oct 27 1997 08:08

Yes, please contact me in the AT&T Residential Long Distance Service.
If I do not, please contact me in the AT&T Residential Long Distance Service.
If I do not, please contact me in the AT&T Residential Long Distance Service.
If I do not, please contact me in the AT&T Residential Long Distance Service.

Yes, please contact me in the AT&T The Country's Savings Program.
The country I select is: USA

Other AT&T Savings Plan (Specify): Overseas

Special Provision: _____

The country I select is: _____
I have not recently used AT&T services. I would like to use AT&T services in the future.
I would like to use AT&T services in the future.
I would like to use AT&T services in the future.
I would like to use AT&T services in the future.

Ben Fine
1.000 Lakeside Blvd.

Jeffrey Good
1501 802 9471
Ben Fine

ADDS TYPE: 1
ROSS 69
NAME: R.D.M.

US ID NO: 171705
SOURCE: 302
EXTN: 302
A.B.D. NO: 060513
TEL: EN
BEST TIME: AM
P.M.
120353842

To: 9,413-6362

FROM: 404 810 7076

10-21-97 3:55PM p. 1 of 2
NO. 678 P001/002

10/21/97 15:40

AT+T L+GA → FPSC

Facsimile Cover Sheet

To: Sam Gonzalez
Company: Consumer Affairs
Phone: (850) 413-6131
Fax: (850) 413-6132

From: Kim Coleman
Company: AT&T Law & Government Affairs
Phone: (404) 810-4947
Fax: (404) 810-7076

Date: 10/21/97

**Pages including this
cover page: 2**

Comments:

RE: Fine, Ben 186212I

CONFIDENTIALITY NOTICE

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Name CARTHEN, L

Company AT&T COMMUNICATIONS OF SOUTHERN STA

Request No. 170131I

Address 1276 APACHE DRIVE

Attn. SANDY HINTON - 170131I

By CRP Time 10:14 AM Date 04/28/97

Consumer's Telephone # (407)-349-1130

To CO Time FAX Date 04/28/97

City/Zip GENEVA 32732 County SEM

Can Be Reached _____

Type S Form Phone

Account Number _____

Note _____

Category _____

Company Contact _____

Limited Response N

Infraction LS-13I

Closed by CRP Date 07/26/97

Reply Received T

Customer says the following:

His long distance services were switched without his knowledge.

Customer's PIC is EXCEL.

Please provide proof of authorization.

May 13, 1997: Received report with a copy of a letter forwarded to the customer and the awarded credit.

July 26, 1997: *This inquiry is 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:

Carmen Pena

DUE: 05/13/97

ATTACHMENT C
DOCKET NO. 971492-TI
JULY 9, 1998

05/13 07:25 AT+T L+GA → FFSC

NC.009 F001/004

Facsimile Cover Sheet

To: Carmen Pena
Company: Consumer Affairs
Phone: (904) 413-6100
Fax: (904) 413-6362

From: Liz Way
Company: AT&T Law & Government Affairs
Phone: (404) 810-4136
Fax: (404) 810-7076

Date: 05/13/97

**Pages including this
cover page: 4**

Comments:

RE: Carthen, Bill - 1701311

CONFIDENTIALITY NOTICE

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05/13/97 07:25 AT+T L+GA → FFSC

NO. 039 P002/004



LIZ WAY
Associate Docket Manager
Law & Government Affairs

1200 Peachtree Street, NE
Room 6047
Atlanta, GA 30309
(404) 810-4136
(404) 810-7076 (fax)

May 13, 1997

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

RE: Carthen, Bill
1701311

Dear Ms. Pena:

Attached please find a letter sent to the above referenced customer regarding being switched to AT&T.

The matter has been investigated and \$20.00 credit has been issued to his account. In addition, the customer has been given an AT&T Long Distance Certificate to cover any additional switching fees.

If I can be of further assistance or if you have any questions, please call me on (404) 810-4136.

Sincerely,

A handwritten signature in cursive script that reads "E. B. Way".

E. B. Way

Att.

05/13/97 07:25 AT+T L+GA → FFSC

NC.039 P003/004

05/06/97 TUE 12:13 FAX 1 808 204 2891 1 908 204 2891 AT&T CRC

008



Customer Relations Center
4 Essex Avenue
Bernardsville, NJ 07924

May 6, 1997

Bill Carthen
1276 Apache Drive
Geneva, FL 32732

Dear Mr. Carthen:

Please accept our sincere apologies for the delay in responding to your concerns. It was brought to my attention that you were concerned over the possibility of having been switched to AT&T without your authorization.

Upon our initial investigation, as per our record of your account, there was reference to our receipt of written authorization. I made three individual attempts to obtain a hard copy of the authorization as per our records without success. Each time my request was returned "unmatched".

Given this and your account of the situation, there was evidently some mishap. Although we try to insure that all of our customer information is correct, occasionally, there is an error. We regret such may have been the case in this instance.

As a courtesy, we have enclosed AT&T Long Distance Certificate to reimburse you for any fee your local telephone company may have charged you to change long distance carriers and additional certificate for your use. To use your certificate simply print your name, area code and telephone number on the back of each one and send them in along with your regular monthly telephone bill. Your local telephone company will apply the certificates as cash towards any AT&T Long Distance charges or any local telephone company billed charges.

Please accept our sincere apologies for any inconvenience you may have been caused by this occurrence. We thank you for taking the time to contact us. It is from feedback such as yours that we are better able to ensure that we maintain the quality AT&T demands and every customer deserves.

If you have any questions, please contact me, in writing, at the above address.

05/13/97 07:26 AT+T L+GA → FFSC

NC.039 P004/004

05/06/97 TUE 12:13 FAX 1 808 204 2891
1 908 204 2891 AT&T CRC

000



Customer Relations Center
4 Essex Avenue
Barnardville, NJ 07824

Thank you for the opportunity to serve you.

Sincerely,

Grace Miller

Grace Miller
Customer Relations

Name THOMS, FRC

Company AT&T COMMUNIC DNS OF THE SOUTHERN

Request No. 155663I

Address 4907 NW 91 TERRACE

Attn. SANDY HINTON 155663

By DBM Time 2:18 PM Date 01/16/97

City/zip SUNRISE 33351 County BRO

Consumer's Telephone # (954)-749-5961

To CO. Time FAX Date 01/16/97

Account Number _____

Can Be Reached _____

Type S Form Phone

Company Contact _____

Note 800 call in

Category _____

Limited Reponse Y

Infraction 1s-130

Closed by NEP Date 02/26/97

Reply Received T

When the customer called AT&T to inquire why his calling plan had not been changed as he had requested, he found that AT&T had taken over his intra lata long distance service without his permission. Please contact the customer, investigate and provide a report.

1/29 Report and letter to customer with explanation. 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:

Doug Martin

DUE: 02/03/97

ATTACHMENT D
DOCKET NO. 971492-T1
JULY 9, 1998

22-

01/29/97 18:45 AT+T L+GA → FFSC

NO.217 P002/003



Sandy Hinton
Staff Associate
Law and Government Affairs

Room 6051, Promenade I
1200 Peachtree St.
Atlanta, GA 30309
(404) 810-4867
(404) 810-7078 - FAX

January 29, 1997

Doug Martin
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0876

RE: Thoms, Fred
1556631

Dear Mr. Martin:

The attached letter was forwarded to Mr. Thoms to explain the results of our investigation. An AT&T billing representative reviewed the account and determine that no charges had posted on the account. The representative contacted Mr. Thoms and apologized for any inconvenience he may have experienced in dealing with AT&T and provided his name and can be reached number if any charges should appear in the future.

Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandy Hinton".

Sandy Hinton

01/29/97 18:45 AT+T L+GA → FFSC
01/28/97 18:06

NO. 217 P003/003
NO. 388 P002/003



January 28, 1997

Customer Relations Center
4 Essex Avenue
Bernardsville, NJ 07924

Fred Thoms
4907 NW 91st Terrace
Sunrise, FL 33351

Dear Mr. Thoms:

It has been brought to my attention that you were concerned over having your Intralata Service switched to AT&T without your permission.

We have investigated the matter thoroughly and have determined the following. The order we show that changed your residential phone, 954-749-5961, to AT&T was generated as a result of a telephone call placed from your residence telephone number to one of our Customer Service Centers. According to our call summary report, a call was placed from your residence to our center on 1-9-97. The records do not detail the exchange except that the order was placed at that time. Had the representative followed procedure, there would have been notations to the extent that we could provide you with the name of the caller and some details of the actual exchange that took place. Perhaps there was some misunderstanding or mishap at the time of the call.

AT&T has paid the switching fee charge through your local telephone company. Thank you for this opportunity to serve you.

Sincerely,

Cynthia M. Manning
Customer Relations

Name MODJOROS HAEL

Company AT&T COMMUNICATIONS OF THE SOUTHERN

Request No. 2001911

Address 631 ENGEL DRIVE

Attn. LIZ WAY 2001911

By SRG Time 11:22 AM Date 01/12/98

Consumer's Telephone # (407)-658-9171

To CO Time FAX Date 01/12/98

City/Zip ORLANDO 32807 County ORN

Can Be Reached _____

Type S Form Phone

Account Number _____

Note NJS

Category _____

Caller's Name _____

Informal Conf. _____

Infraction LS-13C

Closed by SRG Date 02/03/98

Reply Received T

Customer says the following:

His long distance service was switched without his knowledge.

Customer's PIC is National TELCOM.

Please provide the PSC with a full report and proof of authorization.

1/27/98 Report received. The company will be issuing the customer a total of \$11.61 for the charges incurred due to the change. The company has contacted the customer concerning this matter, but he should contact the company or the FPSC if there are any further concerns. The company's report is not satisfactory because of the fact that the information on the LOA is fraudulent.

7/1/98 spoke w/customer the LOA Mike Majors is the way his name appears in the phone book; the correct spelling is MODJOROS; does not know the office either

CONSUMER REQUEST

FLORIDA PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL. 32399-0850
850-413-6100

PLEASE RETURN THIS FORM WITH REPORT OF ACTION TO:

DUE: 01/27/98

ATTACHMENT E
DOCKET NO. 971492-T1
JULY 9, 1998

01-27-98 14:21 From

T-460 P.01/04 F-909

Facsimile Cover Sheet

To: Sam Gonzalez
Company: Consumer Affairs
Phone: (850) 413-6131
Fax: (850) 413-6132

From: Kim Coleman
Company: AT&T Law & Government Affairs
Phone: (404) 810-4947
Fax: (404) 810-5901

Date: 1/27/98

**Pages including this
cover page: 4**

Comments:

RE: Modjoros, Michael 2001911

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01-27-98 14:21 From-

T-460 P.02/04 F-909



LIZ WAY
Associate Docket Manager
Law & Government Affairs

1200 Peachtree Street, NE
Room 6047
Atlanta, GA 30309
(404) 810-4136
(404) 810-7076 (fax)

January 27, 1998

Mr. Sam Gonzalez
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RE: Modjoros, Michael
2001911

Dear Mr. Gonzalez:

AT&T has concluded its investigation of the above referenced complaint. Attached is a copy of the letter and other documentation forwarded to Mr. Michael Modjoros to explain how the switching of service occurred.

On January 22, 1998, the customer spoke with a CSA manager at AT&T, who sent a \$5.00 long distance certificate to the customer. On January 23, 1998, an AT&T representative extended an apology to the customer and adjusted \$1.05 from bill dated December 23, 1997 and adjusted \$5.56 from bill dated January 23, 1998 for the balance of the AT&T billed charges. Mr. Modjoros was also forwarded a long distance certificate for reimbursement of any switching fees.

If you have any questions, please call me on (404) 810-4136.

Sincerely,

E B Way
E. B. Way

Atts.

01-27-98 14:21 From-

T-460 P 03/04 F-909



January 23, 1998

P.O. Box 767
Lee's Summit, MO 64063-0767

Michael Modjoros
631 Engel
Orlando, FL 32807-4831

407-658-9171

Dear Mr. Modjoros,

It has been brought to my attention that you were concerned over having been switched to AT&T without your authorization.

We apologize for any inconvenience you may have experienced. We have investigated your concern thoroughly and have determined the following: The order which changed your long distance service to AT&T generated as a result of our receipt of the enclosed AT&T Service Agreement Form. After the form was completed, it was forwarded to our processing center. Evidently, when the form was processed, the representative entering the order assumed by the information provided that the switch to AT&T was authorized and the order was entered.

It is evident that there was some mishap as the Service Agreement Form shows a different customer name than your own, while the telephone number is exactly the same. At this time, I have credited the AT&T charges on your January 23, 1998 bill date for a total of \$5.56 and \$1.05 for the December 23, 1997 bill. These credits are the charges that resulted from the unauthorized switch to AT&T. The credit will appear on your local portion of the phone bill within one to two bill cycles. AT&T will also be reimbursing the switching fee cost. You will receive this under separate cover within 15 business days.

Please accept our apologies for any inconvenience you may have experienced with AT&T. If you have questions regarding this matter, you can call 1-800-222-7613. If you have questions about AT&T products and services in the future, feel free to contact our Customer Service Department at 1-800-222-0300.

Sincerely,

A handwritten signature in cursive script that reads "Karen Hamilton".

Karen Hamilton
Executive Appeals Manager

01-27-98 14:22 From:

T-460 P.04/04 F-909

PHONE NO. :

Jan. 21 1998

FROM : TDEC



Residential Service Agreement/ Contrato de servicio Residencial

Please Print Clearly/Por favor escriba en letra de imprenta

Name/Nombre y apellido: Doyle Hoffman
First Name/Nombre Last Name/Apellido

Name on Phone Bill/Nombre en cuenta telefonica: Mike Majoris
First Name/Nombre Last Name/Apellido

Home Phone Number/Telefono casa: 407-658-9171

Address/Direccion: 631 Engel Ct Apt. No./Nº Apto.

City/Ciudad: Orlando State/Estado: FL Zip Code/Codigo postal: 32810

Will you make an international call within the next 3 months?
¿Va a llamar internacionalmente en los próximos 3 meses?
 Yes/Si No

Internal Use Only/Reservado para uso interno

Yes, switch me to AT&T Long Distance Service/
Si, quiero cambiarme al Servicio de Larga Distancia de AT&T
 Also, switch me to AT&T Local Toll Service* if available in my area/
También quiero cambiarme al Servicio Interurbano de AT&T

Signature/Firma: [Signature] Date/Fecha: 1/21/98
MM/AA DD/98

I acknowledge that I have read the AT&T Service Agreement on the back of this form...
Yo reconozco que he leído el Contrato de Servicio de AT&T en la parte posterior de este formulario...

I agree to AT&T's terms and conditions...
Yo acepto los términos y condiciones de AT&T...

YES I authorize AT&T to use information about my current service with AT&T...
SI autorizo a AT&T a usar la información que tengo sobre mis servicios actuales...

Si autorizo a AT&T a usar la información que tengo sobre mis servicios actuales...

International/Internacional
 AT&T One Rate International Plan (\$3.00 monthly fee)/Plan Internacional de AT&T de Tarifa Única (recargo mensual de US\$3.00)
 AT&T One Rate International Plan II (no fee)/Plan Internacional II de AT&T de Tarifa Única (sin recargo)
 Other/ Otro: ORTU 2

Domestic/Nacional
 AT&T One Rate Plan (no fee)/Plan de Tarifa Única de AT&T (recargo)
 AT&T True Reach® Savings (no fee)/Plan de ahorros True Reach de AT&T
 Other/ Otro

Depending on where you live, there are only a few states that have long distance, meter charges or regional calls...
Dependiendo de dónde reside, los llamados locales sin recargo pueden conectarse como larga distancia dentro del estado, larga distancia local, llamadas regionales o de menor distancia.

For Internal Use Only/Reservado para uso interno

TM ID: 31532 Staffer ID: 026832 Event ID: 001 TPV: ENG

Reject Code: SS

Language Preferences: X ENG MAN CAN JPN KRN POL POR BUS SPN TAG VTN

157455686

Name: WARGEN, ELLI M.

Company AT&T COMMUNICATIONS OF THE SOUTHERN

Request No. 1901271

Address 3705 N. 12TH AVENUE

Attn. LIZ WAY

By JRD Time 3:14 PM Date 10/14/97

Consumer's Telephone # (850)-438-3977

To CO Time FAX Date 10/15/97

City/Zip PENSACOLA 32503-3103 county ESC

Can Be Reached _____

Type S Form MAIL

Account Number _____

Note _____

Category _____

Company Contact _____

Limited Response N

Infraction _____

Closed by _____ Date / /

Reply Received _____

See attached correspondence concerning unauthorized PIC change. Customer filed a complaint with the FCC and received the attached LOA. The signature is a forgery since her husband has been dead for several years. Please advise what steps AT&T will take concerning forged LOAs.

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: 10/30/97

ATTACHMENT F
DOCKET NO. 971492-TI
JULY 9, 1998

-14-

3705 N. 12TH Avenue
Pensacola, FL 32503-3103
October 9, 1997

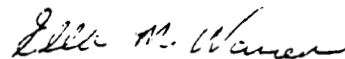
Mr. Durbin,

I am one of the consumers who attended the Pensacola hearing on "Slamming."

We spoke briefly afterward and you asked me to send a copy of the AT&T Service Agreement.

Enclosed is a copy of the service agreement, the response from AT&T to the FCC and a copy of my response to the FCC.

Thanks,



Ella M. Warren

OCT 14 1997



George Bacon
District Manager

Room 1117L2
295 N. Maple Ave.
Basking Ridge, NJ 07920
(908) 221-6400

May 27, 1997

Incmtteam
Federal Communications Commission
Common Carrier Bureau
Enforcement Division
Stop Code 1600A2
Washington, DC 20554

Re: Ella M. Warren
IC-97-12894 (Incmtteam)
Type: (SLAM)
Notice of Informal Complaint dated April 28, 1997

Dear Incmtteam Analyst:

This is in response to the referenced Notice of Informal Complaint. Ms. Warren alleges that her telephone service was switched to AT&T without authorization.

AT&T notified the customer's local exchange carrier to substitute AT&T as the customer's interexchange carrier based on a written authorization form. Attached is a copy of the authorization form dated September 30, 1996. Although the name differs from the complainant's, the address and billing telephone number are the same.

Ms. Warren's billing telephone number remained with AT&T from October 10, 1996 until October 17, 1996. AT&T billed the customer on November 19, 1996 in the amount of \$6.36. AT&T rerated its billed charges and issued a credit adjustment in the amount of \$2.02 on May 27, 1997. This adjustment should appear on the complainant's billing statement within 1-2 billing cycles. Account records indicate that the local exchange carrier waived the fee associated with switching this telephone service.

We trust this provides your office with the information required in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "G. Bacon".

Attachment
cc: Ella M. Warren
/cdc



AT&T Service Agreement

C10-788-644

Please Print Clearly

Name: JAMES WARREN
First name Last name

Name on Phone Bill: JAMES WARREN
First name Last name

Home Phone Number: 904-938-3971

Address: 3700 N WTH AVE Apt. #

City: PENSACOLA State: FL Zip Code: 32503

Yes, I choose AT&T as my Long Distance Telephone Company. If AT&T is not my long distance carrier, please switch me to AT&T.

Signature: James Warren Date: 19980916
M M D D Y Y

By signing here, I authorize AT&T to switch my long distance carrier to AT&T.
 I acknowledge that I have read the AT&T Service Agreement on the back of this form.

AT&T Savings Plans

Yes, please enroll me in AT&T True Reach InternationalSM Savings (\$3.00 per month). — RS4PM
The Country I call most is

Yes, please enroll me in AT&T True CountrySM Savings (no monthly fee). — OCP1M
The Country I select is

Yes, please enroll me in AT&T True ReachSM Savings (no monthly fee). — OCPZC

Other AT&T Savings Plans (Specify):

517-97
5007a
Bx 16

NFW

AT&T Use Only

Event ID: CF300276 I1 I2 O

Staffer ID: CF35

Association ID:

Promo:

TRWDS:

Language Preference: ENG MAN CAN JPN KRN POL POR RUS SPN TAG VTN

Receive Date:

Reject Code:

REP ID: CF3

CID: DE

-44-

3705 N. 12TH Ave.
Pensacola. FL 32503
June 5, 1997

Incmtteam
Federal Communications Commission
Common Carrier Bureau
Enforcement Division
Stop Code 1600A2
Washington, DC 20554

Re: Ella M. Warren
IC-97-12894 (Incmtteam)
Type: (Slam)
Complaint dated 17 Oct 96

Dear Incmtteam Analyst:

This is in response to the response letter sent to you from AT&T. The AT&T Service Agreement was never signed by me. I have never seen this form before. If I wanted to switch to AT&T, I would have signed and cashed any or all of their \$80 and \$50 checks sent to me through their promotions. I have always torn them up. I received one today, 4 Jun, for \$50 (in my name). There is absolutely no reason for me to sign an agreement when I can sign the back of their check.

Secondly, my telephone is in my name. It appears this way on Bell South and the checks sent by AT&T.

Thirdly, my husband, James Warren, is deceased. He has been deceased since 3 Mar 91.

This service agreement from AT&T is a fraud. This is not my signature and definitely not my husband's.

I have never once switched my telephone service from MCI since I've had it. My telephone service was slammed and the signature on the agreement is forged.

If so advised, I will file a formal complaint. As I stated in my previous letter, I will take this matter as far as I must.

Sincerely,

Ella Warren

Attachment
cc: AT&T

STATE OF FLORIDA

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



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

Public Service Commission

October 16, 1997

Ms. Ella M. Warren
3705 North 12th Avenue
Pensacola, FL 32503-3103

Dear Ms. Warren:

Thank you for your recent letter concerning AT&T Communications of the Southern States.

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 "Dick Durbin".

Dick Durbin
Regulatory Supervisor/Consultant
Division of Consumer Affairs

DD:ewe

**** Transmit Conf. Report ****

Oct 15 '97 14:51

FL PUBLIC SERVICE COMM---> 614048107076	
No.	0013
Mode	NORMAL
Time	2'42"
Pages	6 Page(s)
Result	O K

3705 N. 12TH Avenue
Pensacola, FL 32503-3103
October 9, 1997

Mr. Durbin,

I am one of the consumers who attended the Pensacola hearing on "Slamming."

We spoke briefly afterward and you asked me to send a copy of the AT&T Service Agreement.

Enclosed is a copy of the service agreement, the response from AT&T to the FCC and a copy of my response to the FCC.

Thanks,

Ella M. Warren

Ella M. Warren

OCT 14 1997



George Bacon
District Manager

Room 1117L2
295 N. Maple Ave.
Basking Ridge, NJ 07920
(908) 221-6400

May 27, 1997

Incmteam
Federal Communications Commission
Common Carrier Bureau
Enforcement Division
Stop Code 1600A2
Washington, DC 20554

Re: Ella M. Warren
IC-97-12894 (Incmteam)
Type: (SLAM)
Notice of Informal Complaint dated April 28, 1997

Dear Incmteam Analyst:

This is in response to the referenced Notice of Informal Complaint. Ms. Warren alleges that her telephone service was switched to AT&T without authorization.

AT&T notified the customer's local exchange carrier to substitute AT&T as the customer's interexchange carrier based on a written authorization form. Attached is a copy of the authorization form dated September 30, 1996. Although the name differs from the complainant's, the address and billing telephone number are the same.

Ms. Warren's billing telephone number remained with AT&T from October 10, 1996 until October 17, 1996. AT&T billed the customer on November 19, 1996 in the amount of \$6.36. AT&T rerated its billed charges and issued a credit adjustment in the amount of \$2.02 on May 27, 1997. This adjustment should appear on the complainant's billing statement within 1-2 billing cycles. Account records indicate that the local exchange carrier waived the fee associated with switching this telephone service.

We trust this provides your office with the information required in this matter.

Sincerely,

A handwritten signature in black ink, appearing to be "G. Bacon", written over the word "Sincerely,".

Attachment
cc: Ella M. Warren
/cdc

05 12 97 09:10 0081 - 1 909 204 2897



AT&T Service Agreement

Please Print Clearly

C10-788-644

Name JAMES WARREN
First name Last name

Name on Phone Bill JAMES WARREN
First name Last name

Home Phone Number 904-958-3977

Address 3700 INDIAN ANK Apt. #

City PENSACOLA State FL Zip Code 32503

Yes, I choose AT&T as my Long Distance Telephone Company. If AT&T is not my long distance carrier, please switch me to AT&T.

Signature James Warren Date 19980916
M M D D Y Y

By signing here, I authorize AT&T to switch my long distance carrier to AT&T.
 I acknowledge that I have read the AT&T Service Agreement on the back of this form.

AT&T Savings Plans

Yes, please enroll me in AT&T True Reach InternationalSM Savings (\$3.00 per month). — RS4PM
The Country I call most is

Yes, please enroll me in AT&T True CountrySM Savings (no monthly fee). — OCP1M
The Country I select is

Yes, please enroll me in AT&T True ReachSM Savings (no monthly fee). — OCPZC

Other AT&T Savings Plans (Specify):

5-9-97
3007A
Pg 16

NFW

AT&T Use Only

Event ID: CF3K0296 Receive Date:

Staffer ID: CF35 Reject Code:

Association ID: REP ID: CF3

Promo: CID: D

TRWDS
Language Preference: ENG MAN CAN JPN KRN POL POR RUS SPN TAG VTN

AT&T Copy

8/96

-50-

3705 N. 12TH Ave.
Pensacola. FL 32503
June 5, 1997

Incmteam
Federal Communications Commission
Common Carrier Bureau
Enforcement Division
Stop Code 1600A2
Washington, DC 20554

Re: Ella M. Warren
IC-97-12894 (Incmteam)
Type: (Slam)
Complaint dated 17 Oct 96

Dear Incmteam Analyst:

This is in response to the response letter sent to you from AT&T. The AT&T Service Agreement was never signed by me. I have never seen this form before. If I wanted to switch to AT&T, I would have signed and cashed any or all of their \$80 and \$50 checks sent to me through their promotions. I have always torn them up. I received one today, 4 Jun, for \$50 (in my name). There is absolutely no reason for me to sign an agreement when I can sign the back of their check.

Secondly, my telephone is in my name. It appears this way on Bell South and the checks sent by AT&T.

Thirdly, my husband, James Warren, is deceased. He has been deceased since 3 Mar 91.

This service agreement from AT&T is a fraud. This is not my signature and definitely not my husband's.

I have never once switched my telephone service from MCI since I've had it. My telephone service was slammed and the signature on the agreement is forged.

If so advised, I will file a formal complaint. As I stated in my previous letter, I will take this matter as far as I must.

Sincerely,

Ella Warren

Attachment
cc: AT&T

Name NEMAL ELECTRONICS

Company AT&T COMMUNICATIONS OF THE SOUTHERN

Request No. 163114I

Address BEN NEMSER, OWNER

Attn. SANDY HINTON 163114

By DBM Time 11:06 AM Date 03/03/1997

12240 NE 14TH AVENUE

Consumer's Telephone # (305)-892-1507

To CO. Time FAX Date 03/03/1997

City/Zip NORTH MIAMI 33161 County DADE

Can Be Reached (305)-892-2599

Type S Form Phone

Account Number _____

Note _____

Category _____

Caller's Name _____

Informal Conf. N Outreach _____

Infraction LS-13I

Closed by DBM Date 06/16/1997

Reply Received T

Customer's long distance carrier was changed from World Pass to AT&T without authorization. Please provide proof of authorization, (LOA/tape). Appropriate credits are requested to reflect a refund of switching fees/ service charges as well as an adjustment of rates to those of the customer's preferred carrier. Please send the customer a copy of your response to this inquiry.
03-18-97- Request for extension until 3-24.

03-24-97- Report received with explanation, credit and copy of LOA.

06-16-97- File closed.

CONSUMER REQUEST

FLORIDA PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL. 32399-0850
850-413-6100

PLEASE RETURN THIS FORM WITH REPORT OF ACTION TO:

DUE: 03/24/1997

ATTACHMENT G
DOCKET NO. 971492-TI
JULY 9, 1998

-57-



Sandy Hinton
Staff Associate
Law and Government Affairs

Room 6051, Promenade I
1200 Peachtree St.
Atlanta, GA 30308
(404) 810-4867
(404) 810-7076 - FAX

April 21, 1997

Doug Martin
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0876

RE: Nema Electronics
163114

Dear Mr. Martin:

The attached letter was forwarded to Mr. Beagle at Nema Electronics to advise of the credits issued to his account and to explain the results of our investigation.

Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandy Hinton".

Sandy Hinton

APR 10 '97 14:54 AT&T FAX 9822FX

P.2



Miami, April 2, 1997

Mr. James W. Beagle
Nemal Electronics International Inc.
12240 N.E. 14th Avenue
Miami, FL 33161

Dear Mr. Beagle,

I received your fax of March 31 and am responding in writing per your request.

I have been working on a resolution of your problems with AT&T since I became involved with your account on Friday, March 7. This was the day that AT&T collections restricted your outgoing long distance calls. As I am sure you recall, I worked on this issue Friday evening and Saturday until I was certain that your service had been restored.

The main issues we discussed at that time were: 1). The need to rerate your long distance calls from your October 1996 billing period through your January 1997 billing period. This would give you an Option S contract price retroactively even though a new contract was not signed until February 1997. 2). The status of a \$1,000 credit promised to you by Mike Singh.

On March 7, I asked our collections department to move your past and current billing to a "disputed" billing category, until I could do further research on your account.

The following week I asked Mr. Dennis Holcomb to rerate your calls and fax you a letter per your request, advising you that your bills were rerated. Your account has now been credited with \$945.61. He faxed you a letter stating this on March 12, 1997. I also found that Mike Singh had previously moved an amount of \$1,000 into the "Disputed" billing category. This was the amount he had estimated the rerating of your calls would total.

On March 20, I received a complaint Mr. Nemser had filed with the Florida Public Service Commission. The complaint was dated March 3. It stated that your long distance carrier was changed from World Pass to AT&T without your authorization. Your company asked for a credit to reflect a refund of switching fees and service charges, as well as an adjustment of rates to World Pass rates. The complaint pertained to 2 lines you had not authorized. In looking at your Letter of Agency, clearly these two lines were not listed on the line numbers you were authorizing. We were in error to pic the lines to

APR 10 '97 14:55 AT&T FAX 9022FX

P.3

1631145

AT&T. In our conversation of March 31, you provided me with these line numbers and estimated your bill to be approximately \$27 from AT&T for these long distance calls.

On April 1 I visited your office and gave you \$300 in AT&T Long Distance Certificates. These certificates represent the following: 1). To give you credit for ALL AT&T usage and pic change charges on the 2 lines involved in the PSC complaint, not just a rerate of the \$27. 2). To provide the difference between the \$1,000 and the \$945.61 you received from the rerating of your bills. 3). To provide \$200 to you as a gesture of good faith and for the miscommunication between our two companies. You are free to apply these toward your AT&T Long Distance bill. As I answered to your concern yesterday, using these certificates does not mean that you are in agreement with the amount. This equates to your monthly commitment of Long Distance usage with AT&T.

I appreciate your comment yesterday, as well, acknowledging that I have been working very hard on your behalf. I will continue to handle your account directly. I can be reached at 654-4302. In addition my home number is 557-8551 in case of emergency.

Sincerely,

LeAnne Mantero

LeAnne Mantero
Account Consultant Manager

Sandy Hinton
Staff Associate
Law and Government Affairs

Room 6051, Promenade I
1200 Peachtree St.
Atlanta, GA 30309
(404) 810-4867
(404) 810-7078 - FAX

March 24, 1997

Doug Martin
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0876

RE: Nema Electronics
163114

Dear Mr. Martin:

Attached is a copy of the Letter of Agency for this customer from the AT&T Account Executive. The lines listed on this LOA do not show the line that has been disputed by Mr. Nemser. It appears that an error occurred on this account and that the 1507 number was transferred to AT&T when the other six (authorized) lines were transferred.

An AT&T Business Account Billing Specialist attempted to reach Mr. Nemser to apologize and to offer re-rates on the account. Mr. Nemser was unavailable and the representative spoke to James Beagle regarding the claim. The representative agreed to contact Mr. Nemser on April 3 regarding any re-rates to the account. Please extend until April 4.

Please call me if you have any questions.

Sincerely,


Sandy Hinton

FEB-MAR 17 20 1997 15:24 AT&T FAX 9022FX MIA

FAX NO. 305 895 9178

P.3 2

FEB 26 1997 09:15 AT&T FAX 9022FX

P.2

LETTER OF AGENCY


I appoint AT&T as my agent to handle all arrangements with the local telephone company(s) for AT&T Dial '1' and 'Local Toll' Service (where applicable) for all telephone lines listed below or in the Attachments, and to issue instructions to and with respect to deal with the Local exchange Company regarding the same. It is understood that only one Dial '1' Long Distance Company may be designated for Long Distance Service, and only one company may be designated for 'Local Toll' Service for a designated telephone number, and that the selection of more than one carrier for either Dial '1' Long Distance or 'Local Toll' Service will invalidate any choice. It is further understood that there may be a charge per line by the local telephone company(s) if there is a change in choice of carrier for either the Dial '1' Long Distance Service or the 'Local Toll' Service following this selection.

This Appointment is for:

Dial '1' Long Distance (InterLATA) yes no
Local Toll (IntraLATA) yes no

This Appointment may be revoked at any time

NEMLA ELECTRONICS
(Company)
12240 NE 14TH AVENUE
(Address)
NORTH MIAMI, FLORIDA 33161
(City & State)
(305) 899 0900
(Telephone #)


(Signature)
Ben Nemser, Pres
(Name & Title)
2-8-97
(Date)

Additional Lines:
(305) 895 8178 (305) 893 3928
(305) 892 2599 _____
(305) 893 3924 _____
(305) 893 3934 _____

C 500853366
Due Date: Feb 10th 1997.

FEB-MAR 20 '97 15:24 AT&T FAX 9022FX KIA
FEB 04 '97 14:53 AT&T FAX 9022FX

FAX NO. 305 895 8178

P.4 1

P.3



6544556

**AT&T
Option S Agreement**

FOR OFFICIAL USE ONLY	
Company Name Nemal Electronics	AT&T Branch South Florida Commercial Operating Center
Contact Name/Title Mr. Bob Warner	Contact Name/Title Mike Singh
Address 12240 N.E. 14th Avenue	Address 460 N.E. 217th Street
City North Miami State FL Zip Code 33161	City Miami State FL Zip Code 33179
Contact Phone Number (305) 899 0900	Contact Phone Number (305) 654 4742
Account(s)	Contract Account No. 019-047-1963-001

The terms of service, list prices, and Term Plan Discounts are provided in the Tariff. The Term Plan Discount rates listed below are in place of the term plan or similar discount rates provided in Section 6.13.4 of AT&T Tariff R.C.C. No. 1. A summary of Tariff terms, and additional terms and conditions, are listed on the back of this form.

Term	Inbound Discount	Domestic Outbound Discount	International Outbound Discount
<input checked="" type="checkbox"/> 12 Months	45%	40%	42%
<input type="checkbox"/> 24 Months	45%	42%	42%

Circle Average Monthly Commitment Level:
 \$200 \$500 \$5,000

The Gross Average Monthly Commitment must be met each month subject to annual review. If the commitment is not met, a bill will be rendered for the difference between the committed amount for the period, and the actual billed amount. Certain calls such as directory assistance, 900 and conference calls do not count towards meeting the commitment.

The Service and pricing Plan you have selected will be governed by the rates and terms and conditions in the appropriate AT&T Tariff as they be modified from time to time. Your signature acknowledges that you understand the terms and conditions under which the Service selected will be provided and that you are duly authorized to make the commitment and to order service for each of these locations.

Robert Warner PRESIDENT
Customer Authorized Signature
2-8-97

Lynda M. Dufort Acting G.M.
Sales Manager Signature for Frank Enjeti
2-3-97

Date

Date

Form GS

11/94 • © AT&T 1994 • IF 12616 Page 1 of 2

MAR 20 '97 15:25 AT&T FAX 9022FX

P.5

JAN 24 '97 16:24 AT&T FAX 9022FX

P.3

AT&T

FAX 654-4556

FAKED
JAN 22 1997
AT&T

AT&T
Option S Agreement

FOR OFFICIAL USE ONLY	
Company Name Nemal Electronics INC.	AT&T Branch South Florida Commercial Operating Center
Contact Name/Title Mr. Ben Nasser	Contact Name/Title Mike Singh
Address 12240 N.E. 14th Avenue	Address 460 N.E. 235th Street
City North Miami State FL Zip Code 33161	City Miami State FL Zip Code 33179
Contact Phone Number (305) 899 0900	Contact Phone Number (305) 654 4742
ADWCS	Customer Account No. 019-047-1963-001

The terms of service, list prices, and Term Plan Discounts are provided in the Tariff. The Term Plan Discount rates listed below are in place of the term plan or similar discount rates provided in Section 5.13.4 of AT&T Tariff T.C.C. No. 1. A summary of Tariff terms, and additional terms and conditions, are listed on the back of this form.

Term	Inbound Discount	Domestic Outbound Discount	International Outbound Discount
<input checked="" type="checkbox"/> 12 Months	45%	40%	42%
<input type="checkbox"/> 24 Months	45%	42%	42%

Gross Average Monthly Commitment Level:
 \$200 \$500 \$5,000

The Gross Average Monthly Commitment must be met each month, subject to annual review. If the commitment is not met, a bill will be rendered for the difference between the committed amount for the period, and the actual billed amount. Certain calls such as directory assistance, 900 and conference calls do not count towards meeting the commitment.

The service and pricing Plan you have selected will be governed by the rates and terms and conditions in the appropriate AT&T Tariff as may be modified from time to time. Your signature acknowledges that you understand the terms and conditions under which the service selected will be provided and that you are duly authorized to make the commitment and to order service for each of these locations.

SEE CONDITIONS 1 & 2 BELOW

Customer Authorized Signature: [Signature] Sales Manager Signature: _____
 Date: 1-21-97 Date: _____

- ① * AT&T Agrees to issue Credit in the amount of \$1000 FOR PREVIOUS OVERCHARGES AND AGAINST ALL INVOICES DATED OCT. 1996 AND LATER TO THE ABOVE DISCOUNT STRUCTURE.
- ② * AT&T Agrees to provide ADVANCE NOTICE OF EXPIRATION BY FAX TO 305-895-8178.

Date

Date