

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of :
Proposed amendment to Rule :
24-4.110, F.A.C., Customer :
Billing for Local Exchange :
Telecommunications Companies: :
(cramming and truth in :
billing.) :

UNDOCKETED



PROCEEDINGS: **RULE DEVELOPMENT WORKSHOP**
 Tampa, Florida

BEFORE: COMMISSIONER J. TERRY DEASON
 COMMISSIONER JULIA L. JOHNSON
 COMMISSIONER E. LEON JACOBS, JR.

DATE: **Tuesday, April 6, 1999**

TIME: Commenced at 6:00 p.m.
 Concluded at 8:50 p.m.

PLACE: Hillsborough County Center
 County Commission Chambers (2nd Floor)
 601 East Kennedy Boulevard
 Tampa, Florida

REPORTED BY: KIMBERLY K. BERENS, CSR, RPR
 FPSC Commission Reporter

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1 **APPEARANCES:**

2 **CHARLES J. BECK**, Deputy Public Counsel,
3 Office of Public Counsel, 111 West Madison Street,
4 Room 812, Tallahassee, Florida 32399-1400, appearing
5 on behalf of the **Citizens of the State of Florida.**

6 **DIANA CALDWELL**, Florida Public Service
7 Commission, Division of Appeals, 2540 Shumard Oak
8 Boulevard, Tallahassee, Florida 32399-0870, appearing
9 on behalf of the **Commission Staff.**

10

11 **ALSO PRESENT:**

12 **RICK MOSES**, FPSC Division of Communications.

13 **BARRY RAY**, FPSC Division of Consumer
14 Affairs.

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P R O C E E D I N G S

(Workshop convened at 6:00 p.m.)

COMMISSIONER DEASON: Call this workshop to order. We will begin by having the Notice read.

MS. CALDWELL: Notice was published in the February 19th Florida Administratively Weekly that a rule development workshop would be held at this time and place to consider proposed amendments to the rules relating to customer billing.

COMMISSIONER DEASON: Thank you. Take appearances.

MR. BECK: My name is Charlie Beck.

COMMISSIONER DEASON: Charlie, one more time.

MR. BECK: My name is Charlie Beck. I'm with the Office of Public Counsel. Also with me is Earl Poucher here this evening who is also from our office.

MS. CALDWELL: Diana Caldwell, Division of Appeals, Florida Public Service Commission.

COMMISSIONER DEASON: Okay. No other appearances? Very well.

Let me take this opportunity -- first of all, can everyone hear us okay? Is there -- seems to be fine. Okay.

1 My name is Terry Deason. I'm right here.
2 I'm a member of the Florida Public Service Commission.
3 There are two other Commissioners here with me this
4 evening. We want to welcome you. Seated to my left
5 is Commissioner Leon Jacobs and seated to my right is
6 Commissioner Julia Johnson. We will be conducting
7 this workshop this evening.

8 In case you did not hear earlier the
9 appearances which were the appearances of legal
10 counsel, Mr. Charlie Beck is to my far right. He's a
11 representative of the Office of the Public Counsel,
12 which is a legislative entity which has the
13 responsibility of representing customers in matters
14 before the Florida Public Service Commission. They
15 have participated in these workshops and will be
16 providing comments to the Commission as we go through
17 the rulemaking process. The gentleman approaching the
18 bench now is Mr. Earl Poucher. He is also is with the
19 Office of Public Counsel.

20 Our legal counsel here this evening is
21 Ms. Diana Caldwell. She introduced herself just a
22 moment ago. Seated to her left is Mr. Rick Moses.
23 And then to my far left is the court reporter who is
24 recording this workshop. The workshop this evening
25 will become part of the record here at the Commission

1 and can be relied upon by the Commission as we proceed
2 through this ruling making at the Commission.

3 For those of you who joined us early, you
4 had the benefit of seeing a video that was produced by
5 the Public Service Commission, which is for public
6 information. It describes the cramming problem, what
7 it is, and how you can combat it, and the fact that
8 the Commission is holding a number of workshops to get
9 public input concerning this problem.

10 The Commission has held a number of
11 workshops around the state and we have another one
12 scheduled in Orlando tomorrow. In fact, there may be
13 a list of those in the yellow -- there is. A list of
14 those in the yellow special report. If you did not
15 pick up one of these, you may wish to do so. They are
16 at the table as you entered the auditorium this
17 evening.

18 This contains some basic information about
19 the cramming problem and the rule development
20 workshops that we are having. It also provides some
21 basic information about presenting statements to the
22 Commission at our public meetings.

23 Also, the last page of this report is
24 designed to be detached. This is for those members of
25 the public who wish to provide some written comments.

1 You may provide those on this form and fold it and can
2 mail it to the Public Service Commission.

3 Let me also inform everyone that we are
4 connected at this time to the Internet so that those
5 individuals who are interested in this matter and
6 could not physically attend the meeting this evening
7 are able to participate through the Internet.

8 The special report also contains our
9 Internet, our home page address, as well as
10 800-numbers and individuals at the Commission that you
11 can conduct if you have further comments or further
12 questions about this matter.

13 We're going to begin by having our Staff
14 provide a brief summary of the rule proposal at the
15 Commission. At this stage, it is just simply that, a
16 proposal. We're going to be taking all of the
17 comments we receive from the public and from members
18 of the industry, as well as the Public Counsel's
19 Office, probably the Attorney General's Office and any
20 other interested groups which wish to provide comments
21 to the Commission. We'll be taking all of that
22 information as we go through the rule development
23 process.

24 After our Staff provides a brief overview of
25 the proposed rule, I'm going to ask all members of the

1 public who wish to provide a statement this evening to
2 stand and to be sworn in. This is so that your
3 testimony can become part of the official record in
4 this proceeding.

5 When your name is called by Mr. Beck, we ask
6 that you come forward to the podium directly in front
7 of me and begin by giving us your name and your
8 address. If you think it would be helpful to the
9 court reporter you may wish to spell your name to
10 ensure that it is recorded accurately.

11 After you conclude your statement, we ask
12 that you wait for just a moment. There may be some
13 clarifying questions, either from the Commissioners,
14 from our Staff or Mr. Beck of the Public Counsel's
15 Office.

16 Let me ask, are there any other preliminary
17 matters we need to review before we go forward? Okay.
18 Thank you.

19 Ms. Caldwell, if you will provide us with
20 the overview of the proposed rule. Oh, Mr. Moses is
21 going to do that. Very well.

22 **MR. MOSES:** Thank you. When we drafted the
23 rules the main thing we tried to keep in mind is to
24 try to put some of the controls of the billing back
25 into the consumer's hands, and in doing that, the

1 first amendment was to provide for a billing block
2 option for the customers to allow them to be billed
3 only by their presubscribed local, local toll, and
4 their long distance carriers.

5 The telephone number, once that billing
6 block has been established, would be provided to the
7 billing companies and then there would be no
8 unauthorized billing would occur after that time.

9 The second revision would be the Subsection
10 12, which was revised to incorporate the changes from
11 the 1998 legislature that defined the information
12 services of 900 and 976 numbers. However, this
13 definition of information services is somewhat
14 limited.

15 Another section which we're calling the
16 Truth In Billing Section, has been added to prohibit
17 misleading and unclear advertising that may induce
18 callers to use a service and then be charged for
19 hidden fees.

20 The last revision was an answer time
21 provision that we have put in that if you call a
22 customer number, that it will have to be answered
23 within a certain time. In other words, you won't be
24 reaching a constant busy or someone will put you on
25 holding forever and never help you.

1 And -- let's see. And it will also require
2 that all the advertisements may not be misleading and
3 that all the rates and surcharges must be disclosed to
4 the caller when calling that customer service number.

5 That is the conclusion of the summary of the
6 rules.

7 **COMMISSIONER DEASON:** Okay. Thank you.
8 When you come forward with your statement, if you have
9 any questions, you may ask those as well and we will
10 entertain those questions. Our Staff is prepared to
11 answer those. And if we don't have the information
12 right at our fingertips, we will make sure that you
13 get that information at a later time.

14 With that, Mr. Beck, if you can call your
15 first witness. Yes. Thank you for reminding me. I'm
16 going to ask all members of the public who wish to
17 make a statement here this evening to please stand and
18 raise your right hand.

19 (Witnesses collectively sworn.)

20 **COMMISSIONER DEASON:** Thank you. Please be
21 seated.

22 **MR. BECK:** The first witness is Sharlene
23 Goodwin.

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SHARLENE GOODWIN

was called as a witness on behalf of the Citizens of the State of Florida and, having been duly sworn, testified as follows:

DIRECT STATEMENT

WITNESS GOODWIN: Hello. Sharlene Goodwin. I spell that S-H-A-R-L-E-N-E, G-O-O-D-W-I-N. And I live at 8707 North Highland Avenue. That's Tampa, Florida 33604.

COMMISSIONER DEASON: You may proceed.

WITNESS GOODWIN: My problem with cramming started in -- it's been a year and a half. September of '97 I got a voice mail charge on my bill with an activation fee. Not that much money. \$10.38. But I do look over my bill every month. I'm very budget conscious. Every penny counts in my household.

And so I -- it had a number on there that you could call to get it cancelled. So I called the number. And I really didn't have a problem cancelling the voice mail. It -- that was the only charge I ever got. Within a month, within the next billing, you know, it had been taken off, one or two billings.

But I couldn't get my credit for the billing. And every month I got my bill, and every month I called the number and they even would give me

1 a confirmation number, you know, for the credit. So
2 after about six months I called and I got a message
3 machine, so I had no place to call to ask for the
4 credit anymore.

5 And everybody is very busy these days. I
6 have a one-year-old and a three-year-old and a family
7 that I take care of. And it was very frustrating get
8 that bill and see that nothing had been taken care of.
9 And to be on the phone with two little children it's
10 really difficult and if you have to wait or if it's
11 busy -- which was always the case.

12 And so finally I read somewhere where I
13 could call the Public Consumer Commission and they
14 might be able to help me out. So I called them and I
15 wrote them a letter and they contacted -- it was the
16 VOAA, Veterans Administration -- Veterans Of America
17 Association. And it took a couple of months, but they
18 sent VOAA a letter and VOAA informed them that they
19 were going to give me a credit and that it would show
20 in a couple of months.

21 Well, they did give me a credit, but they
22 only gave me a credit for \$5, so it wasn't the whole
23 bill, it was only a little bit. And the VOAA sent me
24 a letter saying, you're going to get a credit for this
25 amount and at the same time they tried to sell me

1 something, you know. But I never got it. And so I
2 did write them a letter, you know, telling them I
3 never got it. And -- I just -- that was all that I
4 knew what to do.

5 I've called them consecutively for six
6 months. Now it's been about a year, you know, and I
7 still haven't received the credit, so I guess a couple
8 of months ago -- you know, I'm still pondering because
9 I have a past due bill on my phone bill that I'm not
10 going to pay. I'm just not going to pay it. I didn't
11 ask for it. I don't need it. It's not a service I
12 even want.

13 I read the St. Petersburg Times. There's
14 this article in there from a lady called Action, and I
15 saw a couple situations like this and I thought, well,
16 I'm going to write her and send her all my
17 information, showing her that I have tried through all
18 the different locations and see if she can help me.
19 Now she's been working on it for three months and
20 hasn't gotten any response. My bill still shows that
21 I owe this money.

22 So I've been spinning my wheels for a year
23 and a half on a little bit of money and I can see why
24 these people can make money off of this because in
25 this busy world that's not that much money to just

1 pay. But I guess I'm kind of, you know, I just don't
2 want to pay it. You know, I didn't do it.

3 And I've also had to take care of -- my
4 mother got crammed with psychic. How in the world
5 that ever happened, I don't know, and a voice mail.
6 Well, the psychic one, she almost owed \$100 and she
7 did get some of the credit back but she ended up
8 paying some of it because she just didn't like seeing
9 that past due bill on there and I have done -- I had
10 to go through the consumer board. Now, she got more
11 response out of them on that than I did for this.

12 And there is one more thing I want to tell
13 you. So I still have a past due bill. And I'm really
14 frustrated about it because it's just not that much
15 money to do this, but it's the principle of the thing;
16 that I'm getting billed. I can't get them to give me
17 my credit and that's not right.

18 I think the way it happened -- this is what
19 I wanted to tell you. I think the way it happened to
20 me was the VOAA sends you greeting cards and labels
21 and different little things in the mail and they ask
22 you for a donation. And so I send a donation every
23 chance I get. It's not much, \$5. It's better than
24 nothing as far as I'm concerned.

25 So I try to send a little donation, and I

1 think somewhere on that slip it offered this to you
2 and if you didn't say no, you got it. In other words,
3 instead it saying yes, I want it -- so if you send
4 them a donation, that's the only way I can figure that
5 I -- you know, that they got some levy on, you know,
6 doing my phone bill is that I sent them a donation and
7 somewhere on that slip it verified them or gave them
8 authorization. And that's just a speculation on my
9 part, but that was one way I figured it might have
10 happened.

11 **COMMISSIONER DEASON:** Commissioners,
12 questions?

13 **COMMISSIONER JACOBS:** Hi, Ms. Goodwin.
14 Couple of things. First of all, what's your mother's
15 name?

16 **WITNESS GOODWIN:** Olee Hawkins. It's
17 O-L-E-E, Hawkins.

18 **COMMISSIONER JACOBS:** You indicated that you
19 contacted the company. I assume that the past due
20 statement that you're getting comes on your local
21 bill?

22 **WITNESS GOODWIN:** Yes.

23 **COMMISSIONER JACOBS:** And have you gotten
24 it -- has the local company asked you any questions or
25 threatened disconnection because of that?

1 **WITNESS GOODWIN:** No. And they actually
2 have a little statement on their bill that says, don't
3 worry about it.

4 **COMMISSIONER JACOBS:** Okay.

5 **WITNESS GOODWIN:** As long as it's not GTE
6 local phone related, we won't pursue you on a past due
7 notice.

8 **COMMISSIONER JACOBS:** Did they give you any
9 other information other than that on how this charge
10 got on your bill?

11 **WITNESS GOODWIN:** No. I was slammed when
12 that first started on the long distance and I asked
13 them, is there any form I can sign because they have
14 one for that so that no one can just say, "phtt." And
15 they -- GTE doesn't seem to be able to help me, you
16 know, because it comes from another billing place.
17 These people bill you and then they pay someone else
18 to try to collect it.

19 **COMMISSIONER JACOBS:** And this amount is
20 still -- every month that it shows up on your bill --

21 **WITNESS GOODWIN:** Right.

22 **COMMISSIONER JACOBS:** -- do you know if --
23 if your taxes, the taxes that are on your bill, are
24 they based on this amount as well?

25 **WITNESS GOODWIN:** No. It's separate. When

1 you look at the phone bill you have different phone
2 charges, your long distance phone charges, and the
3 past due bill is just in a separate area. And you can
4 tell what your current charges are. You know, I have
5 a bill if you want to look at it. I don't really know
6 about the taxes.

7 **COMMISSIONER JACOBS:** We might want to get a
8 copy of that.

9 **WITNESS GOODWIN:** I don't have a whole bill.
10 I only have the ones that show the charges.

11 **MR. MOSES:** Ms. Goodwin, there's a person by
12 the name of Barry Ray from our Consumer Affairs
13 Division. If you could give him a copy of this bill
14 and I would be glad to see if I can get this corrected
15 for you. If I'm not mistaken, this is one of the
16 companies that is under an investigation of the
17 Federal Trade Commission for this very thing and I can
18 forward that information possibly to them and maybe
19 they can put some pressure on them to get it off your
20 bill and we can certainly try to get it off also.

21 **WITNESS GOODWIN:** I think it's a shame, you
22 know. I mean, Veterans, that's just a name that you
23 trust, you know.

24 **MR. MOSES:** Well, unfortunately the company
25 is using that name, but I'm not sure that they're

1 associated with Veterans.

2 **WITNESS GOODWIN:** Is that person here or --

3 **MR. MOSES:** Yes, he is here. He is in the
4 very back end back there.

5 **COMMISSIONER DEASON:** I believe Commissioner
6 Johnson has a question.

7 **COMMISSIONER JOHNSON:** And it's somewhat
8 directed to Staff. Ms. Goodwin stated that she had
9 been slammed but there was a procedure she could go by
10 to ensure that there was authorization before her long
11 distance service was changed.

12 Now, does -- our rule would address her
13 issue if she didn't want to be crammed, if she didn't
14 want things put on her bill that she didn't ask for.
15 The rule will address that?

16 **MR. MOSES:** The rule and the statute would
17 address it. The statute says that you cannot be
18 charged for charges that are unauthorized. But the
19 statute goes on to say things like information
20 services, it kind of exempts that portion out which
21 would not be in her case. So it would cover her
22 situation. But the rule does -- trying to remember
23 which section of it. But it does provide for no
24 charges that are unauthorized.

25 **COMMISSIONER JOHNSON:** Even -- if she didn't

1 want to -- not necessarily to dispute and not pay for,
2 but for them to not show up on her bill at all?

3 **MR. MOSES:** She could go with a billing
4 option, the billing block option.

5 **COMMISSIONER JOHNSON:** And did you
6 understand that that was a part of the rule, that we
7 would have a billing block option?

8 **WITNESS GOODWIN:** Yes.

9 **COMMISSIONER JOHNSON:** So that at least to
10 get at those kind of issues, because although we have
11 a lot of rules and I think the rule with respect to
12 when something like that shows up on your bill, you
13 didn't have to worry about GTE disconnecting your
14 services and it looks as if GTE was very responsive in
15 that regard. But we're also going towards -- the
16 secondary issue that you raised, it's still a very big
17 inconvenience for you to have to deal with the issue
18 and continue to see it on your bill every month.

19 So to the extent that -- I think that you're
20 testimony was quite helpful in regards to helping us
21 evaluate the whole billing block option so you won't
22 have to put up with this in the first instance.

23 Although I did have one question for Staff.

24 How will users -- I know that the amended
25 rule says for new users that they'll be notified

1 either -- I guess when they sign up or in the packet
2 of information that they'll receive when they sign up
3 for service. What about a continuing customer? How
4 will they be informed that they have this option so
5 that people will not be able to put things on their
6 bill?

7 **MR. MOSES:** I believe that is done on an
8 annual basis, but I'm going to have to look it up real
9 quick and make sure of that.

10 **WITNESS GOODWIN:** With my mom, when she got
11 her voice mail, what happened to her is that my
12 brother lives in the same house. He's an adult.

13 **COMMISSIONER JOHNSON:** Sure.

14 **WITNESS GOODWIN:** But he's not on the phone
15 bill. He's not responsible for the phone bill. But
16 they'll just ask anyone who picks up the phone. And
17 he did okay her to get a voice mail and then she
18 cancelled it. But it just seems, you know, how can
19 someone who isn't the responsible party authorize? So
20 I don't know if that could be something.

21 **COMMISSIONER DEASON:** We've encountered that
22 problem with the slamming situation of an unauthorized
23 individual indicating a change and that is something
24 that we're going to have to deal with.

25 Let me indicate, Ms. Goodwin, since you have

1 a Tampa address I assume your local provider is GTE?

2 **WITNESS GOODWIN:** Yes.

3 **COMMISSIONER DEASON:** Okay. It's my
4 understanding that GTE is in the process as a company
5 to not bill for third party vendors other than their
6 charges and authorized charges from long distances
7 carriers. They may have some information on where
8 they are in that and if they -- at the end of the
9 hearing, after we've heard from all of the customers,
10 they may wish to have someone come up and just briefly
11 describe what the company's policy is on that and
12 where they stand on that.

13 Mr. Scobie, could you do that? Okay. So if
14 you want, you may stick around. They're going to
15 explain where they are on that. They, I think, have
16 reached the conclusion just to eliminate all
17 third-party billing all together. But I'll let them
18 explain that, how they're going about doing that.

19 Are there any other -- Mr. Beck, do you have
20 a question?

21 **MR. BECK:** I just wanted to mention one
22 thing, Ms. Goodwin. It may be small comfort, but VOAA
23 is one of the major offenders in this area and the
24 Federal Trade Commission has concurrent jurisdiction
25 with the Public Service Commission and they've

1 actually filed a suit in Federal District Court
2 against them. I think -- I believe it's still
3 pending. But at least something is being done.

4 **WITNESS GOODWIN:** Is that kind of like
5 stopping it in a way or --

6 **MR. BECK:** They're trying to get an
7 injunction against them to stop them from doing it
8 further.

9 **WITNESS GOODWIN:** Very good.

10 **COMMISSIONER DEASON:** Thank you for bringing
11 that to our attention. Before we call the next
12 witness, let me make an announcement. I've just been
13 informed that the credit union, I believe in this
14 building, is going to have a mock robbery. And I
15 emphasis the term "mock". And it is very possible you
16 will hear some gunshots. Please do not be alarmed.
17 Okay.

18 And that is going to occur very shortly.
19 It's my understanding around 6:30. So if you do hear
20 some loud noises or some commotion -- it's my
21 understanding that the Sheriff's Department is
22 involved in this so don't be overly alarmed.

23 **UNIDENTIFIED SPEAKER:** Are they going to be
24 using rubber bullets?

25 **COMMISSIONER DEASON:** Probably they won't be

1 using any type of bullets. Mr. Beck, you may call
2 your next witness.

3 **MR. BECK:** Our next witness is Clifford
4 Barta.

5 - - - - -

6 **CLIFFORD BARTA**
7 was called as a witness on behalf of the Citizens of
8 the State of Florida and, having been duly sworn,
9 testified as follows:

10 **DIRECT STATEMENT**

11 **WITNESS BARTA:** My name is Clifford Barta,
12 B-A-R-T-A. I live at 1010 American Eagle Boulevard,
13 Apartment 509, Sun City Center, Florida 33573.

14 I have a card that they had even sent me,
15 the Veterans of American. How can you go wrong? As
16 far as I know I never signed up for voice mail. But
17 when it came back on my telephone bill as other
18 nonregulated charges, \$4.85, I called the telephone
19 company and questioned them. They said, "Well, people
20 change all the time. We have no way of changing or
21 finding out. In fact, our billing is done with
22 someone else and so we have no way to control that."

23 Well, I got pretty upset and I told them
24 they did have a way to control it, that I didn't never
25 want to see any charges on my bill again. I have a

1 couple of them here. One of them, what I did is I
2 just deducted that \$4.85 before I sent them their
3 check and then -- that was January 13, 1998.

4 The other one I found was March 13, 1998 and
5 I see I still had a charge on their again. I guess
6 eventually I got it taken off, but I can't understand
7 why the telephone company can collect that money.
8 They must have to be paying somebody or they're
9 getting a cut out of it. It just doesn't make sense
10 if they don't take better care of their customers and
11 not want to straighten something out. So it seems to
12 me that there must be some -- something we don't know
13 about. Other than that, I don't know what else can be
14 said.

15 **COMMISSIONER DEASON:** Has this charge been
16 removed from your bill?

17 **WITNESS BARTA:** Yes.

18 **COMMISSIONER DEASON:** And you never paid any
19 of it, of those charges?

20 **WITNESS BARTA:** Well, I think I just
21 deducted it off the bills.

22 **COMMISSIONER DEASON:** Okay. So you're not
23 due a refund?

24 **WITNESS BARTA:** Well, I don't know. On this
25 one bill it didn't say, but I guess I never did

1 collect or else they'd promise to do it. I don't
2 know.

3 **COMMISSIONER JACOBS:** Okay. Is it "B" as in
4 Baker or "V" as in Victor?

5 **WITNESS BARTA:** "B" as in Brown or Boy.

6 **COMMISSIONER JACOBS:** Mr. Barta, it doesn't
7 sound like you were ever in contact with VOAA. Do you
8 remember that you ever spoke with them?

9 **WITNESS BARTA:** No. I don't even know what
10 voice mail is to start with on this and the only way
11 that I could trace it back in questioning them was
12 that I had signed up for something free at one of the
13 shopping malls.

14 **COMMISSIONER JACOBS:** Okay. Now -- so the
15 only people that you called regarding these charges
16 was your local company?

17 **WITNESS BARTA:** Right.

18 **COMMISSIONER JACOBS:** Do you know how those
19 charges were removed then ultimately?

20 **WITNESS BARTA:** Just from writing them.

21 **COMMISSIONER JACOBS:** The local company?

22 **WITNESS BARTA:** Telephone company, right. I
23 just told them that I didn't want any charges put on
24 my bill anymore. If I could have, I would have
25 switched telephone companies.

1 **COMMISSIONER JACOBS:** Thank you.

2 **COMMISSIONER DEASON:** Any other questions?
3 Thank you, sir. We appreciate you coming and sharing
4 that with us.

5 **WITNESS BARTA:** Thank you.

6 **MR. BECK:** Thank you. Next witness is Mike
7 Loos.

8 - - - - -

9 **MIKE LOOS**

10 was called as a witness on behalf of the Citizens of
11 the State of Florida and, having been duly sworn,
12 testified as follows:

13 **DIRECT STATEMENT**

14 **WITNESS LOOS:** Hi. My name is Mike Loos.
15 It's L-O-O-S is the last name, and my business address
16 where this occurred at for me is 3808 Gunn Highway,
17 G-U-N-N, Highway, Suite 102. And that's in Tampa,
18 Florida and it's 33624 is the zip code.

19 And -- okay. I'm a business owner. I own
20 an employment agency and I have for about nine years
21 and I spend most of my day on the phone. And this is
22 going back last year. I can't even remember the
23 month. Probably September, maybe a little bit before
24 then.

25 I had a company call me up that wanted to

1 develop a web page for me for my business, which was
2 something new for me. And they told me what they do
3 is send out a free draft or a proof of what the web
4 page is. So they sent that to me.

5 Right after I received that I started getting
6 a charge on my bill -- on my long distance bill for my
7 business of \$29.95 a month and it was from a company
8 and I assumed it was the company that did the web
9 page. But it was actually from a company called
10 Vartac Enterprises out of Texas. And the first time I
11 got the charge, what I did is I got on the phone and I
12 called GTE, which is the first thing I do.

13 And the second thing I did when I called GTE
14 is to get a hold of a supervisor. And I had the
15 supervisor calling up Vartac so all three of us could
16 stay on hold for an hour or so.

17 So we called up Vartac and we stayed on hold
18 for, I think it had to be at least an hour the first
19 time. The two of them talked. Said they resolved it.
20 So next month the phone bill came and it's \$29.95
21 again. So I called up GTE and got a supervisor. We
22 called up Vartac again. I did that, I think, probably
23 three or four months in a row.

24 Eventually, what happened was somebody at
25 GTE -- the last woman that I talked to, who was -- she

1 wasn't a supervisor but she sounded like a real nice
2 lady and she said she'd try to help me. So what she
3 did was she got on hold with me. We got on hold with
4 Vartac and a woman came on the phone -- and I'll never
5 forget this comment. The woman came on the phone --
6 and we'd been waiting a little bit over an hour. And
7 the woman said, "Yeah, I'd like to help you. Let me
8 put you on hold for just a minute." And she did and
9 disconnected. So then we were back to square one and
10 the woman from GTE was just -- she was really upset.

11 She gave me the Florida Public Service
12 Commission phone number. I called the Florida Public
13 Service Commission. There was a real nice woman on
14 the phone there. She talked to me and I sent my
15 information -- the phone bill, everything else -- to
16 her directly. Within 30 days they took off what they
17 owed me, plus they gave me a little bit of a bump.
18 Somehow that happened. And also, I got a letter from
19 Vartac or it might have been the web page company
20 explaining what they did or what said they did and I
21 also got a letter from the Florida Public Service
22 Commission.

23 So I was real happy with the experience I
24 got with them. They really did a good job for me and
25 I appreciate that. But there was a -- I spent a lot

1 of time on the phone with Vartac and also with GTE.
2 So, you know, there's a frustration there. But like I
3 said, I came today because I thought it was important
4 that I tell you that whatever you guys did worked real
5 well for me and I do appreciate that.

6 **COMMISSIONER DEASON:** Well, we're very glad
7 to hear that. We're very proud of our Staff at the
8 Commission who do a very good job with limited
9 resources and it's good to get a favorable report back
10 on the job that they do.

11 Let me tell you that one of the things
12 that's in our rule proposal is a requirement that
13 vendors who bill on the local company's billing, that
14 they have an 800 number and that it be responded to
15 within a period of time. And I'm not exactly sure
16 what that is in the rule, but it's something in the
17 order of like 180 seconds or something of that
18 magnitude.

19 **MR. MOSES:** 60 seconds.

20 **COMMISSIONER DEASON:** 60 seconds. They have
21 to respond within 60 seconds, ready to provide
22 assistance. Not just respond saying that you're being
23 put on hold or I'm just not responding saying you're
24 being put into a queue and then they never get around
25 to responding to you and giving information. That's

1 one of the requirements we are considering putting in
2 our rule.

3 I know that it is extremely frustrating to
4 be put on hold for an hour at the time and, obviously,
5 unfortunately that is a strategy by some companies
6 just to avoid having to deal with problems. So that's
7 one of the things that we are cognisant of and
8 considering including in our rule.

9 **WITNESS LOOS:** I saw that on there. Can I
10 just make one comment? I'm glad that GTE is here
11 because I had an awful lot of frustration with the
12 company there. And, you know, the main problem that I
13 had, to be honest with you, I couldn't get anybody to
14 answer. Nobody was taking accountability for it,
15 which I'm sure that's what the other two people have
16 all ready talked about is the same thing. And to me
17 it's just real important to get to somebody that's
18 accountable for what's going on with it. Somebody we
19 can touch, you know. And we can't do that, other
20 than -- well, coming to you, which helped out a lot.

21 So that's, you know, for me -- and
22 especially as a business owner, that's where I was
23 frustrated at, is there was nobody I could talk to.
24 No one would take responsibility. No matter, you
25 know, who I went to, who I talked to, everybody kept

1 telling me the next person. And I'm sure that's what
2 everybody else is going to tell you. But that was the
3 main thing. And I appreciate what you just said
4 because I did hear that beforehand and I think that
5 will certainly help a lot.

6 **COMMISSIONER DEASON:** Are there any
7 questions? Thank you for sharing that with us.

8 **MR. BECK:** Next witness is Ron McElhiney.

9

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10

RON MCELHINEY

11 was called as a witness on behalf of the Citizens of
12 the State of Florida and, having been duly sworn,
13 testified as follows:

14

DIRECT STATEMENT

15

WITNESS MCELHINEY: My name is Ron
16 McElhiney, M-C-E-L-H-I-N-E-Y. I live at 12912 Shadow
17 Run Boulevard. That's in Riverview. 33568.

18

The first thing on this document here, on
19 Page 3, Line 2, might have one too many "2"s.

20

MR. MOSES: You're correct.

21

COMMISSIONER DEASON: We will get that
22 corrected. Thank you for pointing that out.

23

WITNESS MCELHINEY: VOAA is what you've
24 heard and that was one of my experiences. And in July
25 of 1997 we attended a fair in St. Petersburg where

1 they had a contest and my wife signed up for a
2 drawing. And I imagine -- we don't remember -- but I
3 imagine on the back of that entry form in fine print
4 was, "you're buying something for \$4.85 a month for
5 the rest of your life."

6 I got the bill. And when I got the bill I
7 called their phone number on the front, GTE. And they
8 said, "That's not our jurisdiction." I called the
9 hold company who give me another number and I called
10 them. They said they would stop the billing and issue
11 a refund.

12 In August, September, October, November,
13 December, January, and February, I called to get this
14 resolved. I don't know what the service is; was; how
15 it worked; how I was supposed to access it. They sent
16 me no information. It might have been something that
17 I would have wanted if I had known what it was.

18 I talked to several people, a John Bizooski
19 (phonetic), a Kim Becher (phonetic) and Mrs. Carter.
20 Seems like every time I called I got a different
21 person.

22 In March of 1998 I called the Public Service
23 Commission and I was told that this is nonregulated.
24 It's not your jurisdiction. It's an FCC problem. But
25 Noelia, N-O-E-L-I-A, was the person that I talked to

1 and she said, send us the information anyway and we
2 will do something about it, and they did.

3 It took awhile, but in May of 1998, I
4 received letters from GTE, two of them within two
5 days, saying that I'd get the refund.

6 So my experience was it took a long time to
7 get the refund, but it worked after awhile. And \$4.95
8 is not much money, but if you get a million of them,
9 it adds up. And if you can hold on to it for a year,
10 why not.

11 The next thing that happened -- new subject.
12 I was at the Floriland Flea and Farmer's Market on
13 North Florida Avenue here in Tampa and they had a
14 sign, "entry form for \$25,000 cash or a new car." I
15 read the entry form and the fine print on the back.
16 It said if you fill out this application you purchase
17 a 1-800 service. Don't know quite how you do this
18 because I didn't fill it out. But I called the Public
19 Service Commission and I talked to Leroy Raspberry.
20 Again, he said that this is an FCC problem -- 1-800
21 numbers -- but send it to him and I did. And I got a
22 letter back from Beverly. Do you know Beverly? Is
23 that your boss?

24 **MS. CALDWELL:** No.

25 **WITNESS McELHINEY:** Not anymore? Beverly

1 Demello. And she referred it to a Kate Smith and I
2 have not heard on that one, but I had nothing invested
3 in it and didn't need an answer.

4 I'm an accountant and I have clients that I
5 do their monthly work for. New subject. I have a
6 client who I go through his bills and I look at his
7 phone bills, just as I do mine. And he was hit from a
8 company called OAN. Don't know who these people are.
9 Don't know what service they provided.

10 So I asked my client. He didn't know. So I
11 said, "Well, you need to get it off and get a refund."
12 And I told him to contact the Public Service
13 Commission.

14 His reaction was, "It's not much money.
15 I'll just go ahead and pay it, but I will get it off,"
16 which he did. And it was on there for about three
17 months and he paid the \$15 or whatever it was. And
18 like the lady earlier said, it's not much money, but
19 it's the frustration point.

20 And I guess that's all that I have on those
21 kind of subjects. I have another subject.

22 New subject. Cell phones. Do you have any
23 jurisdiction on cell phones?

24 **COMMISSIONER DEASON:** No, we do not.

25 **WITNESS McELHINEY:** Okay. My situation

1 there was I was in Europe and the bill came and it was
2 past due before I got back in two weeks. They give
3 you two weeks turnaround and I think they ought to
4 give us a little longer than that because you do take
5 vacations. I'm through.

6 **COMMISSIONER DEASON:** All right. Are there
7 questions?

8 **COMMISSIONER JOHNSON:** Did your client -- I
9 know your client paid, but did he later follow up and
10 get the refund?

11 **WITNESS McELHINEY:** No.

12 **COMMISSIONER JOHNSON:** No. He just didn't
13 follow up? He just let it --

14 **WITNESS McELHINEY:** He just let it go.

15 **COMMISSIONER DEASON:** But he did get the
16 charges removed prospectively? They were no longer
17 appearing on his bill, is that --

18 **WITNESS McELHINEY:** Discontinued.

19 **COMMISSIONER DEASON:** Discontinued.

20 **COMMISSIONER JACOBS:** When you say
21 discontinued, do you mean that he asked that he no
22 longer receive that and they acknowledged that? The
23 company acknowledged that?

24 **WITNESS McELHINEY:** Right. He was being
25 charged actually for two of them, MCI and this OAN.

1 And he called and cancelled all of that and he went
2 with one carrier and he also did something in writing
3 so that he could not have those things happen without
4 him telling in writing to the local carrier.

5 **COMMISSIONER DEASON:** That's the billing
6 block option. Yep. Okay. Thank you, sir.

7 **MS. CALDWELL:** Wait.

8 **COMMISSIONER DEASON:** I'm sorry. There is
9 another question.

10 **MS. CALDWELL:** Do you recall, you said you
11 think you might have signed up for some sweepstakes.
12 Do you ever recall receiving anything in the mail that
13 you might have thought might be junk mail that might
14 have explained to you what the services were?

15 **WITNESS MCELHINEY:** No.

16 **MS. CALDWELL:** Like a voice mail? So you
17 didn't even receive -- to your knowledge, did not even
18 receive any information for what you may have signed
19 up for through the sweepstakes?

20 **WITNESS MCELHINEY:** To my knowledge, I did
21 not receive anything concerning whatever the service
22 was.

23 **MS. CALDWELL:** And were these charges --
24 were they recurring monthly charges?

25 **WITNESS MCELHINEY:** Yes.

1 **MS. CALDWELL:** Okay. So that, like, if your
2 client at that time paid that, he may have paid that
3 month's bill and got subsequent billings ceased?

4 **WITNESS McELHINEY:** That's what happened to
5 me. As soon as it hit the first time, I called and
6 they said it's going to take us about two months to
7 get it off, you know, to get it turned off. Because
8 once we turn it on, you can't turn it off very
9 rapidly. They can turn it on in about two weeks, but
10 it takes about two months to turn it off.

11 **MS. CALDWELL:** Were they expecting you to
12 pay every money?

13 **WITNESS McELHINEY:** Yes.

14 **MS. CALDWELL:** So, let's say it took them
15 two or three months to turn it off, then they were
16 expecting you to pay for that two or three months?

17 **WITNESS McELHINEY:** I would assume so, but I
18 did not.

19 **MS. CALDWELL:** And did you ask them what the
20 service was for and --

21 **WITNESS McELHINEY:** Yes.

22 **MS. CALDWELL:** So it was a voice mail
23 service?

24 **WITNESS McELHINEY:** Right.

25 **MS. CALDWELL:** Did they explain to you how

1 you could access the voice mail or how you could use
2 the service?

3 **WITNESS MCELHINEY:** No, they did not.

4 **MS. CALDWELL:** All right. Thank you.

5 **WITNESS MCELHINEY:** They didn't want to sell
6 it to me, I guess. But let me say this. When I
7 finally got the final closure on this, I did receive
8 something from VOA, which that's when I realized that
9 the back of the card did have this, "if you enter this
10 contest, you're hit with this charge." They sent that
11 to me to say, "Hey, you're the one that did it. We're
12 right." And I got that. And I believe in that was
13 some sort of material trying to sell me something
14 else. It was not the same service.

15 **MS. CALDWELL:** So you really can't say
16 whether you actually got the service. All you know is
17 that you were charged for it. So, you know --

18 **WITNESS MCELHINEY:** If I did not know how to
19 access it, I never got the service.

20 **MS. CALDWELL:** Right.

21 **WITNESS MCELHINEY:** Okay.

22 **MS. CALDWELL:** Right.

23 **WITNESS MCELHINEY:** That's the way I feel.
24 So I would say I never got the service.

25 **COMMISSIONER JACOBS:** Did you have the same

1 experience as I believe Ms. Goodwin in your attempts
2 to reach VOAA, the long hold times and such?

3 **WITNESS McELHINEY:** I multiplex so when I'm
4 on hold with them I'm on the computer doing things.
5 So while to somebody with two children it might be
6 hours -- seem like hours, to me, I was busy doing
7 something else. And frequently I will put it on
8 speaker and listen to their music. So I can't say. I
9 don't remember it being hours, but it could have been
10 a long time. I do know that I had to call multiple
11 times to multiple people and I got their names.

12 **COMMISSIONER DEASON:** Great.

13 **COMMISSIONER JACOBS:** That might be useful.
14 Would that be useful to have the number of times he
15 called and how long -- don't worry about it then.

16 **COMMISSIONER DEASON:** Thank you, sir.

17 Mr. Beck.

18 - - - - -

19 **DON FERLITA**

20 was called as a witness on behalf of the Citizens of
21 the State of Florida and, having been duly sworn,
22 testified as follows:

23 **DIRECT STATEMENT**

24 **WITNESS FERLITA:** My name is Don Ferlita.

25 That's "F" as in Frank, E-R-L-I-T-A, 103 Bermuda

1 Avenue, Tampa, Florida 33606.

2 I have a business and a home phone
3 situation. It started about a year and a half ago.
4 The first thing I noticed was this OAN company showed
5 up on a bill; \$4.95 or something. I apologize. I
6 don't have my records. I came from out of town. I
7 ran late. My file is not with me.

8 But anyway, so this company showed up with
9 this charge. I called GTE. They told me to call the
10 number to reach them, which I did. Explained they
11 were going to take it off. Next month it shows up
12 again. They took it off and it showed up again. Went
13 through the same cycle. They said they'd take it off.
14 I did it. It was off for two months. Two months
15 later it shows up again.

16 I don't have my log with me, but it finally
17 got erased. At the same time, a different -- maybe a
18 month later, at my business I get a company called
19 Accutel, A-C-C-U-T-E-L. Same kind of thing; an access
20 charge, four or five dollars. Called them up. They
21 said the same thing and I went through the same dance.
22 I don't remember how many times I had to call, but
23 finally got that erased.

24 The biggest problem I had, though, is with
25 these interLATA, "interstrata," inter-whatever charges

1 for long distances services. Called GTE. They said
2 that's not my -- that's not their problem; you've got
3 to call -- who is your carrier? Or who -- I asked
4 them who do they show my carrier as being, and they
5 tell me "XYZ" company.

6 I call up this company on the 800 number,
7 and they say, "No, we're not your carrier. We're just
8 a distributor. You've got to call the "ABC" company."
9 And, of course, the "ABC" company does not have a toll
10 free number. It's a long distance number. You get
11 put on voice mail maze. 20, 30 minutes later, finally
12 reach somebody and we start the dance of "what are you
13 doing messing with my long distance." Hours and hours
14 go by. And I wish I had my tome of information, but I
15 don't have it with me.

16 The frustrating part is that I spent hours
17 on the phone on my nickel straightening out this mess.
18 Now, I finally got it all straightened out. It's been
19 about six months. I got GTE to block anybody touching
20 my phones, and since that time it has stopped.

21 But what I find offense at is that GTE would
22 not accept responsibility of taking care of a problem
23 they were making money off of that I did not create.
24 Why did I have to spend my time, my nickel to
25 straighten out a problem that I didn't create?

1 Why couldn't they say, if you have a
2 problem, we will go back to these people and deduct
3 whatever payment they received from them and hit them
4 for 20 bucks for the pain and suffering or whatever.
5 I understand, I guess, you're trying to correct that.
6 I don't how deep you're going with it, but that needs
7 to be addressed.

8 Either GTE needs to handle it or they don't
9 need to deal with these people. And I'd like to know
10 if this company Accutel and OAN are still in business.
11 Do you have any kind of experience with them? What is
12 the situation?

13 **MR. MOSES:** OAN is a billing and collection
14 agency. So -- and that's one thing in the rules that
15 we're trying to do is put some responsibility on the
16 billing companies, that if they're going to bill, that
17 they are going to have to try and answer to some of
18 the questions that consumers pose to them.

19 **WITNESS FERLITA:** Well, let me ask you this.
20 Who makes the decision of whose phone number gets
21 zapped? How does that happen?

22 **MR. MOSES:** From what you're describing,
23 there's a couple of things that happened to you.
24 You've been crammed from a couple of different
25 companies, and it also sounds like you were what they

1 call slammed, which your long distance carrier had
2 been changed. That can happen in two different -- a
3 lot of different scenarios.

4 **WITNESS FERLITA:** Right.

5 **MR. MOSES:** It could have happened that
6 where somebody was placing an order to a particular
7 carrier, that they accidentally transposed numbers,
8 and it happened to be your number and it got switched.
9 It can happen that -- I don't know how many different
10 ways it could happen, but --

11 **WITNESS FERLITA:** Is there any way to find
12 out who the person was that pushed the button that
13 made that happen?

14 **MR. MOSES:** Yes, we can. If you can give me
15 your telephone number after this proceeding is over
16 with, I'll investigate it for you and find out.

17 **WITNESS FERLITA:** Right. I'll -- yeah. And
18 I'd also like to give you the record that I have,
19 because it's pretty well logged out.

20 **MR. MOSES:** That would be fine.

21 **WITNESS FERLITA:** And I think that would be
22 something interesting to find out exactly who the
23 person was that caused that to happen.

24 **MR. MOSES:** I don't know if I can find the
25 person, but I can find out what company was

1 responsible and what happened.

2 **WITNESS FERLITA:** Yeah, but that won't do
3 any good, because then it's a black hole again. I'd
4 like to find the person; their name, address, phone
5 number, and then deal with them on a one-on-one basis.
6 Have any of you all had this happen to you; jammed or
7 crammed or slammed or anything? If you have, then you
8 understand how frustrated I am.

9 **MS. CALDWELL:** We just went through a large
10 rulemaking proceeding, and we do have rules in effect
11 now. If -- and there's some pretty -- we will do
12 investigations on that. We have some pretty severe
13 penalties for companies that do slam customers.

14 So once we find out there's not been any
15 authorization, then they're responsible to you for --
16 I mean, you don't have to pay for the first 30 days.
17 You get rerated on your charges. So we have a pretty
18 extensive set of rules now that companies have to
19 follow.

20 Those have just gone into effect recently,
21 so it should not happen again; and if it does, we have
22 some pretty good measures to go after them. But I
23 think if we can have your -- get some information from
24 you, we'll --

25 **WITNESS FERLITA:** Yeah, I'll give that to

1 you.

2 **MS. CALDWELL:** -- take it further.

3 **WITNESS FERLITA:** But like I said, the last
4 six months everything has been okay, but who knows
5 what happens tomorrow. But -- anyway, thank you.

6 **COMMISSIONER DEASON:** Thank you. As
7 Ms. Caldwell indicated, that the slamming rules that
8 we adopted is trying to remove the profitability from
9 engaging in that exercise, and the 30 days free
10 service, in effect, is a benefit to the customer and
11 is a penalty to the company.

12 **WITNESS FERLITA:** I think that would be very
13 helpful.

14 **COMMISSIONER DEASON:** Thank you, sir.

15 **MR. BECK:** Next witness is William Turnbull.

16

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17

WILLIAM TURNBULL

18 was called as a witness on behalf of the Citizens of
19 the State of Florida and, having been duly sworn,
20 testified as follows:

21

DIRECT STATEMENT

22

23 **WITNESS TURNBULL:** That's Turnbull,
24 T-U-R-N-B-U-L-L. I live at 1615 Bunker Hill Drive in
25 Sun City Center.

25

My adventure started on -- in March 13th,

1 '98. And before I get that far, I want to ask you a
2 question. First thing I did was try to find out what
3 this was all about and where is the best place to go
4 to try to get some relief and get the matter resolved,
5 as my experience is similar to everyone that's spoken
6 so far today.

7 And I had three sources of information. A
8 couple writers to the Tampa Tribune started, Frank
9 Ruez (phonetic) and John Waurk (phonetic), and that
10 was helpful. I had another one, an article called
11 "Protect Yourself from the Hottest Phone Scam Around,
12 Cramming," and then that was -- noted two things that
13 are certainly apparent here today.

14 It says, (1), "More than half of us barely
15 glance at our phone bill;" and (2), "Nine times out of
16 ten you don't notice it right away."

17 Now, the reason I ask -- I'm not trying to
18 be facetious. The third thing I learned was from a
19 20/20 program about Cheyenne, Wyoming. I'm sure
20 you've all heard of that. There was something like
21 10,000 people in that one community -- I don't know
22 how big Cheyenne is nowadays -- that were crammed.
23 And so when they had their meetings, hundreds of
24 people showed up because they were involved.

25 Do you have any statistics? I see this is

1 your next to last hearing. Have there been any
2 communities in Florida that have been targeted like
3 that, or is it just random?

4 **COMMISSIONER DEASON:** As best we can tell
5 it's random. We don't -- and Staff may have more
6 information. But we're seeing that it is across the
7 state, but it is not isolated into any particular
8 community, and hope -- and we are noticing that it
9 doesn't -- the problem with cramming has not gotten to
10 be as pervasive as the slamming problem was earlier.

11 And with the help of the Public Counsel's
12 Office and the Attorney General, we're trying to kind
13 of be on the front end of the curve on the cramming
14 problem and, hopefully, we're going to take action
15 before it gets to be as big a problem as we had with
16 slamming.

17 **WITNESS TURNBULL:** Well, I was just
18 wondering if that was a factor when they target areas,
19 because with this great outpouring of public support
20 and citizens today, I assume that Tampa was not a
21 target especially; the usual disinterest. And have
22 you had any better turnouts at the other cities you've
23 been to?

24 **COMMISSIONER DEASON:** This is fairly
25 typical. If anything, this turnout here is probably a

1 little bit larger than the average that we've seen.

2 **WITNESS TURNBULL:** That's enough of that.

3 Mine started with a company who was the
4 "crammer," ITA. I'm sure it was designed to resemble
5 ATA, so when you look on the back of your phone bill
6 where ATA, if that's your carrier, usually appears,
7 mine said ITA. But being a nitpicker, I happened to
8 ascertain that it was International Telemedia
9 Associates. Have they shown up on your records as a
10 bad guy?

11 **MR. MOSES:** They have shown up in some
12 complaints, yes, sir.

13 **WITNESS TURNBULL:** I think there was some
14 federal action against them, too, under the FTC.

15 Okay. Anyway, mine started on the 13th, and
16 unlike my fellow citizens here today that are
17 testifying, mine ended very well with kudos to your
18 Staff. I got the bill on March the 13th for \$9.95,
19 and it was for a calling card monthly service plan. I
20 have no idea. I don't go in for sweepstakes. I have
21 no idea how we got targeted.

22 By the way, I have asked around. My friend
23 Cliff Barta is also from Sun City. I've asked any
24 number of people in Sun City, and I haven't found a
25 whole lot. It doesn't mean it didn't happen, but at

1 least it's not widespread. There's not a lot of
2 information about it.

3 So, anyway, on the 20th -- first thing I
4 started, as did everybody else here, with GTE, and I
5 got nowhere. That's one of the main things that I'm
6 here today and I'm going to end up with a question in
7 a minute and see if it's covered in your proposed
8 legislation or rulemaking.

9 Now, the same thing that these others have
10 said. GTE just said, no, that's not -- they have no
11 responsibility. They had to do it under the
12 Telecommunications Act, and it was not their Act. I
13 went to the supervisor and got the same thing.

14 I notice then that on the bill, which said
15 ITA in the upper corner, was an 800 number. So that
16 was my second step. The first person I got, I got the
17 outstanding example of corporate stonewalling; also
18 got badmouthed. So I went to the supervisor. She was
19 just the opposite. I guess it was the old good cop
20 and the bad cop, whatever. She was very nice, said it
21 would be taken care of, and heard no more from them.

22 I then found out that ITA was the -- I guess
23 the crammer, and they used as their service agent RCP
24 Communications of Pompano Beach, Florida. Have you
25 ever heard of them; RCP Communications?

1 **MR. MOSES:** No, sir I have not.

2 **WITNESS TURNBULL:** I didn't wait an hour
3 like some of these people did. I called 10 times,
4 never got past, you know, the answering service. And,
5 so then, this -- I sat down on the 22nd.

6 I wrote to the RCP Communications and just
7 received from them a jim-dandy communication: "RCP
8 Communications Long Distance Calling Plan. Dear
9 Member; A pleasure to welcome you to a most unique
10 long distance program." That's where I got their
11 address from in Pompano Beach. No response. No
12 response from GTE.

13 So then I wrote to RCP Communications, and I
14 wrote to your Commission, and on -- would you
15 believe -- now, that was March 22nd. On April the 8th
16 I get a letter from one of your folks, Dick Durbin,
17 who advised me that in response to ITA complaint, ITA
18 has advised you that they will see to it that I'm
19 given a credit for the \$19.90 which I was charged for
20 February and March.

21 Now, like one of the other folks, I
22 didn't -- I think it was you, Cliff, or someone else
23 from someone Sun City I know is very tight with a
24 dollar -- so I didn't pay mine either like you did.
25 So the \$9.90 -- \$9.95 became \$19.90 for February and

1 for March.

2 Then apparently your man, Mr. Durbin, had
3 the right approach, because about a week later, in
4 early -- mid-April I get a delightful call from
5 someone at GTE, of all places, telling me that they
6 were going to take care of it immediately, and would
7 you believe that when the April bill came, I was given
8 credit for \$19.90, and that was the end of it. It's
9 the only happy ending I've heard in all of this.

10 I think what frustrates everybody, there's
11 no place you can go. Now, all of these -- not all of
12 them -- but some of these people have contacted your
13 people. They've gotten some help. Others haven't and
14 others didn't go forward with it enough. Others just
15 left it.

16 Now, this is just something that really
17 annoyed me. Now, one of the things that annoyed me
18 the most was GTE telling me, as I reported to you and
19 to RCP, that GTE advises they have no control over the
20 same, but must merely forward bills under the
21 Telecommunications Act.

22 Well, that's what really annoyed me. And I
23 guess, in all of this -- and I got a stack of, you
24 know, information and all of that about four inches
25 high. Anyhow, the biggest thing I heard --

1 (electronic beeping) -- is that the -- oh, excuse me.
2 I thought that was that robbery you were talking
3 about. (Laughter)

4 Anyway, one of the writers for the Tribune
5 went into explaining how GTE is merely an agent; they
6 contract with these people and they do the billing,
7 and yet they're telling consumers who call, they have
8 no responsibility, and under the Telecommunications
9 Act, there's nothing they can do about it. They have
10 to accept it. That, I understand, is a total false
11 statement.

12 There is -- and as many have said, why can't
13 GTE do something about it? They're a -- they are a
14 contractual relationship with the crammers, or they're
15 partners in the conspiracy. I don't know. But, I
16 haven't heard one of you say anything yet in this bill
17 directed to GTE, Southern Bell. ITA was talking --
18 that thing occurred at Pacific Northwest, and they
19 were talking in excess of a billion dollars through
20 Pacific Bell.

21 Now, you have jurisdiction over the local
22 telephone companies in Florida -- and this is my
23 question and reason for being here. Is there anything
24 in this processed act of yours, or rule of yours,
25 that's going to provide some relief right away from

1 the local companies who have certainly been just as
2 much involved as these outlaw companies that have been
3 doing this act? Can you stop GTE from explaining to
4 customers that, "we have no control over it, we can't
5 help you."?

6 Will you be addressing that when this rule
7 is adopted? That's my primary question. Sorry to
8 take so long getting there. Any questions?

9 **COMMISSIONER DEASON:** No, but let me -- I
10 want to take a stab at answering your question. Then
11 I'll ask Staff to follow up.

12 There is -- a lot of different people read
13 the Telecommunications Act different ways. I don't
14 know how GTE read it to start with, but apparently
15 they're reading it now to where they don't have to
16 provide this billing service, because it's my
17 understanding that they have a proposal to discontinue
18 it. And Mr. Scobie is going to address that later
19 this evening. I asked him to do that. So you may
20 want to stick around for that.

21 Whether the rule -- we do not -- it's my
22 understanding that it's an unregulated service, that
23 is, the billing service for these third-party vendors;
24 and that we do not have the authority to tell a
25 company not to engage in that, but we do have the

1 authority to tell them to put in consumer protections.
2 And that is what is the main focus of the bill, to try
3 to provide protections to the consumer.

4 There are some consumers who really want
5 these services and want it on their local bill because
6 it's just one less bill they have to pay. They can
7 write one check and they can take care of all of it.
8 So we're trying to find that balance.

9 Mr. Moses, if you can describe exactly what
10 in our rulemaking, if anything, addresses the
11 responsibility of the local company, I'd appreciate
12 it.

13 **MR. MOSES:** Certainly. I don't know if you
14 have a copy of these rules, but we'll get you a copy
15 if you don't.

16 On Page 14 there's the section that says
17 "Advertising Disclosures," the actual name of it. But
18 what it does is place responsibility on the company
19 that is billing on behalf of these companies to where
20 they have to have the 800 number where they have to
21 answer it. They have to handle your complaint and
22 they will have to resolve the complaint. But it does
23 put responsibilities on the billing companies.

24 And like Commissioner Deason said, we don't
25 have the jurisdiction to go all the way to the

1 cramming company because that is an unregulated
2 service, but the billing company is a regulated
3 service; and if they are billing on behalf of these
4 customers -- I mean, these companies, then we do have
5 some controls on that.

6 **WITNESS TURNBULL:** GTE, you can reach them
7 under that statement you just made?

8 **MR. MOSES:** Yes, sir. And also --

9 **WITNESS TURNBULL:** At least for correcting
10 it. I mean, I don't know --

11 **MR. MOSES:** I understand.

12 **WITNESS TURNBULL:** -- all your overall
13 jurisdiction. But certainly if you could make that
14 call with GTE and get it cancelled right there without
15 having to go to all these others -- somebody had six
16 or seven companies they had to go to.

17 **MR. MOSES:** Yes, sir. And that's what --

18 **WITNESS TURNBULL:** Are we going to be able
19 to do some work with GTE and get this thing addressed
20 if it continues?

21 **MR. MOSES:** That is what we're looking at --

22 **WITNESS TURNBULL:** Trying to do, anyway.

23 **MR. MOSES:** Yes, sir. And these --

24 **WITNESS TURNBULL:** That answered my
25 question.

1 **MR. MOSES:** And, understand, these rules are
2 just in the draft stage. They're going to change
3 some.

4 And also even further on GTE's behalf, they
5 are one of the companies that has come forth and met
6 with Staff several times on these cramming issues, and
7 they're taking a very proactive stance in trying to
8 eliminate it; and they have discontinued some of the
9 billing contracts that they've had with some companies
10 based on complaints from consumers like yourself.

11 **WITNESS TURNBULL:** Okay. And my final
12 comment, Mr. Chairman, is that one of our local
13 scribes, Dan Ruth (phonetic), who is a humorist in
14 his own right -- I think he's known pretty much
15 throughout the state -- summing all this up in the
16 Telecommunications Act, he says it's accomplished one
17 great purpose for we citizens; that before we had a
18 regulated monopoly and now we have an unregulated
19 monopoly. And that's the way it looks like it's
20 going, to me.

21 Thank you kindly.

22 **COMMISSIONER JACOBS:** Mr. Turnbull? I'm
23 sorry. Mr. Turnbull?

24 **COMMISSIONER DEASON:** Mr. Turnbull,
25 Commissioner Jacobs has a question.

1 **WITNESS TURNBULL:** Yes, sir. What's up?

2 **COMMISSIONER JACOBS:** The problem that I'm
3 hearing you describe is difficult because -- and if
4 I'm wrong, please correct me -- there is a third party
5 here. What's happening is that the local company is
6 essentially assigning their billing obligations to yet
7 a third party. So there's a company whose services
8 you're being billed for. Let's say a voice mail
9 company.

10 **WITNESS TURNBULL:** ITA in my case.

11 **COMMISSIONER JACOBS:** Right. GTE is sending
12 out a bill generally for telecommunications services,
13 but then there is a company that actually does that
14 billing for them; is that correct?

15 **WITNESS TURNBULL:** No --

16 **MR. MOSES:** No, sir. It's just the reverse
17 of that. What they do is they have a billing contract
18 with the company, ITA. ITA submitted the records to
19 GTE for billing purposes. GTE did the bill.

20 **COMMISSIONER JACOBS:** GTE. Okay. Because I
21 understood that -- what's this AON then?

22 **MR. MOSES:** His instance was a company
23 called ITA, which is billing him for a calling card --

24 **WITNESS TURNBULL:** They contracted --

25 **COMMISSIONER JACOBS:** He didn't have a --

1 **WITNESS TURNBULL:** They contracted with GTE.
2 GTE billed me. That's why I say, why isn't GTE
3 responsible?

4 **COMMISSIONER JACOBS:** Okay. I'm invoking
5 some unnecessary confusion here. And that is the
6 answer to your -- to your -- and we would be
7 interested in your thoughts on how to deal with that.
8 I'm particularly interested in what we can do to
9 minimize the long line of communications that has to
10 be undertaken to resolve this problem.

11 **WITNESS TURNBULL:** I got your material, and
12 I'll be glad to put it in writing and thank you for
13 your time. And I hope this thing goes through and
14 we've got somewhere else to look -- in all of these
15 various people that are trying to take advantage of
16 us.

17 **COMMISSIONER JACOBS:** Okay.

18 **WITNESS TURNBULL:** Thank you kindly.

19 **MR. BECK:** Mr. Turnbull --

20 **COMMISSIONER JACOBS:** I can't follow --

21 **WITNESS TURNBULL:** I'll look for that page
22 with the two "2"s, too, so I'll go ahead. I'll thank
23 you for that. (Laughter)

24 **MR. BECK:** Mr. Turnbull, we're at an early
25 stage in these proceedings. You know, we hear you.

1 We can't think -- at least our office can't think of a
2 reason why GTE shouldn't be required to take it off
3 the bill as soon as you tell them you didn't order the
4 service.

5 **WITNESS TURNBULL:** (Inaudible comments away
6 from microphone.)

7 **MR. BECK:** Well, I know they don't want to.
8 But it's early in the process. We're going to propose
9 such rules to the Commission. The Commission has
10 jurisdiction given to them by the Legislature over
11 this.

12 Your input is very valuable here. I mean,
13 we hear you and others say that. We're going to try
14 to do something about it.

15 **WITNESS TURNBULL:** (Inaudible comments away
16 from microphone.)

17 **MR. BECK:** Thank you.

18 **COMMISSIONER JACOBS:** Let me go ahead and
19 follow up on the question that I had, though. I guess
20 it was a previous example where we had this outfit
21 AON, and I thought I heard that they were a billing
22 company.

23 **MR. MOSES:** OAN is a billing company. And
24 what happens is they will be billing on behalf of,
25 say, a small interexchange carrier, but they will turn

1 around and put those records with the various local
2 exchange companies for whatever customer happens to be
3 billed at that time.

4 In other words, if you did a calling card
5 call and used some other -- or not a calling card, but
6 used some other carrier; and the only way they can
7 bill that is through the local exchange company that
8 serves you, because they're the one that has your
9 address, and that's how it gets aggregated back
10 through the local exchange company bill to be billed
11 to your home address.

12 **COMMISSIONER JACOBS:** In that instance, who
13 has to have the 800 number then?

14 **MR. MOSES:** OAN would have to have an 800
15 number and the local exchange company has an 800
16 number.

17 **COMMISSIONER JACOBS:** Okay. Thank you.
18 Mr. Beck?

19 **MR. BECK:** Thank you. Next witness is
20 Dr. Bill Kyser.

21 - - - - -

22 **DR. BILL KYSER**
23 was called as a witness on behalf of the Citizens of
24 the State of Florida and, having been duly sworn,
25 testified as follows:

DIRECT STATEMENT

1
2 **WITNESS KYSER:** Dr. William Kyser, 11816,
3 North 56th Street, Temple Terrace, Florida.

4 My complaint started in October. I started
5 receiving a bill under the listing of nonregulated. I
6 circled that particular charge and made a notation on
7 the bill that it was not authorized.

8 The next month it came again with another
9 charge. I circled those bills, those charges, and it
10 reappeared again. And on about the fourth time that
11 it reappeared -- I wasn't being charged for it, but I
12 was circling the bills and they kept appearing. And
13 you feel that sometimes that somebody is going to do
14 something like cut your phone off or this sort of
15 thing. This is a business. I'm a veterinarian in
16 Temple Terrace.

17 And so I -- there was an 800 number on the
18 billing service, HBS Billing Service. I called the
19 800 number. They said it wasn't their responsibility,
20 that all they did was bill for this particular
21 company. They gave me an 800 number, and I
22 experienced the same problem that some of the rest of
23 them had. They put me on hold. It cut off.

24 I had the speakerphone on because I was busy
25 doing something else, and I don't -- I don't what --

1 how long it lasted, but it was tremendously
2 frustrating, and calling back again, going back
3 through the billing service again, and getting in
4 touch with a lady that said that she had a tape that
5 was authorized by one of my employees.

6 And I informed her that I'm the only one
7 that authorized that type of thing, which -- what it
8 is, a company that puts a web page. I had problems
9 with my Internet, so I took that completely out. So I
10 have no Internet, so I need no web page.

11 They designated who the employee was, and so
12 I went back to her and talked to her. And, of course,
13 her information was that somebody had called her -- I
14 think it was the Saturday morning when I wasn't at the
15 office and told them about the web page, and she
16 informed them at that time that she was not
17 authorized, that they'd have to contact me and that I
18 wouldn't be back in the office until Monday.

19 The -- he kept talking to her and asking her
20 age, and her birth date and a few questions such as
21 that. He then said he would send the packet to us for
22 us to view. And she says, well, you'll have to do
23 that through Dr. Kyser because I'm not authorized to
24 do that.

25 Well, we didn't receive a package. All we

1 received was the billing. And finally what I did, I
2 called the Public Service Commission out of
3 frustration and got a Thomas E. William, III. He was
4 very helpful. Your service was very helpful. He -- I
5 explained it to him. He got on the phone with the
6 billing company. We went directly to the web page
7 company, which was called Service One Com.

8 He then informed me that -- not to pay the
9 bill, that he would like for me to fax up some copies
10 of the bills that I had through the past months, which
11 I did. And then he called me back and informed me not
12 to pay that bill at all. So I didn't. And the next
13 month that particular bill was taken care of, but
14 there was still another fee that wasn't picked up on,
15 and it was past due again.

16 So, I called Mr. Williams back again, and he
17 says, don't worry about it. He says, I have -- I'll
18 take care of that, and was very helpful. But the
19 frustration and the time that it takes you to go
20 through these things is just -- it's uncalled for.
21 Certainly when you're in business and you have other
22 things that you need to tend to, you don't need to be
23 playing around with people like that.

24 My first question -- and a lot of that's
25 been explained to me and I know you're pursuing bills

1 and authorities to try to stop some of this -- but I
2 don't understand why GTE -- well, I do understand
3 partially why GTE accepts third-party billing, and I
4 do know there's a -- there is a charge by minute, and
5 everybody gets a little bit of it is my understanding
6 of it, having talked with some people that were in the
7 800 numbers and such as that.

8 And I'd like to know, also, what the
9 Commission does about monitoring cumulative
10 complaints; In other words, this billing service and
11 also the Service One Com, if that's a repeated service
12 that people are having problems with. I assume it is,
13 because the runaround that I got when I got in touch
14 with them -- I won't elaborate on it, but actually she
15 played the tape back and you couldn't even hear the
16 tape. The reason was that two people were on the
17 line, because I got the young lady that was supposed
18 to accept it -- was on the line with me to confirm it.
19 The tape was so soft and so quiet, you couldn't
20 determine what they were saying. So it's -- you know,
21 these sort of things.

22 But, anyway, that was some of the questions
23 that I had of what are you doing when there's
24 cumulative complaints on these same companies. It
25 looks like they ought to be recognized. They're

1 sticking out like a sore thumb.

2 What authority enforcement policy does the
3 Commission have to stop these sort of things itself?
4 What's your enforcement policy? Or how do you handle
5 these things? Can you stop these people? Can you put
6 them out of business? That's a question to the
7 Commission.

8 **COMMISSIONER DEASON:** Okay. I'll let Staff
9 follow up, and Mr. Beck probably wants to follow up as
10 well.

11 Our jurisdiction, as we indicated earlier,
12 is -- on these unregulated companies is limited, but
13 we do have jurisdiction, if they're going to be
14 entering in billing arrangements with a local company,
15 to define how it's to be done so that to try to ensure
16 that the charges are authorized, that there is a means
17 for customers with complaints to have an 800 number
18 that will be answered with people ready and able to
19 assist those, and to provide an option to customers to
20 not have third-party billing appear on their bills.

21 And I'm going to ask Mr. Moses and Mr. Beck
22 to follow up with their understanding of the
23 jurisdiction that we have.

24 **MR. MOSES:** Well, Commissioner Deason, I
25 believe you described the jurisdiction quite well.

1 The additional thing that we can do, which is outside
2 the jurisdiction of the Commission, is if we see a
3 cramming company that continues to things like this,
4 we can turn them over to the Attorney General's Office
5 for investigation, and also the Federal Trade
6 Commission investigates these. So there's other
7 agencies also that do have jurisdiction over those
8 companies.

9 The main thing the Commission can do,
10 though, is choke down their lifeline by shutting down
11 their billing. If they control the billing of it,
12 they have no way of putting these charges on your
13 bills. And that's what we're looking at is trying to
14 modify the billing so you won't ever have this appear
15 on your telephone bill.

16 **WITNESS KYSER:** This is very important
17 because it's just sometimes by luck that you pick up
18 on things, because there are so many things. I could
19 almost call the company every month on my bill with
20 long distance calls that are made. Some of them, most
21 of them probably, I forgot about, because we do call
22 around the country for different things.

23 But the real problem, as was addressed I
24 think by Mr. Turnbull, was that it needs to be cut off
25 before it gets to me and I have to deal with it, if

1 there is some way of doing that. And that's the third
2 party thing with GTE that seems like that's where
3 something needs to be done. And if it is a repeat
4 problem with people, then that person should be
5 eliminated totally.

6 **MR. MOSES:** Well, that --

7 **WITNESS KYSER:** Or probably could change
8 their name, I guess, like a lot of people do.

9 **MR. MOSES:** And through that same thought,
10 even though it may not be clear in these rules yet,
11 we're going to be making some modifications and
12 proposing that to the Commission to put
13 responsibilities on the billing companies, and then if
14 the billing company is encountering a problem where
15 they're no longer making a profit because they're
16 getting so many complaints from a cramming company,
17 they will take their own billing contracts and they
18 will have the ability to terminate those contracts, or
19 modify them or whatever is necessary, to eliminate the
20 problem, so that it will put some incentive on the
21 billing companies.

22 **WITNESS KYSER:** I hear what you're saying,
23 sir, but I can't believe that the number of people
24 that were crammed in this area are here tonight.

25 **MR. MOSES:** We understand that.

1 **WITNESS KYSER:** And so if you block a few of
2 out, they're still in business and you're --

3 **MR. MOSES:** Well, we've been averaging --

4 **WITNESS KYSER:** -- not going to eliminate
5 that.

6 **MR. MOSES:** Yes, sir. We've been averaging
7 between 150 and 250 complaints a month on cramming, so
8 there are quite a few people being affected.

9 **WITNESS KYSER:** Then there's those that
10 don't recognize they're being crammed.

11 **MR. MOSES:** That's true.

12 **COMMISSIONER DEASON:** Mr. Beck, did you want
13 to ask --

14 **MR. BECK:** Sure.

15 Dr. Kyser, in the area of slamming, which
16 was the unauthorized changing of phone companies,
17 there the Commission had direct control over the
18 companies, and there were a lot of fines issued to
19 those companies. Some went out of business here in
20 Florida.

21 In this area, the go-against companies like
22 Service One Com, the Commission doesn't have
23 jurisdiction over them. They just have jurisdiction
24 over GTE.

25 The Unfair and Deceptive Trade Practices Act

1 is the Act that gives authority of the Service One
2 Coms of this world, and at the federal government it's
3 the Federal Trade Commission. Here in Florida the
4 Attorney General's Office has an Economic Crimes Unit
5 that can go against them.

6 But the Commission here, without question,
7 has authority over the billing practices of GTE, and
8 that's what we're going to focus on. Certainly you
9 shouldn't have to go further than that, since you're
10 getting the bill from them; and I think that's what
11 were going to address in this proceeding is trying to
12 make it so you don't have to get the runaround like
13 you've been getting.

14 **WITNESS KYSER:** But your communication with
15 Federal Trade with the federal people should be
16 directed also, because it's not just a Florida
17 unique --

18 **MR. BECK:** Right.

19 **WITNESS KYSER:** -- here, I'm sure.

20 **MR. BECK:** Yes. Absolutely.

21 **WITNESS KYSER:** It needs to be stopped
22 across the country.

23 **MR. BECK:** Yes.

24 **COMMISSIONER DEASON:** Any further questions?

25 (No response.)

1 Thank you, sir. I appreciate you bringing
2 that to our attention.

3 **MR. BECK:** The next witness, or witnesses,
4 are Olga and Bob Fincher.

5 - - - - -

6 **OLGA FINCHER**

7 appeared as a witness and, swearing to tell the truth,
8 testified as follows:

9 **DIRECT STATEMENT**

10 **WITNESS FINCHER:** Yes. My name is Olga
11 Fincher. My address is 3024 Landmark Boulevard, Palm
12 Harbor, Florida. I just was thinking we were coming
13 here to listen to you nice folks. If I'd known, I
14 would have brought my whole dossier.

15 Three things. Number one, you've all been
16 wonderful. I've contacted you twice and GTE was
17 wonderful with my problems. First problem was we were
18 slammed summer of '95. We were at a football game,
19 the Buck's game at the Stadium, and I saw the
20 sweepstakes little things and I thought, "Oh, I will
21 surprise my husband. I'll win a TV."

22 So I filled out the sweepstake and lo and
23 behold, a couple of months later I noticed my long
24 distance bill was kind of low and I thought, that's
25 strange. And then the next bill came and it was like

1 three times higher. And I thought, goodness, what is
2 wrong. And I usually check, but this time I didn't.
3 And I called AT&T and they said, "Well, we're sorry,
4 but we're no longer your carrier." And I said, "What
5 do you mean? You've been my carrier for all my life.
6 I'm a very loyal AT&T customer." And they said,
7 "Well, we're no longer." And I said, "What happened?"
8 So I looked through my bill and there was a name
9 called Hold, and I went oh, my Lord I was held up.

10 So I went to GTE and they were very, very
11 helpful. We went through four months, six months and
12 it was so frustrating it really -- I got so upset
13 because it was something that was done without my
14 permission and it got my blood pressure up, damaged my
15 eyes. Anyway, it was a very -- it was the principle
16 of the thing that somebody did something without my
17 consent.

18 Well, with all the many phone calls I said,
19 "I never signed up to change my company," and they
20 said, "Yes, you did." So GTE was on the line and they
21 said, "We want to see the application." So they sent
22 it and you could tell where it had been --
23 sweepstakes, it had been torn off and you can see it's
24 darker. So that's where it says, long distance
25 application. In very small tiny print it says, check

1 this little box if I do not want to switch. So I got
2 even more angry.

3 But finally it was settled and I got my AT&T
4 back and all the charges were handled and we put the
5 PIC freeze so I would no longer be switched again
6 without my permission. Well, lo and behold, a year
7 ago I was off on a trip. I came home and noticed
8 our -- my husband had paid the bill and it was -- it's
9 usually \$25 and this time it was \$38. And I thought,
10 why is it more. So I looked through all the fine
11 print and here was this ITA, very strange wording like
12 discount for long distance whatever. And I said,
13 "what is that." So I called GTE. I had a very rude
14 girl so I hung up on her, and I called again, and I
15 had a very friendly girl. And I called again and they
16 said we had to contact -- and it was Coral
17 Communications.

18 Anyway, they said, well, yes I had signed up
19 to win a free car and I said, "Well, send me that
20 blank. I want to see that." Well, I never received
21 it, but they did change that. So they took off the
22 \$10.28 charge off the bill. So everything was
23 handled, but I just wondered what goes on and what
24 happens. How can people do this without our
25 permission? It's the principle of the thing. And may

1 I -- you are with GTE?

2 **MR. MOSES:** No, ma'am.

3 **WITNESS FINCHER:** No. Oh.

4 **COMMISSIONER DEASON:** No, ma'am. This is
5 our Staff at the Public Service Commission. Mr. Beck
6 is with the Public Counsel's Office. There are some
7 representatives from the company here this evening.
8 But they're not sitting up here.

9 **WITNESS FINCHER:** Oh, okay. I thought --

10 **COMMISSIONER DEASON:** They're back in the
11 audience.

12 **WITNESS FINCHER:** I thought one of you was.
13 The third thing, I just got my GTE bill and there is
14 something new on there. It's only \$3.50 a month, but
15 we'll be billed for 60 months and I called and I said,
16 "What is this for?" And they said, "Well, it's for
17 people who change companies but they still want to
18 keep their number." And I said, "Well, I'll never
19 change. Why should I pay for this?" So I don't think
20 that's fair. But they said, "Well, it's across the
21 board for people who do this and they want to make
22 everybody pay for it." I said, "Why?" I'm too
23 frugal. But anyway, that's with FCC, I guess.

24 **COMMISSIONER DEASON:** Commissioner Johnson
25 can address that charge. It's called number

1 portability and it's an FCC charge.

2 **WITNESS FINCHER:** Rats.

3 **COMMISSIONER JOHNSON:** It's a charge and
4 it's interesting. I was in Washington this morning
5 and there was some discussion about that because a lot
6 of residents are complaining. They're saying, "We
7 don't need a portable number. We don't change our
8 numbers. We aren't moving."

9 But as a part of the Federal
10 Telecommunications Act, the FCC was assigned the
11 responsibility to determine how to bring competition
12 to the market. One of the issues that they were
13 concerned about is, if a competitor were to come to
14 you and say, "I want to be your service provider, but
15 you will have to change your number," that most people
16 would say, "Well, I'm just not going to change my
17 number."

18 So they had rules to require complete
19 portability. And as a part of that the companies get
20 to recover their cost because it is a very costly
21 proposition; new software, new infrastructure, things
22 that needed to be done.

23 But I am understanding and sympathetic,
24 particularly to the residential customer who's saying,
25 "Why are we paying for this?" Whereas generally,

1 business customers are more -- more inclined to agree
2 with the new technology. But it is across the board
3 to business and to residents. It will be charged over
4 a five year period to allow the companies to recover
5 costs that were incurred in order to bring this
6 technology to all of us. It's not a Public Service
7 Commission charge. It is, indeed, a Federal
8 Communications charge to allow for that, what they
9 call number portability.

10 **WITNESS FINCHER:** \$210, right? I added it
11 up. I said, 60 months.

12 **COMMISSIONER DEASON:** It shouldn't be \$3.50.
13 How much --

14 **COMMISSIONER JOHNSON:** How much is yours per
15 month?

16 **WITNESS FINCHER:** I think it was \$3.50.

17 **COMMISSIONER JOHNSON:** Now, that may be a
18 different charge. That may be a different charge. If
19 it's \$3.50, that's probably the subscriber line charge
20 which is a different charge.

21 **WITNESS FINCHER:** It was something,
22 because -- I just wondered what it was.

23 **COMMISSIONER JOHNSON:** But a new charge that
24 I'm sure -- and this -- in the Tampa area and Orlando
25 area, some of the larger cities are starting to see

1 the number portability charge. We may need to look at
2 your bill to see and I will try to perhaps or Staff
3 can explain to you what it might be. But the number
4 portability charge is a lot smaller than that. It's
5 it still a charge and your concerns would still be
6 valid, but it's a smaller charge.

7 **COMMISSIONER DEASON:** When Mr. Scobie from
8 GTE comes up we'll get him to explain where the
9 company is in relation to that charge also so you may
10 want to stick around for that.

11 **WITNESS FINCHER:** Okay. I can send out for
12 pizza. I thought that beep, beep, beep was time's up,
13 time's up. You should have a time's up.

14 But thank you. I didn't expect to talk. I
15 thought you all were going to tell us what you've been
16 up to. But thank you very much. I appreciate the
17 Public Service Commission. It's nice to say all your
18 faces tied in with the letters that I've gotten and
19 thank you for handling everything.

20 **COMMISSIONER DEASON:** Thank you. We
21 appreciate those kind comments. Our Staff -- we have
22 some good Staff who really try to assist customers
23 whenever they can and we're proud of them.

24 **WITNESS FINCHER:** Thank you very much.

25 **MR. BECK:** Thank you. The next witness is

1 Kay McDaniel.

2

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3

KAY MCDANIEL

4

was called as a witness on behalf of the Citizens of
5 the State of Florida and, having been duly sworn,
6 testified as follows:

7

DIRECT STATEMENT

8

WITNESS MCDANIEL: I'm Kay McDaniel,

9

M-C-D-A-N-I-E-L. I live at 40 44th Avenue, St. Pete
10 Beach, Florida 33706.

11

In March of 1997 I was crammed, not for a
12 few dollars, but by two companies on the same bill.
13 One, Integretel Incorporated for \$27.50 and that was a
14 monthly VM, which I assume is voice mail, rate.

15

The second was ITA for \$49.50. And that was
16 for dial net. Several months later I found that they
17 were billing for Innovate Telecom and at the time I
18 found out who Innovate was, they had no telephone
19 number, just a PO Box in Atlanta, Georgia.

20

At any rate, my now 23-year-old daughter
21 tells many people, "I've never seen my mom mad until
22 she called these two companies." I've been an
23 engineer for telephone companies and utility companies
24 for many years. So I was not unfamiliar with PSC and
25 all of these things that were going on.

1 When I called both of these companies it was
2 on their 800 numbers, late at night because that is
3 when I noticed it, and it was a 24-hour 800 number.
4 They both told me that, yes, I indeed did authorize
5 the service and that they had this on a recording.
6 And in both cases the recording was a one-syllable
7 name that you couldn't even tell what it was.

8 And I told them that certainly I did not
9 authorize it. I did not want the service and I wanted
10 it removed from my bill. And they agreed to do that.
11 And they did do that. But then they recharged me for
12 the same service the next month. At that time I
13 called GTE. I called both companies and I asked for
14 it to be removed from my bill and that the billing
15 cease. Integretel did remove the bill the second time
16 and I had no more trouble with them.

17 ITA, however, continued to let that
18 charge -- they did not continue to charge me a new
19 charge for it, but they would not take that charge off
20 the bill. GTE did tell me that they -- you know, they
21 were very helpful -- well, they were very nice. They
22 said they had no power over this. They had to place
23 third-party billing on my bill.

24 Several months later I was told that, yes,
25 they could recourse it back to ITA if I couldn't get

1 it taken off of. And at the same time now, I called
2 the Public Service Commission and they asked me to
3 send them the information. I did. And then sometime
4 during this time I called them the second time and
5 they said, well, they didn't have my file, would I
6 send it again.

7 So the last I heard was it wasn't Public
8 Service Commission, it was FCC, and they gave me the
9 number for that. And that's when I found out that ITA
10 was really billing for Innovate Telecom and it was in
11 October that I found this out, but they had quit
12 billing them in June. And perhaps that's why GTE
13 couldn't recourse it back.

14 But at any rate there was a little
15 inconsistency there. Because one of the GTE people
16 had told me they could recourse it, plus the finance
17 charges on there or the late fees on that, and then
18 later they said they couldn't.

19 So at that point I said, I don't really give
20 a flip, you know. I'm just going to let it ride. And
21 then later, all of a sudden, it did disappear from my
22 bill and I regret that I don't have that date, but it
23 was sometime later.

24 I will tell you as a professional engineer,
25 whenever I talk to these people -- not GTE or Public

1 Service Commission. In both cases these people were
2 very nice. GTE even took the opportunity to save me
3 fees by grouping my accessories and all differently,
4 so I saved money there.

5 But the ITA and Integretel, they made me so
6 frustrated I just wanted to cry. If I had been a
7 65-year-old lady on fixed income, I'm sure I would
8 have paid it out of frustration, even if I did not
9 have the money. I cannot tell you how terrible an
10 experience it was. And of course, I'm never going to
11 pay it. And that's it. But it has all been taken
12 care of.

13 **COMMISSIONER DEASON:** Questions? Thank you.

14 **MR. BECK:** The next witness is Tom Aderhold.

15 **WITNESS ADERHOLD:** I think I came in after
16 the swearing in.

17 **COMMISSIONER DEASON:** Okay. Let me ask, if
18 there are any other members of the public who would
19 like to make a statement, if you would also stand up
20 and raise your right hand.

21 (Witnesses collectively sworn.)

22 - - - - -

23 **TOM ADERHOLD**

24 was called as a witness on behalf of the Citizens of
25 the State of Florida and, having been duly sworn,

1 testified as follows:

2 **DIRECT STATEMENT**

3 **WITNESS ADERHOLD:** I have some pass outs.

4 My name is Tom Aderhold. My address is PO Box 271364,
5 Tampa, Florida. There is a cover letter summarizing
6 my testimony this evening which I will walk down.
7 Attached to it is a copy of one of the pieces of
8 correspondence that I generated to the PSC on one of
9 those items. Let me draw your attention to the cover
10 letter and note that there are three items addressed
11 there; three distinct complaints or events.

12 The first one was a cramming by US Public
13 Communications and that is the topic of the attached
14 letter. Without going in that entire attached letter,
15 simply states US Public Communications is a phone
16 solicitation for web page design and implementation.
17 What is particularly grievous about it, is that the
18 lady who called -- let me just say up front that my
19 company has had a web page for awhile. There was no
20 need for another web page. The only reason I listened
21 to her was because she had a billing rate which was
22 less than mine. If her service was equal or similar
23 to the one that I had for lesser price, then,
24 obviously, it would benefit the company to go with
25 that new service.

1 I did listen to her -- what's particularly
2 grievous about this -- and you need to pay particular
3 attention to the tactic. And they did send a letter
4 in response indicating they have very, very skilled
5 script writers for these telemarketers.

6 I will say that after talking to this
7 telemarketer it was easily discerned that she did not
8 know what she was doing. She knew nothing about web
9 page service or design. She was apparently reading
10 from a script to solicit certain information,
11 basically a description of what my company's services
12 do. And, I guess, later I decided that she was trying
13 to get enough information to put into a web page and
14 that was her sole purpose.

15 What's particularly grievous about it is
16 that, one, they have totally unskilled people and they
17 try to solicit information over the phone to construct
18 a rather detailed description of their vendors'
19 companies' services to then put in a web page.
20 There's no way that they could have gotten accurate
21 information enough to put in the web page so the web
22 page is useful to the subscriber. She repeatedly
23 asked if I wanted her to do it. I at no time told her
24 I did. I would like to have information on their
25 service, which she sent.

1 The -- then sometime during this time I
2 called them the second time and she said they didn't
3 have my file, would I send it again. So the last I
4 heard was it wasn't Public Service Commission, it was
5 FCC. And they gave me the number for that. And
6 that's when I found out that ITA was really billing
7 for Innovate Telecom and it was in October that I
8 found this out but they had quit billing them in June.

9 (Technical difficulties.)

10 **COMMISSIONER DEASON:** You may continue.

11 **WITNESS ADERHOLD:** Rather than go into a
12 full description basically reading the attachment on
13 Item 1, I would welcome any questions later on after
14 you review that letter.

15 Item No. 2 is slamming and although we
16 went -- I went through the procedure of writing the
17 PSC and they, in turn, got a response back from the
18 vendor -- and I don't remember. I threw away all the
19 correspondence. But quite frankly, when I got their
20 response, they had attached to it two items that you
21 see down there. One is my alleged signature on a game
22 card. It was no way it was my signature. Secondly,
23 my Social Security Number clearly was not mine.

24 I looked at that and I saw fraud all over
25 it. And I didn't respond because I didn't want to

1 get -- waste all the time. I already wasted five
2 months dealing with that one particular issue. I
3 simply didn't want to deal with it any longer. It sat
4 in my office for awhile and I think I finally
5 discarded it totally. And I really apologize for
6 that. I learned yesterday talking to the
7 representative from the Legislature that if I had kept
8 it, it would have been the foundation for criminal
9 charges. I would have loved to have been able to file
10 those things because it was clear fraud. Absolute up
11 and down fraud.

12 Item 3 is bogus billing by group long
13 distance. As my paragraph says, we had had them about
14 four years ago; terminated their service; switched to
15 someone else. And about eight months ago, they
16 revived or resurrected a billing fee, a monthly
17 service fee. I tried to call them a number of times
18 to get them to cease and desist. The customer service
19 line would either not respond after, I mean, ringing
20 for a very, very long period of time, or it would
21 answer and go on hold, some type of rotation; again, a
22 hold configuration. Finally got to somebody and I
23 said, "Please, stop it. What's going on?" And as I
24 say, they indicated to me that, it must have been
25 caused by a new billing vendor of theirs that got some

1 old records and reopened them.

2 Again, I asked them to cease and desist. I
3 thought they did and they're billing again. By the
4 way, US Republic Communications, even after they said
5 that they would cease and desist, they sent another
6 invoice.

7 Some observations. The No. 2 item there,
8 what tipped me off to it was that I actually got a
9 letter or a notice from this vendor saying that if I
10 did not respond to them and cancel the service by a
11 certain date that they would activate the service,
12 they would switch my service. And of course that got
13 my iron up so I wrote the PSC, called and faxed a
14 letter to them and they got involved.

15 Let me skip down to discussion. It is
16 clear -- I've been in business in Florida for about 27
17 years. And in the past two years I have seen the
18 biggest flurry of this sort of activity than ever
19 before. It's very disconcerting and I would like to
20 work with you on the rule drafting to come up with
21 something that really makes sense that can deal with
22 these things effectively.

23 I think that if you craft language by rule
24 that -- addressing the issues that are presented
25 today, this evening that I've heard, they're pretty

1 symptomatic. Those are common denominators. They
2 keep coming up.

3 Item No. 2. Can you draft in the language,
4 work with the Legislature, to invoke any type of
5 criminal charge for demonstrated fraudulent activity
6 on these things? That's an open-ended question.

7 **COMMISSIONER DEASON:** I'm going to allow
8 Ms. Caldwell and Mr. Beck to address that.

9 **MS. CALDWELL:** The Commission does not have
10 jurisdiction to invoke any kind of criminal charges.
11 That's left up to the Attorney General's Office and
12 that's their job and they are, in fact, doing that.

13 **WITNESS ADERHOLD:** They are doing that?

14 **MS. CALDWELL:** Yes.

15 **WITNESS ADERHOLD:** Is there any way that we
16 could, at a grass roots level, support that activity?
17 Be sure that it is brought to fruition?

18 **MS. CALDWELL:** Certainly, I think that just
19 by providing the information for them. I know that --
20 it's my understanding that they've had, like,
21 complaints in the past. We certainly pass on
22 information that we see as fraudulent. We pass that
23 on over to the Attorney General's Office and then they
24 do their -- their section does their work to
25 prosecute. So any information, you can either send it

1 to us or send it directly to them.

2 **WITNESS ADERHOLD:** Can a statement be put on
3 all monthly service bills, local service provider
4 bills so declaring that any sort of -- you can spell
5 it out -- type of activity is considered to be a
6 whatever degree misdemeanor or felony?

7 **MS. CALDWELL:** I can't say whether we can or
8 not. We can certainly look into it and see and work
9 with the Attorney General. We have --

10 **WITNESS ADERHOLD:** That would be a very
11 apparent deterrent if you could do that.

12 **MS. CALDWELL:** Certainly. And we'd have to
13 work with them to make sure that they --

14 **WITNESS ADERHOLD:** Okay. I would also
15 suggest that you put the PSC's customer service
16 number, complaint number, on every bill. Insist that
17 the vendors do that. I'm surprised there are this
18 many people that showed up and actually contacted the
19 PSC. You're not easily found. I mean, you're
20 findable. But for most people, no. And they don't
21 even know you exist, let alone to call you.

22 My experience -- I'm not picking on GTE when
23 I make this comment necessarily. But I became quite
24 acquainted with the PSC because of GTE; old historical
25 habits, bad habits. I don't have any new complaints

1 that are substantial. These are old.

2 You might have also the local service
3 provider immediately reimburse the total bill,
4 whatever the complainant's figure is. Totally
5 reimburse it.

6 **MS. CALDWELL:** Going back to -- we're in the
7 process of doing the cramming rules, but we just
8 finished up our slamming rules. We have a 30 day full
9 refund provision in for slamming complaints.

10 **WITNESS ADERHOLD:** Well, now when you say 30
11 days, they must reimburse the total figure within 30
12 days?

13 **MS. CALDWELL:** No. For whatever -- for the
14 first 30 days that you're charged. So you may not
15 find out about it for 60 days, but at least for the
16 first 30 days or the first billing cycle. So if you
17 are -- if you only get billed quarterly, you get
18 reimbursed for that first billing cycle. But
19 generally, it's a 30 day billing cycle.

20 **WITNESS ADERHOLD:** The reason I ask about
21 that is because I have a response letter from US
22 Republic Communications and they're several items in
23 here, bones to pick, if you will. But one of them
24 that is interesting is, even though they say they will
25 reimburse whatever the billing was, they say that they

1 will reimburse is over the next two local telephone
2 statements.

3 Can you think of any logistical reason to
4 stretch it over two billing cycles? They already know
5 the total. Rather than make two entries on two
6 different invoices, they make one entry on one invoice
7 and be done with it.

8 **MR. MOSES:** I think what they're making by
9 that statement is they're saying that refund will be
10 completed to you within two billing cycles because
11 each group of customers is in a different billing
12 cycle from the local exchange company and that company
13 doesn't know what cycle you're in. So they would
14 resubmit those refunds back through your local
15 exchange company and they have no control as to when
16 you are billed from them. So that's the standard
17 language most of them put in there.

18 **WITNESS ADERHOLD:** I would suggest you look
19 at that and recraft that because what that literally
20 allows them to do is split the total into two parts
21 and a customer looks at one and they either get
22 confused, they don't get confused, and they think they
23 got part of it back or they got it back and they don't
24 check the next one to see what the resulting subtotal
25 is. So it's a clever way --

1 **MS. CALDWELL:** Are you, in fact, getting
2 billed? I mean, is it taken out twice? I mean, and
3 you've got where it's taken out in partial?

4 **WITNESS ADERHOLD:** When you say taken out,
5 you mean reimbursed?

6 **MS. CALDWELL:** Reimbursed. Are you getting
7 reimbursed?

8 **WITNESS ADERHOLD:** I honestly don't know. I
9 don't know. I don't think they have come up to the
10 period where they're going to start reimbursing yet,
11 and quite frankly, I haven't checked with the
12 bookkeeper to see whether they have actually
13 reimbursed the amount.

14 **MR. MOSES:** The complaints that we have
15 handled, we haven't experienced that happening yet.
16 Usually it was done in a full credit, but it was done
17 within that period of time.

18 **WITNESS ADERHOLD:** Good. That is the intent
19 and that seems to be the spirit in what they're
20 actually doing?

21 **MR. MOSES:** Yes.

22 **WITNESS ADERHOLD:** Good. Oh, this US
23 Republic seems -- one last item. Then I will rest.

24 This US Republic seems to have a tactic of
25 sending out what they call a confirmation packet.

1 Now, remember, this is the web page service.

2 They send out what they call a confirmation
3 package and in this respondent letter to me, they are
4 saying that because I did not tell them to make any
5 changes in their web page language, that they would
6 automatically start the service.

7 And I might -- I'm going to get us all back
8 to this notion of an inexperienced telemarketer taking
9 information to craft a web page. I will tell you I
10 started laughing at her when she asked me that because
11 there is no way anybody in that company could craft
12 the language for what we do. We do so many different
13 things there is no way I'd even attempt to do it over
14 the telephone. And I tried to tell her that, but she
15 persisted and sent out what they call a confirmation
16 package. And quite frankly, I don't know whether it
17 even said -- and what it said in there because I
18 trashed it when I got it.

19 Thank you very much. I think that's all.
20 By the way, Items, I think, 1 and 2 -- Items 1 and 2
21 should be on file in your office. Whatever the -- my
22 original correspondence was and then the vendor's
23 responses are in there. So if you want whatever other
24 facts and the background on those two items, they are
25 in there.

1 **MR. MOSES:** Has Item 3 been resolved?

2 **WITNESS ADERHOLD:** No.

3 **MR. MOSES:** Would you like our office to
4 look into it?

5 **WITNESS ADERHOLD:** I just ignore the bill.
6 I'm quite frankly hoping that it bills up to such an
7 amount and they do something really stupid that I can
8 nail them with it.

9 I truly apologize for Item No. 2, discarding
10 that information because I'd love to put somebody in
11 jail on that one. That was the only really hard act
12 of fraud out of these three. The other you could
13 excuse as some type of billing error or whatever. But
14 that No. 2, it screamed at you.

15 **MR. MOSES:** Let me go ahead and I can
16 contact you at this number up here. Let me go ahead
17 and investigate that Item 3 for you.

18 **WITNESS ADERHOLD:** Okay. Great.

19 **COMMISSIONER DEASON:** Anything else? Thank
20 you, sir.

21 **WITNESS ADERHOLD:** Thank you much.

22 **MR. BECK:** The next witness is Thaddieus
23 Gora of Utopia Energy.

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THADDIEUS GORA

was called as a witness on behalf of the Citizens of the State of Florida and, having been duly sworn, testified as follows:

DIRECT STATEMENT

WITNESS GORA: My name is Thaddieus Gora. My business office is 2843 US Highway 19 in Holiday. Is there anything else you need?

COMMISSIONER DEASON: No. You just proceed with your statement.

WITNESS GORA: I've been here for a short while and a lot of this conversation starts with GTE somehow being involved in it. And there is an old Italian saying, "A fish starts to stink at the head." And this is where it started with me.

About seven months ago I transferred my business to this new location. I was not allowed to take my WATTS line from the old business because they said they have a 90 day -- it was like a partnership deal. They have about a 90 day hold on that phone. So I said, fine. Give me another one.

The key to that is the ending of that number, 4822, which stands for HVAC. I am a distributor of a product that has federal approval, military approval, code numbers. It's an air

1 conditioning additive.

2 Okay. So thereby, HVAC is very important to
3 me. Needless to say, we had problems to start with.
4 It took almost screaming on the telephone to direct
5 GTE to find my address. They couldn't find the
6 building for three weeks. Okay.

7 Finally they found the building and they
8 installed the phone; all the phones. I have a WATTS
9 line then. I have a dedicated fax line, and I had a
10 thing that they told me was a smart ring. Well, it
11 must have been the dumbest thing because I've never
12 heard it. Never.

13 I installed some product in Fort Knox Center
14 in Tallahassee for an outfit on Broadway in New York,
15 a holding company, and a man calls me. This is about
16 two and a half, three months into the business being
17 open. And he says, "Teddy, what's your address?" I
18 told him. He says, "Why are people in California
19 picking up your number?" I said, "What are you
20 talking about people in California picking up my
21 number?" The man is under the impression that I'm
22 working out of a phone booth. And I just installed
23 \$2,800 of product in one of his buildings in a couple
24 of the machines.

25 So I dialed the number. Sure enough, it's

1 in California. So I called the phone company. You
2 never heard the rash that I got including almost being
3 cussed out or as close as you're ever going to get to
4 being cussed out. Being told in no uncertain terms,
5 "You had no business having that number. That's a
6 Sprint exchange and this is GTE."

7 Well, I says, "Whatever it is," I says, "you
8 had a man in here install three phones, check them
9 out. Okay. I dial the phone. The phone rings. So
10 as for as I'm concerned, it works."

11 I called the people again in California.
12 Sure enough it's that phone. So I had my friend from
13 Tallahassee call me up. Got the California. The man
14 owes me \$2,800, thinks I work in a telephone booth.
15 Seriously.

16 It took three months for me to get paid and
17 the reason that it took three months for me to get
18 paid because it took over three months for me to start
19 getting the money from GTE because I had made two
20 printings on all of my literature. I had to can
21 everything and make new printings of everything with
22 the new number. But why did I have to do it twice?
23 Because they did it twice. Okay. So I had to pay for
24 two printings. One was \$1,358 and some odd -- 90 some
25 odd cents.

1 I've spoken without a shadow of a doubt at
2 that point probably to 100 people. People who died,
3 got resurrected. One of them was a guy named Eric who
4 was probably one of the two or three employees in that
5 entire organization that I would have any kind
6 comment. As a matter of fact, Eric is at Haset,
7 whatever his last name is because no one in GTE has a
8 last name except Mrs. Perry. She's got a last name.
9 Okay.

10 I've had cross-over lines. I would pick up
11 a telephone, somebody selling tires. Okay. I've had
12 people making love on the telephone. I'm listening to
13 this. I'm listening to this. They don't hear me.
14 I'm trying to break through. There is a parcel
15 delivery service that delivers food in St. Pete. And
16 each time I call them they tell me I'm crazy
17 basically.

18 I've had laughed in my face twice. One time
19 the woman didn't realize that she didn't have me on a
20 hold button yet and, obviously, you know, I have a
21 very distinct voice and they now my voice. The whole
22 bloody office burst out laughing. It was a chorus
23 there. Now, I'm not making believe here.

24 All together I would venture to say I've
25 made at least 200 to 250 phone calls. It finally got

1 so exasperated I called my friend in Tallahassee. He
2 says, "Here is a number." I called your offices.

3 A young man name Vic McKay answered the
4 phone. It was the first breath of fresh air I ever
5 got. And if it wasn't for your Commission -- I want
6 to tell something. Whether it's GTE or any other
7 Corporation, they would run rough shot on everybody
8 like we're idiots. Okay.

9 The attitude and the arrogance displayed by
10 their employees is just simple arrogance. That's all
11 there is to it. I affectionately call it a "civil
12 service syndrome". If you ever went to get a license
13 plates transferred and waited in line for ten hours or
14 whatever it is and somebody says, "Well, you didn't do
15 this right." You know. That kind of an attitude.

16 Eventually we got most of the lines squared
17 away. Okay. Eventually. But couple of things still
18 continue. One of them is, I have an answering service
19 for a Dr. Baker. Okay. Dr. Baker. So for five
20 months they're trying to find out who Dr. Baker is
21 because I have it in my mind, you know, there is
22 something wrong here.

23 When I answer it now, I say, "Well, he's no
24 longer a doctor. He just be come a part-time
25 proctologist." This way they get off the phone.

1 Okay.

2 I just came from a meeting from Baltimore
3 with a man on whom I hung up by accident because I was
4 answering Dr. Baker's phone call. The man is an
5 Admiral. I met with eight people there. One was the
6 Admiral, a Captain, the Commodore. Okay. This is the
7 phone calls that I make. I deal with federal, county
8 and state and boards of education, businesses,
9 et cetera in my product. So one phone call could be
10 my retirement, not just a phone call. Okay.

11 So once again, we get them to come in. But
12 in the meantime, by the way, I'm getting threatening
13 letters. "Pay the bill or else we'll shut you off."
14 I says, "Well, send me a bill. Let me see what you
15 have."

16 There was a lady named Ms. Tiffany in the
17 beginning who give me \$100 credit towards my WATTS
18 line for the inconvenience. Well, that's not on the
19 bill. I didn't see a credit there. "What's this
20 telephone number here?" "Oh, that's your smart rate."
21 I says, "You mean to tell me I don't have a WATTS line
22 for three months, but I'm paying you for a smart
23 ring?" Okay. So on.

24 You're talking about slamming. I'd say
25 they're the best slammers there are. They are the

1 best slammers there are. I had the dubious
2 distinction -- actually it wasn't. It was a good
3 learning lesson.

4 When telecommunications first came out I
5 worked for an outfit out of Utah and I learned
6 telephone communications. It's very effective. That
7 gentleman that was talking about the pitch just now,
8 that's what it is. It's a prescribed pitch, and as
9 long as nobody knocks you off of it, you can make it.

10 Finally I got sick and tired. The money is
11 not coming. I got ahold of a Mr -- no. I didn't get
12 ahold of him. This guy called me back. Mr. Greg
13 Williams called me back and we made an agreement. The
14 agreement was that I will take another number. They
15 will pay for all the printing that I had to have done,
16 which is two times \$1,358 and 90 some odd cents, and
17 we will wash our hands clean. Get rid of the bloody
18 thing and let me have business and get Dr. Baker off
19 my phone and whoever else is selling tires or making
20 love. Okay. It's a deal.

21 "Send me a fax with your printings." So I
22 called the printer. The printer sends them a fax. I
23 call a week later, "Well, we never got a fax." Sent
24 them another fax. "We never got another fax." Well,
25 I send them a fax from my fax. That one they got.

1 That happened twice for the both printings. Okay.

2 So I'm expecting money. "Oh, check has been
3 made." I said, "What's the number?" "Oh, I can't
4 find it right now." I said, "Well, it's very simple.
5 Just pull it up." "Well, it's not in this
6 department."

7 I want you to know, each and every time I'm
8 dealing with different people all the time. This is
9 not an accident. This is a catch-22, perfectly
10 designed system to absolutely drive you out of your
11 damn mind. Okay.

12 I go to pay my bill, my telephone bill for
13 my residence. She's says, "Ted, hell, you got
14 \$1,358 -- oh, no." She says, "There's \$800 taken out
15 of that credit in my bill." I says, "Hell, I don't do
16 banking with GTE. Where did that come from?" Right?
17 What turns out to be that the check that is supposed
18 to have come to me, went into the credit into my phone
19 bill and they arbitrarily took out \$800 which they
20 think they got coming for a phone that I don't have,
21 for an idiot number that I don't have, for a service
22 that I don't have. And I don't want to prolong this
23 and anger myself, but I will give you the best one.

24 Three weeks ago. Okay. Three weeks ago --
25 oh, by the way, this is a month, almost five weeks now

1 I'm waiting for some supervisor who had spoken with
2 me -- and I don't know her name, which is one of the
3 standard things. And I will lay you all the money I
4 got here, I'll put you on the line in my office, call
5 483 -- 1-800-483-5200. It's embedded in my brain.
6 It's embedded in my thoughts. Okay. I guarantee you,
7 you will not find a supervisor until you take your
8 pants off practically. And you'll be shunted from
9 pillar to post, to pillar to post, to pillar to post.
10 Okay.

11 Finally, when Mr. McKay got involved I got
12 the check. A check. I'm waiting for the second
13 check. So we call them up. "Oh, it's going to be
14 there on the 28th. It was written up on the 28th."
15 So I called. That credit that I thought was now the
16 second check, okay, because by now I've had it up to
17 here. Take your money. Get the hell out of my life.
18 Let me continue doing business.

19 "Well, that money has been taken out." And
20 then I get a call from Ms. Penny Perry. Okay. The
21 most arrogant thing I have ever met in my life. Not
22 because we're talking business. Not because what she
23 had to say was not to my liking. Arrogance. Pure,
24 unadulterated arrogant broad. What we used to call in
25 the automobile business a real estate broad. When

1 they came to the lot nobody wanted to talk to them.

2 "You're only going to get one check and one
3 check only because you would have had to have it
4 done -- you would have had to have that printing done
5 anyway when you got your number." Excuse me? When
6 did we become partners? Three and a half months for
7 me to get my printing to hear this?

8 All this time I've been working with Vic.
9 The only time I ever got a response is when I called
10 Vic and Vic sent them an e-mail or whatever it was.
11 Okay.

12 I don't want to prolong this much longer
13 because I can keep you here until we're both hungry,
14 but I will just close it off with this.

15 Three weeks ago, four weeks ago, a man came
16 to fix the telephone because I still take sometimes
17 six, seven times to send a stinking fax because all
18 these line errors. There's nothing wrong with the
19 fax. So I'm making phone calls after phone calls
20 after phone calls to the same people for nothing,
21 okay, for which I'm being charged.

22 Well, she accuses me one day of almost a
23 theft of service. So I ask you, if somebody takes
24 your phone and doesn't even ask you, doesn't let you
25 know it, is that theft of service? But that ain't the

1 best.

2 Guy comes in there. Now he proclaims this
3 thing and gives it its benediction. "This phone
4 system is perfect. Everything is perfect." In the
5 meantime, I spent three and a half hours just prior to
6 his getting there and I found Dr. Baker and I found
7 what the problem was that they couldn't solve in six
8 months. So I sent them a bill.

9 But before I sent the bill, I called GTE,
10 and so help me God, this is a riot. Not one person --
11 and I made about 25 phone calls. Not one person would
12 tell me who I send the bill to and who is the
13 solicitor for GTE because I intend to prosecute them.
14 Through whatever means I can, I will do so. Okay.

15 The woman laughed in my face. Literally
16 laughed in my face. So I called Vic again. Vic gave
17 me Mrs. Mannard (phonetic) in Tallahassee and I
18 forwarded the bill for my services. I get \$125 hour
19 when I do consulting. I don't work for nothing,
20 especially for GTE. Okay. So that's in there.
21 Certified mail. Has yet to be acknowledged.

22 I don't mean to raise my voice. My voice is
23 loud to start with. The joker comes in and gives his
24 benediction. I said, "Hold on a second. 1-411." I
25 said, "May I have Utopia Energy Conversation," because

1 it just dawned on me. I've never had a queried
2 telephone. What do you do? What do you think? I
3 never had one of them phone calls. So I dialed 411.
4 Guess what? I'm not in business. I have the dubious
5 distinction of being the first person in Florida who
6 started a business whose sole purpose is telephone, I
7 started it with an unlisted number. It wasn't listed
8 until two weeks ago when I got that corrected.

9 So I ask them, how much do you owe me, since
10 you wanted so much money to advertise me and it
11 would -- I would gain 20% just by having my name
12 enlarged, so I wanted to know, what do I get for not
13 having -- being registered as even a businessman, no
14 telephone number, no WATTS line, but I'm being charged
15 for it though.

16 So the man is standing there and I get this
17 information. I says, "Hey, talk to this guy, would
18 you please." I handed him to the operator. He don't
19 know what to say and then, he, "but" -- starting
20 hammering and howling.

21 Well, gentleman, to this day no one has yet
22 to address that issue. When I spoke to that issue to
23 any number of people, specifically to Ms. Perry, I
24 said, "Since you say I owe you, what do you owe me for
25 theft of services? You stole from me." "That's not

1 my department." And you will hear that every single
2 time you try to corner and get somebody's attention.

3 And in view of that, right now, as it stands
4 I'm waiting for an answer from -- either from Vic or
5 some lady, some sort -- Vic recommended that I go to
6 an interim meeting of some kind, something to this,
7 which I will do. I will drive to Tallahassee. I will
8 jump through the hoops, do everything that is good,
9 proper and honorable. Okay.

10 But after that -- I want to tell you
11 something. The whole interest of this meeting is that
12 GTE needs money. What they need is restructuring
13 because they're not giving us a service. Their
14 equipment is certainly not up-to-date. When I'm
15 sitting at my phone today, 12:43, eating a sandwich,
16 the phone doesn't ring. Ten minutes later I pick up
17 the telephone and there is a voice mail and the phone
18 never rang. This is constant. This is consistent.
19 And the man just gave the benediction so it should
20 have worked.

21 I have nothing further to say. I'm waiting
22 for that meeting.

23 But if there is a last thing I would like to
24 do is take their pants off in public because corporate
25 arrogance is at its worst because they answer to no

1 one. If I break something, I own both 50s. If they
2 make a mistake, own up to it and pay. Right now I
3 want to know what I'm owed for having my number
4 stolen; the WATTS line; being belittled by my
5 clientele. Okay. No listing on my regular number. I
6 want to know what I'm owed. Okay.

7 Oh yeah, I want that bill paid. Three and a
8 half hours at a buck and a quarter. Oh, by the way,
9 that's about the fifth, "I will shut your phone off if
10 you don't pay." Is there any questions?

11 **COMMISSIONER DEASON:** I think not.
12 Mr. Beck.

13 **MR. BECK:** Next witness is -- and I'm having
14 trouble reading it. Mr. Robie or Tibie?

15 **WITNESS ROBIE:** Robie.

16 **MR. BECK:** Okay. Sorry.

17 - - - - -

18 **TERRY ROBIE**
19 was called as a witness on behalf of the Citizens of
20 the State of Florida and, having been duly sworn,
21 testified as follows:

22 **DIRECT STATEMENT**

23 **WITNESS ROBIE:** I didn't know I was suppose
24 to speak either. I thought I was going to be
25 listening more than talking.

1 Addressing your question, Mr. Jacobs, as far
2 as billing or how it appears in the billing, would you
3 like to see an example? I think an example would help
4 you understand how it appears on the bill.

5 **COMMISSIONER JACOBS:** Okay. Sure.

6 **WITNESS ROBIE:** That is how it happened to
7 me.

8 **COMMISSIONER JACOBS:** Thank you.

9 **WITNESS ROBIE:** First of all, the Commission
10 has been extremely cooperative. The two employees I
11 wanted to thank and also to commend is Samuel Gonzalez
12 and Ellen Plendl I think their names are. They've
13 been very helpful. Mine is like in the middle of
14 being solved or attempted to at least. I've gotten a
15 partial promised refund, although, again, I have not
16 seen it either.

17 My problem went from '96 to '98. And I
18 cancelled my phone service all together and asked GTE
19 to help me solve the problem. I had two requests
20 because I have written requests from GTE. And when I
21 didn't get any answers I went to the FCC and that's
22 when I decided to cancel the service, because my
23 particular case is \$100 and some odd dollars and --
24 also with ITA.

25 The things I'm -- the things that bother me,

1 as well as a lot of people I've seen and spoken, is
2 that you all have been unbelievably cooperative.
3 Although again, we have all done so much work to prove
4 our innocence. I have not seen any condition or any
5 situation to where GTE -- one, you all have done
6 everything you can to help me prove my innocence. GTE
7 has not been involved at all in the solution; at all.

8 One said, okay, if you don't want to respond
9 to my letters, I think they should be helpful in
10 solving the problem through you all and through me,
11 since we seem to be doing the effort. It should not
12 be just our job. We did not do it. They did.

13 If you're going to bill me on something, if
14 you're going to make me responsible to pay it, if
15 you're going to cancel my service because I do not
16 agree with the billing, and it's been complained
17 about -- and I've done everything else. I've done it
18 in writing. Not verbally. I want to do it writing.
19 And that's what I've done.

20 This is a year's worth of work and no
21 cooperation from GTE. Not even -- not even responded.
22 Once they did respond on my machine saying it was my
23 responsibility to call the 800 number. It is not my
24 responsibility to pay for -- to be responsible for a
25 vendor that they billed me for. That's what my anger

1 comes through.

2 I don't understand why I should have to be
3 doing this much work. I don't understand why -- one
4 of the only things, I can see by the Commission -- I
5 just think that because they're trying to please us so
6 much, I don't understand why they're not becoming more
7 demanding on asking GTE to be a solution in this.

8 I think that GTE should be responsible.
9 They should be communicating after you address them.
10 That I should not have received one letter, one iota
11 from GTE period. I do not understand that. Why -- if
12 we're doing our job, a job that we shouldn't have to
13 be doing, why are they not involved?

14 If I don't pay a GTE bill, if I'm late on a
15 GTE bill, and they discontinue service, they
16 recontinue service after you pay them and they charge
17 you a huge fund to return on charge.

18 In my case, I don't know how you're ever
19 going to refund me because -- except I owe them a last
20 month's bill and I will be happy to pay them the bill
21 when this is resolved.

22 I don't understand why the Commission -- the
23 only thing about the Commission is -- I'm seeing they
24 gave me a partial refund of \$300 and some odd dollars.
25 I have all the information with me. I'm not sure how

1 they -- how they got that figure. In my case, that I
2 have the records of, it is at least \$800 to \$900.

3 Now, what I was asking the Commission to do
4 was to assist me to ask GTE -- they must have records
5 that go past the dates. How many people do you know
6 that keep their telephone bill from '96? I'm lucky I
7 had that. I don't know, to be honest with you, when
8 it first started. I'd like to know when it first
9 started. I'd like to see bills prior to the '96
10 information that I have to you of evidence.

11 I think they should also be responsible to
12 help me maybe 12 months before that to see if they
13 were billing me before that '96 bill. It should be
14 partially their responsibility to help me out on this.
15 They should be helping me. If they don't -- if
16 they're not pleased with their vendor, they should be
17 helping me get their vendor. Okay.

18 And in other words -- and also, I'm going to
19 be refunded and I appreciate the Commission getting
20 the refund. I don't know how I'm going to get
21 refunded. Is it going to be in cash, if I don't have
22 present services? This is the other thing. I've been
23 very inconvenienced not having service. It's been my
24 personal choice not to. I've been able to operate
25 without it. But it's been -- I also think it's

1 arrogance.

2 And so, in other words, if it's going to be
3 taken off the bill that I owe them, that's fine. But
4 I want to see evidence from them. I want to see
5 written.

6 So also the fact of, is that, you know, I'd
7 like to again have telephone service, but if I want to
8 have telephone service, I think GTE should be
9 responsible for the turn on charge, for giving me my
10 deposit back, and then once we agree on what the
11 billing is after I get my refund, that I should --
12 they should be absorbing all turn on charges and also
13 clear my credit file on this. Because I know it's
14 going to be difficult for me to get telephone service
15 if I move to any state. It should not be my job to
16 continue to do this, to clear my credit file on the
17 GTE services.

18 So then basically, that is everything that I
19 have. I'd love questions. I have a ton of
20 information, written information. I really thought I
21 was going to be individually talking to somebody, if
22 at all. So I wasn't really prepared to make any
23 speeches. But I've got a stack of written stuff that
24 I've been doing for six to seven months that I know
25 that none of us in the room have time to do.

1 And the only thing I can say is that it's
2 been very, very redeeming to know that our government
3 agency is being so thorough and cares this much to let
4 us talk, but also then responding to me. But it's a
5 monopoly like GTE that's only providing one service.
6 I have no choice but GTE.

7 In other words, I have no choices at all. I
8 have to go through their services or not at all. So,
9 I mean, in other words, I think that this kind of --
10 as you regulate us and the whole situation in trying
11 to solve the problems, also GTE needs to be more
12 ethical in their business practices. That's kind of,
13 like, all I have to say. Any questions?

14 **COMMISSIONER JACOBS:** I didn't hear. Had
15 you been in contact with the Commission?

16 **WITNESS ROBIE:** Yeah. I've written them
17 twice. These two people that have helped me in your
18 company have been Ellen Plendl and Samuel Gonzalez.
19 Both of them have been doing a lot of research. And
20 like I'm saying, I'm three-fourths into solving this.
21 They gave me partial -- Mrs. Plendl, which I have a
22 letter written here. I was going to mail but I
23 thought I'd mail it after I came here. Is that she --
24 I said it was owed \$800. She said \$300, but didn't
25 tell me why -- or how she came up with that figure.

1 I've given her a start note that if you see in the
2 billing I've given you -- a start note and a last day
3 of '96 to '90 something. In other words, it's been
4 about 12 to 14 months if I'm not mistaken.

5 But again, I'm thinking I could have been
6 charged before that '96. I think GTE should be
7 responsible to help me out with my innocence if not at
8 all. If I'm doing this much work, you all are doing
9 this much work, why aren't they doing any work?

10 **COMMISSIONER JACOBS:** I noticed that on
11 yours, ITA was listed as for long distance charges.

12 **WITNESS ROBIE:** Right. See, when you were
13 asking about the billing, I understood your question,
14 why it got confusing. Why I wanted you to see a
15 physical example of it? I had very high long distance
16 charges, so it was easily hidden in my long distance
17 charges, you see. I just took it as something I owed.
18 I trusted GTE as a service, as a dependable service,
19 they wouldn't overcharge you.

20 All of a sudden, in '97 or '98 I looked at
21 this and went, I don't know how long I've been charged
22 for this. And thank God I kept my billing. I didn't
23 keep my billing -- I didn't -- I stopped this service
24 as soon as I saw it because they wouldn't cooperate.

25 **COMMISSIONER JACOBS:** My question had to

1 do --

2 **WITNESS ROBIE:** Sorry.

3 **COMMISSIONER JACOBS:** Does that say
4 unregulated?

5 **WITNESS ROBIE:** It appears --

6 **MR. MOSES:** It appears on the bill as a
7 nonregulated service charge at \$49.50.

8 **COMMISSIONER JACOBS:** Long distance.

9 **MR. MOSES:** No. No.

10 **COMMISSIONER JACOBS:** That's not what it
11 says at the bottom?

12 **MR. MOSES:** No. That's just giving the
13 total on it which is --

14 **COMMISSIONER JACOBS:** But that's confusing
15 because at the top it says nonregulated and at the
16 bottom in which that total is included it looks like
17 it says total long distance charges.

18 **MR. MOSES:** What the charge is for is for a
19 voice mail which is not a regulated charge, but then
20 they add taxes to it and it comes down and says
21 nonregulated charge and then at the total they say
22 total long distance, which is a regulated charge, so
23 it is a very confusing bill.

24 **WITNESS ROBIE:** See and what they do is they
25 kind of slip it in. You know, you have a stack of

1 long distance, which you're willing to pay, but they
2 slip it in there so you think it's just one more --

3 **COMMISSIONER JACOBS:** Wraps it in some level
4 of credibility.

5 **WITNESS ROBIE:** Yeah. Exactly. And I think
6 that we're --

7 **COMMISSIONER JACOBS:** I'd like to find out
8 how that happens. Thank you.

9 **COMMISSIONER DEASON:** We'll get those bills
10 back to you. Thank you.

11 **MR. BECK:** Commissioner Deason, there are no
12 other persons who signed or checked the box ahead of
13 time to speak.

14 **COMMISSIONER DEASON:** Come forward.

15 **WITNESS MCELHINEY:** I'm Ron McElhiney again.
16 Earlier I had mentioned a case that I had not heard a
17 resolution on, and for the record I'd like to give the
18 name of the company. That was Home Owners Long
19 Distance Incorporated and it's Case Number 211060-I.
20 Home Owners Long Distance Incorporated. Thank you.

21 **COMMISSIONER DEASON:** Thank you. Are there
22 any other members of the public who wish to make a
23 statement at this time? If you'll please identify
24 yourself. Yes, ma'am. Were you sworn?

25 **WITNESS HADDOCK:** Yes, I was.

- - - - -

GLORIA HADDOCK

1
2
3 was called as a witness on behalf of the Citizens of
4 the State of Florida and, having been duly sworn,
5 testified as follows:

DIRECT STATEMENT

6
7 **WITNESS HADDOCK:** My name is Gloria Haddock,
8 H-A-D-D-O-C-K. I live at 1316 Waikiki way, Tampa,
9 Florida 33619.

10 I have two issues. Number one is with
11 slamming. In January of 1998 I received my billing
12 from GTE and on this billing were charges from US
13 Billing for Amerinet and also charges from OAN
14 Services, billing for wireless roaming company. I
15 called GTE trying to find out what these charges were
16 for. Talked to numerous people. "We'll get back to
17 you." No one ever got back to us.

18 So in February, the beginning of February, I
19 called trying to speak with the supervisor. Finally
20 spoke with someone named Kelly Caulis (phonetic). She
21 said that she would get back with me within the next
22 24-48 hours. We couldn't get phone calls of these
23 companies or contact people or anything. Never heard
24 back from Kelly Caulis. Tried to find out who else I
25 could write to; headquarters if possible. Had my

1 administrative assistant finally get a Larry Etwells
2 (phonetic) name in Irving, Texas and I wrote to him.
3 Still nothing happened.

4 Also on this same day I wrote to Mr. Charles
5 Beck, Office of Public Counsel in Tallahassee. At
6 that point things began happening.

7 I received a phone call very quickly from
8 Earl Poucher. I related my concerns and issues with
9 him concerning all these billing charges, not getting
10 any cooperation from GTE, or anything else. And so,
11 correspondence was then sent to Amerinet and then we
12 received a letter back from Amerinet attorneys that
13 was addressed back to a Mr. Durbin, that basically
14 said that they had a signed consent of my husband
15 authorizing a change in long distance service and that
16 we were trying to be noncompliant with this agreement
17 that we had made with them.

18 Well, when they sent the information I asked
19 for copies of this consent and so forth. They sent
20 plain Exhibit As. So when we called back to get a
21 follow-up letter they did send copies, but it was a
22 forged signature. It's not my husband's signature.

23 Also, the birth date on there was wrong. It
24 was a 1966 birth date, which would make my husband
25 younger than my daughter. And so again, we have some

1 problem issues with Amerinet. And ultimately it -- up
2 through April and May of that same year we finally got
3 the charges credited to that.

4 In going back and talking with GTE about it,
5 they said that our long distance service had been
6 switched from AT&T. I've never used anybody but AT&T.
7 That couldn't tell me at first who had switched it or
8 what company, and then there was something about
9 Sprint being the company that we had switched over to.
10 We have never been one that goes between MCI and
11 Sprint and all of this. It's always been AT&T.

12 My biggest concern with this whole issue are
13 these forged signatures that are coming through with
14 the inappropriate birth dates and so forth and then
15 them using this and these sweepstake type things to do
16 that.

17 I think that there should be some kind of
18 legislation or law situation to where these people can
19 be prosecuted for doing this. And I do have a copy of
20 that signature that was supposed to be my husband. At
21 first we even -- they tried to say well, it was my
22 son. Well, my son was born in '61. He wasn't born in
23 '66. All their information was totally incorrect on
24 that.

25 I didn't appreciate the letters coming from

1 the attorneys trying to be intimidating within their
2 own right and -- but Mr. Beck and Mr. Durbin then were
3 able to resolve it for us. We did get the credits for
4 that.

5 Another issue that quite concerned me was
6 the fact that we were charged a considerable amount of
7 money, \$28.12, by this OAN for roaming wireless
8 services charged to my home telephone number. And it
9 was placed from a 399 number and never could figure
10 out how that happened. When we called somebody named
11 Terry at this OAN, we were told that we had to make
12 that call from my cell phone. I don't have a cell
13 phone.

14 Then they tried to tell me that it was a
15 from a pay phone. I don't use pay phones. And it was
16 for 12 minutes, \$28.12, which I think is a rather
17 expensive toll fee anyway for 12 minutes. But they
18 became quite threatening within themselves.

19 I called that number, supposedly where that
20 number was -- the call was placed from on that roaming
21 charge, and that number was not in service. So I
22 don't know where they got the originating number from
23 to charge me for that on my home phone. No one was
24 ever able to resolve that.

25 I received correspondence that they may end

1 up with separate prosecution trying to collect it but
2 it went away. I haven't heard anything more. And we
3 finally got it up to five months settled.

4 But my biggest concern with the slamming and
5 all these other services are that I have my parents
6 and I know that my parents do not read and scrutinize
7 their bills each month. And for the probably
8 thousands or hundreds of thousands of people across
9 this country that don't look at their phone bills and
10 scrutinize them each month, and they're getting these
11 slamming and these cramming and these wireless rooming
12 charges on there, they will just pay it or else they
13 don't have the wherewithal to go and fight these type
14 of things or know how to fit these type of things.
15 And we need to be taking care of those people because
16 they're being taken in by these companies and
17 something needs to be done about it. There needs to
18 be some legal action that can happen when these type
19 of things occur. Thank you.

20 **COMMISSIONER DEASON:** Thank you. Is there
21 any other -- are there any other members of the public
22 who wish to testify? Yes, ma'am. Ma'am, were you
23 earlier sworn?

24 **WITNESS SMITH:** Partially. By the time I
25 stood up, it was over with.

1 **COMMISSIONER DEASON:** Well, we will consider
2 you sworn in.

3 - - - - -

4 **JOSEPHINE P. SMITH**
5 was called as a witness on behalf of the Citizens of
6 the State of Florida and, having been duly sworn,
7 testified as follows:

8 **DIRECT STATEMENT**

9 **WITNESS SMITH:** Okay. My name is
10 Josephine P. Smith, S-M-I-T-H. My address is 17751
11 Starfish Court, Lutz, 33549.

12 My story has a happy ending. I've been
13 reimbursed by having my telephone bill paid every
14 month for the last four months. Although, I was
15 slammed by OAN with a lot of months of aggravation by
16 a simple phone call asking me to switch from AT&T to
17 OAN because it would save me a considerable amount of
18 money, and I told them I was happy where I was. And
19 they just took it upon themselves to take care of the
20 problem their way.

21 Well, their bills started coming through
22 plus my AT&T and GTE and I refused to pay it. I
23 called Tallahassee and spoke to a Mr. Strawberry. And
24 he seemed to be helping me. But it was taking quite a
25 bit of time. So in the meantime, GTE sends me a

1 letter that they're going to shut off my service,
2 which at that time that was my only communication with
3 the outside world.

4 In the meantime then, I'm receiving this
5 beeper that I never requested and I opened the drawer
6 and I put it in and forgot about it. And I received a
7 phone call from this beeper company that's affiliated
8 with OAN wanting their beeper back. I said, "Fine.
9 You send me an address with postage, I'd be happy to
10 send it back to you." Well, this went on for several
11 months. No address label. No nothing.

12 I called Tallahassee again. Well, in the
13 meantime I wrote a letter to Washington D.C. Called.
14 I received a letter from Washington D.C. stating the
15 problem has been taken care of. And I thought, well
16 isn't that funny. A week prior I get a letter from
17 this beeper company with an address label, telling me
18 to call UPS, they'll pick it up and the problem is
19 solved.

20 And from that point on, my telephone bill
21 has been paid. I guess they were fined or whatever
22 due process. But that's the happy ending.

23 **COMMISSIONER DEASON:** I'm glad to know that
24 there is a happy ending.

25 **WITNESS SMITH:** Me too. Because there was a

1 lot of aggravation and anger because of it.

2 **COMMISSIONER DEASON:** Are there any
3 questions? Thank you, ma'am.

4 **WITNESS SMITH:** Okay. Thank you.

5 **COMMISSIONER DEASON:** Are there any other
6 members of the public who wish to make a statement?

7 Mr. Scobie, before you make your statement,
8 you need to be sworn in as well.

9

- - - - -

10

MICHAEL SCOBIE

11 having been first duly sworn, testified as follows:

12

DIRECT STATEMENT

13

COMMISSIONER DEASON: Please identify

14

yourself for the record?

15

MR. SCOBIE: Yes. My name is Mike Scobie

16

with GTE Florida, One Tampa City Center, Tampa,

17

Florida.

18

Commissioner, I appreciate the opportunity

19

to address you tonight as well as the members of the

20

public that are still here. We heard Mrs. Smith talk

21

about her happy ending. I hope I can talk about a

22

happy ending also for cramming, at least in GTE's

23

territory.

24

GTE undertook, about a year half ago, a

25

measure that would put all of our companies that we

1 bill and collect for on notice that they were being
2 benchmarked on their complaint thresholds. We were
3 concerned about not just slamming or cramming, but any
4 kind of complaints that were being generated by
5 companies that we billed and collected for.

6 We put -- each company set a threshold of
7 complaint -- a complaint level, measured them monthly
8 on that basis. If they did not meet the threshold
9 level or if they did not take steps to reduce their
10 complaints that were being generated, we have taken
11 steps to discontinue billing.

12 To date we have discontinued billing for
13 over 15 companies that we use to bill and collect for
14 that are the higher complaint generating companies
15 nationwide that GTE did business with.

16 Some of the other specific anticramming
17 measures that GTE has undertaken are a number of
18 things. Beginning January 1st of this year, we no
19 longer bill for nontelecom services. There are no
20 more web page billings; no more psychic hotline club
21 fees; monthly recurring charges. We only -- the bills
22 only contain charges for telecommunications and
23 information services.

24 Even those companies that bill those
25 services, we require them to provide, if there is an

1 issue with verification, to provide us, upon a
2 customer's insistence, a signed letter of
3 authorization, voice capture of the approval or of the
4 ordering. And that has to be the entire sales
5 contact, not just a yes, not just a name.

6 And our customer -- the billing and
7 collection customers also have to submit all of their
8 marketing materials to us prior to us putting anything
9 on a customer's bill on how they market the service;
10 the clear description of the product or service
11 they're marketing; a full disclosure of the price
12 they're charging; and what the customer sees; how the
13 sale is authorized and verified and a description of
14 the credit and cancellation policies.

15 We think these steps, beginning in January,
16 are going to go a long way to eliminating or certainly
17 minimizing the instances of cramming in our territory.

18 The final thing we hope that will have the
19 greatest impact is we have undertaken the development
20 of a bill block option that will allow a subscriber,
21 upon their notification of us that they don't want any
22 miscellaneous charges other than their local or
23 presubscribed long distance carrier toll type charges
24 billed to their bill, we will be able to put a bill
25 block option on their service. That is in testing

1 now. In fact, I talked to someone today in our
2 headquarters. The plans are to roll that out during
3 third quarter after we get the testing all complete.

4 So we're hopeful that the measures that
5 we're undertaking will go a long way to significantly
6 reduce and hopefully eliminate instances of cramming,
7 at least in our service territory here in Florida.
8 Any questions? Oh --

9 **COMMISSIONER DEASON:** The other matter
10 concerning the number portability?

11 **MR. SCOBIE:** The local number portability
12 fee that GTE is charging for recovering of those
13 network and software costs is 38 cents a month and I
14 believe that started being billed in March, and I'm
15 not sure of the exact bill cycle. But it just began
16 in March and it's 38 cents per month.

17 **COMMISSIONER DEASON:** And that's for 60
18 months?

19 **MR. SCOBIE:** That's my understanding at this
20 time.

21 **COMMISSIONER DEASON:** Okay. Questions?

22 **COMMISSIONER JACOBS:** Do you know if the
23 bill block option will have a fee associated with it
24 and what it will be?

25 **MR. SCOBIE:** The last information I had,

1 Commissioner, is there would not be a fee associated
2 with it. That's the information I got now. And I
3 haven't heard anything later on that.

4 So right now, as far as I know, there is no
5 fee associated with the bill block option.

6 **COMMISSIONER JACOBS:** Okay. Thank you.

7 **MS. CALDWELL:** Mr. Scobie, do you know --
8 have you had any statistics yet on whether or not
9 you've gotten reduced complaints as far as cramming?

10 **MR. SCOBIE:** Yes. Well, I don't know if I
11 can say specifically related to cramming, but because
12 of our benchmarking and threshold measures we placed
13 on all of our billing and collection customers, with
14 these measures and just the threshold and the
15 benchmarking plan we put into place, we've seen
16 significant total complaint reductions and those could
17 be slamming, cramming or any billing related issue
18 that might come before those billing and collection
19 customers. Yes, we have seen significant reductions.

20 **COMMISSIONER JACOBS:** I hate to beat a dead
21 horse, but let me just come back to this one issue
22 again. This outfit, OAN. Are you familiar with them?

23 **MR. SCOBIE:** I've seen the name. Yes, sir.

24 **COMMISSIONER JACOBS:** Do you know what
25 your -- GTE's relationship is with them?

1 **MR. SCOBIE:** It's my understanding they are
2 a billing out aggregator. They bill and collect for
3 other parties that are providing services or features
4 or whatever. We have a billing and collection
5 contract with OAN. That is our relationship, that
6 billing and collection contractual relationship.

7 **COMMISSIONER JACOBS:** Will that agreement be
8 subject to these provisions that you've established
9 for the companies that you bill for?

10 **MR. SCOBIE:** Yes, sir. I mean, they are one
11 of our billing and collection customers. They are
12 subject to the same complaint threshold measures and
13 all of these others that I mentioned here.

14 **COMMISSIONER JACOBS:** Is it for their
15 clientele in the aggregate or for each one of their
16 clientele?

17 **MR. SCOBIE:** I believe it's in the aggregate
18 as it rolls up to OAN because they are our customer.
19 OAN is our billing and collection customer.

20 **COMMISSIONER JACOBS:** Okay. Thank you.

21 **MR. BECK:** Mr. Scobie?

22 **MR. SCOBIE:** Yeah.

23 **MR. BECK:** You said you're no longer billing
24 for nontelecom services but you are billing for
25 information services?

1 **MR. SCOBIE:** That's my understanding.

2 **MR. BECK:** Would voice mail still be
3 allowed?

4 **MR. SCOBIE:** It's my understanding it would
5 be, yes.

6 **MR. BECK:** How about Internet?

7 **MR. SCOBIE:** Internet service differentiated
8 from web page and web page design. We are not --

9 **MR. BECK:** Dial up access. But you do bill
10 for that?

11 **MR. SCOBIE:** Yes.

12 **MR. BECK:** What other types of information
13 services do you still allow? Do you have any other
14 examples?

15 **MR. SCOBIE:** No, I don't. Not off the top
16 of my head.

17 **MR. BECK:** Let me change the subject on you
18 slightly and then I'll be through. When a customer
19 calls up and tells you that they didn't order
20 something that's on the bill from GTE, a lot of
21 customers have testified that GTE tells them that they
22 have to deal with that other provider, that GTE
23 doesn't do it. Could you explain what GTE's policy is
24 about that?

25 **MR. SCOBIE:** (Inaudible communication to

1 audience member.)

2 **COMMISSIONER DEASON:** Wait. Have her come
3 forward.

4 **MR. SCOBIE:** Can I talk to her and get the
5 answer or --

6 **COMMISSIONER DEASON:** Let's just hear it
7 straight. Have her come forward and we'll put her
8 under oath as well.

9

- - - - -

10

DEBBIE KAMPERT

11 having been first duly sworn, testified as follows:

12

DIRECT STATEMENT

13 **COMMISSIONER DEASON:** Please identify
14 yourself for the record?

15 **MS. KAMPERT:** Debbie Kampert, GTE,
16 regulatory. And to answer your question, Mike asked
17 me this earlier and I can't answer 100% sure. I do
18 believe that the contact centers today are instructed
19 to simply recourse disputed nonregulated services. I
20 hesitate because I'm not 100% certain and my fear is
21 someone will leave and call the contact center and get
22 a rep. that is not trained or that is not true. But I
23 do believe that is the case today.

24 **MR. BECK:** Okay. Do you know -- because a
25 lot of people have testified, at least in the past,

1 that that's not been the case?

2 **MS. KAMPERT:** Right. And I agree that that
3 would have been the case in the past, particularly for
4 the customers that talked about charges happening back
5 in '97 and early '98.

6 Our position would have been for the
7 companies that we did not have bill inquiry with, that
8 we would first ask them to try to contact that company
9 because we did not have -- that was not part of our
10 contract arrangement; to first contact the company
11 they had the dispute with, try to get it resolved.
12 But then the second step, what they should have been
13 told was, if you can't get it resolved by first
14 contacting that company, then call us and we would do
15 the recourse.

16 **MR. BECK:** But now you'll do the recourse
17 upon the first call from the customer?

18 **MS. KAMPERT:** I believe that is true.

19 **MR. BECK:** Okay. Thank you.

20 **COMMISSIONER DEASON:** Thank you.

21 Mr. Scobie, do you have anything else to add?

22 **MR. SCOBIE:** No, sir.

23 **COMMISSIONER DEASON:** Okay. Thank you. I
24 didn't mean to put either of you on the spot, but I
25 think there was this matters that needed to be

1 addressed. Thank you.

2 I want to take this opportunity to thank
3 everyone who came out and participated in our
4 workshop. We've got some very helpful information
5 that's going to be useful to us as we go about this
6 rulemaking proceeding. And with that, this workshop
7 is now concluded. Thank you all.

8 (Thereupon, the workshop concluded at
9 8:50 a.m.)

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STATE OF FLORIDA) : CERTIFICATE OF REPORTER
COUNTY OF LEON)

I, KIMBERLY K. BERENS, CSR, RPR, Official
Commission Reporter,

DO HEREBY CERTIFY that the Workshop was
heard by the Florida Public Service Commission at the
time and place herein stated; it is further

CERTIFIED that I stenographically reported
the said proceedings; that the same has been
transcribed by me; and that this transcript,
consisting of 133 pages, constitutes a true
transcription of my notes of said proceedings.

DATED this April 15, 1999.

Kimberly K. Berens
KIMBERLY K. BERENS, CSR, RPR
Florida Public Service Commission
Official Commission Reporter

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