

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

NOVEMBER 3, 1998

RE: DOCKET NO. 951232-TI - Dade County Circuit Court referral of certain issues in Case No. 92-11654 (Transcall America, Inc. d/b/a ATC Long Distance vs. Telecommunications Services, Inc., and Telecommunications Services, Inc. vs. Transcall America, Inc. d/b/a ATC Long Distance) that are within the Commission's jurisdiction.

Issue 1: Does the Commission have jurisdiction over the dispute arising out of the Telus/TSI contract?

Recommendation: Yes. The Commission has jurisdiction to resolve the billing dispute arising out of the Telus/TSI contract as it pertains to intrastate charges. Once the Commission renders its decision in this case, the Commission should forward the record to the FCC for comments on the interstate analyses and findings in accordance with Section 364.27, Florida Statutes. The Commission should forward its Final Order from this recommendation to the Dade County Circuit Court in accordance with the Court's Order Staying Action and Referring to the Florida Public Service Commission and indicate to the Court that the record of this case has been

**APPROVED**

COMMISSIONERS ASSIGNED: CL GR JC

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in majority column]*

*[Empty lines for dissenting signatures]*

REMARKS/DISSENTING COMMENTS:

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forwarded to the FCC for comments on the interstate analyses and findings. As for Transcall's assertions that the Commission should issue an order on all issues within its jurisdiction and determine that TSI is estopped from further asserting any claims not pursued in this proceeding before the Commission, staff recommends that this is a matter for the court to decide.

**APPROVED**

Issue 2: Did Telus/Transcall improperly bill TSI in excess of or in violation of the contract between the parties, including, but not limited to, the following specific alleged violations:

(Point 1)

IMPROPERLY BILLING FOR CALLS NOT MADE, NOT COMPLETED, THAT WERE BUSY, OR HAD BAD CONNECTIONS

Issue 2A: If Telus/Transcall improperly billed TSI in excess of or in violation of the contract, did the improper billing result in overcharges?

Recommendation: Yes. Staff believes that TSI was improperly billed for calls that were not made, not completed or that were busy or had bad connections, but the number of calls was within the limits allowed in both Transcall's and TSI's tariffs. Based upon the evidence, it appears that TSI received credit for these calls. The improper billing did not, therefore, result in overcharges. There should not be an adjustment for these calls, since any improper billing for these calls was apparently credited to TSI.

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Issue 2: Did Telus/Transcall improperly bill TSI in excess of or in violation of the contract between the parties, including, but not limited to, the following specific alleged violations:

(Point 2)

OVERCHARGING CALLS, DOUBLE BILLING CALLS, OR BILLING  
FOR THE SAME CALL ON CONSECUTIVE BILLS

Issue 2A: If Telus/Transcall improperly billed TSI in excess of or in violation of the contract, did the improper billing result in overcharges?

Recommendation: Yes. Telus/Transcall overbilled TSI for calls due to the nine-second error. This error caused TSI to be overcharged by \$37,715. Any overcharges due to stuck clocks, overlapping of calls or the double billing of calls was offset by credits already given to TSI. There is no evidence in the record of any billing for the same call on consecutive bills.

**APPROVED**

Issue 2: Did Telus/Transcall improperly bill TSI in excess of or in violation of the contract between the parties, including, but not limited to, the following specific alleged violations:

(Point 3)

IMPROPERLY CHARGING FOR 800 CALLS

Issue 2A: If Telus/Transcall improperly billed TSI in excess of or in violation of the contract, did the improper billing result in overcharges?

Recommendation: An adjustment should not be made for improper charges for 800 calls. Any problems that TSI brought to the attention of Transcall were promptly taken care of, and any improper charges for 800 calls was an underbilling to TSI.

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Issue 2: Did Telus/Transcall improperly bill TSI in excess of or in violation of the contract between the parties, including, but not limited to, the following specific alleged violations:

(Point 4)

BILLING IN INCREMENTS THAT WERE IN  
VIOLATION OF THE CONTRACT

Issue 2A: If Telus/Transcall improperly billed TSI in excess of or in violation of the contract, did the improper billing result in overcharges?

Recommendation: Yes. The parties agree that Transcall billed TSI in improper increments. The record demonstrates, however, that Transcall gave TSI discounts that more than compensated TSI for this problem. Staff recommends, therefore, that no adjustment be made.

**APPROVED**

Issue 2: Did Telus/Transcall improperly bill TSI in excess of or in violation of the contract between the parties, including, but not limited to, the following specific alleged violations:

(Point 5)

IMPROPER BILLING FOR TRAVEL CARDS  
AND CANCELED ACCOUNTS

Issue 2A: If Telus/Transcall improperly billed TSI in excess of or in violation of the contract, did the improper billing result in overcharges?

Recommendation: There is no evidence that Transcall improperly billed for travel cards. There were, however, isolated instances of Transcall billing TSI for terminated accounts. The evidence demonstrates that these problems were corrected and credited.

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Issue 2: Did Telus/Transcall improperly bill TSI in excess of or in violation of the contract between the parties, including, but not limited to, the following specific alleged violations:

(Point 6)

SUPPLYING IMPROPER AND INACCURATE  
BILLING DETAILS TO TSI

Issue 2A: If Telus/Transcall improperly billed TSI in excess of or in violation of the contract, did the improper billing result in overcharges?

Recommendation: Staff recommends that there were some material billing errors resulting in extension errors and billing summaries that did not match the source detail records. The bills should be reduced by \$38,109 for the combined variances found in September, November, and December 1991, and increased by \$12,898 for the combined errors found in November and December 1990.

**APPROVED**

Issue 2B: If overcharges occurred, what is the amount of such overcharges, including applicable interest?

Recommendation: The amount of the overcharges, after accounting for discounts, credits and undercharges, is \$142,339. Staff believes that the amount of applicable interest should be calculated after determining the total amount TSI owes Transcall.

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Issue 2C: Did TSI make any payments on any amount overcharged under the contract? If so, how much?

Recommendation: Yes. Staff believes that some payments were made by TSI. TSI made payments totaling \$858,000 on the billed amount of \$1,678,561. Staff recommends that TSI owes Transcall \$652,485, prior to any adjustments.

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Issue 2D: After accounting for any overbilling, refunds, settlements, or other credits that may be applicable, what amount, if any, does TSI owe Transcall for the services it received?

Recommendation: TSI owes Transcall \$510,145 after accounting for any overbillings, refunds, settlements, or other credits that may be applicable. If the Court determines that interest should be paid, the amount of interest owed on this amount through October 1998 is \$183,433.

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Issue 3: Did Telus/Transcall improperly bill TSI's customers in excess of or in violation of the applicable tariff for intrastate traffic, including but not limited to, the following specific alleged violations:

(Point 1)

IMPROPERLY BILLING FOR CALLS NOT MADE, NOT COMPLETED,  
THAT WERE BUSY, OR HAD BAD CONNECTIONS

(Point 2)

OVERCHARGING CALLS, DOUBLE BILLING CALLS, OR  
BILLING FOR THE SAME CALL IN CONSECUTIVE BILLS

(Point 3)

IMPROPERLY CHARGING OF 800 CALLS AND 800 CUSTOMERS

(Point 4)

BILLING IN INCREMENTS THAT WERE IN VIOLATION  
OF THE APPLICABLE TARIFF

(Point 5)

IMPROPERLY BILLING FOR TRAVEL CARDS AND  
CANCELED ACCOUNTS

(Point 6)

SUPPLYING IMPROPER AND INACCURATE BILLING  
DETAILS TO TSI'S CUSTOMERS

Issue 3A: If Telus/Transcall improperly billed TSI's customers in excess of or in violation of the applicable tariff, did the improper billing result in overcharges?

Issue 3B: If overcharges occurred, what is the amount of such overcharges, including any applicable interest?

Issue 3C: Did TSI's customers make any payment on any amount overcharged? If so, how much was paid and to whom were payments made?

Issue 3D: After accounting for any over billing, refunds, settlements, or other credits that may be applicable, are TSI's customers due any refund amount? If so, who should pay the refund and how should it be implemented?

Recommendation: Based on the evidence presented in this docket, staff is unable to determine if end users were improperly billed. It does appear that Transcall direct-billed TSI's end users only in a few isolated instances.

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Issue 4 Should this docket be closed?

Recommendation: The docket should be closed after the time for filing an appeal has run.

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