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FLORIDA PUBLIC
SERVICE COMMISSION
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August 31, 2000

BY MAIL

ORIGINAL

Ms. Blanca Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 990994-TP - Proposed Amendments to
certain Rules pertaining to customer billing
for Local Exchange Telephone Companies.

Dear Ms. Bayo:

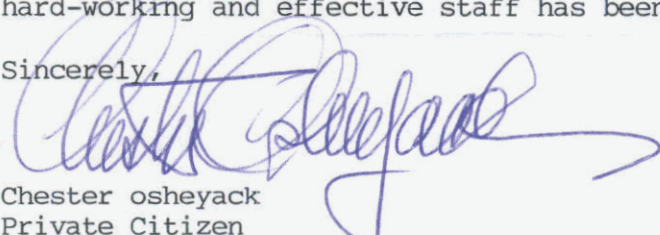
Enclosed for filing are Reply Comments of the signatory of
this letter in the above referenced Docket.

Copies have been sent to all parties named in the attached
Certificate of Service. I trust that you will be able to
distribute copies as appropriate for your own staff members
other than Ms. Martha C. Brown.

No acknowledgement of receipt is required.

Many thanks for your past and continued assistance in hand-
ling the morass of procedural requirements which can easily
discourage a less determined citizen from participation in
the decisions of his government. Your help, and that of your
hard-working and effective staff has been invaluable.

Sincerely,


Chester osheyack
Private Citizen

APP _____
CAF _____
CMP _____
COM _____
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OPC _____
PAI _____
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SEC _____
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Brown
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Done 8/31/00

DOCUMENT NUMBER-DATE

10731 AUG 30 8

FPSC-RECORDS/REPORTING



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re proposed amendments to:)
Rule 25-4.003, 25-4.110,)
25-4.113, 25-24.490 and)
25-24.845 FAC)

Docket No. 990994-TP

Filed: August 31, 2000

REPLY COMMENTS OF
MR. CHESTER OSHEYACK
SUBMITTED IN HIS OWN BEHALF

INTRODUCTION

It is my belief that the Commission should be guided in its rule-making decisions by the standard of what is "reasonable and necessary". It is also my firm conviction that there already exists a plethora of laws that govern the subjects in contention, and if recognized by the Commission, they will serve to define what is "reasonable". The Commission, with its discretion, can define what is "necessary".

SPECIFIC COMMENTS

In re Rule 25-4.110(2) (Bill Formatting), the intent of the Commission staff is commendable, but may not meet the standard of "what is necessary". The staff in the past has characterized the relationship between the carrier and his customer as a "contract for service" supported by the fact that a consideration is provided therefor. Accordingly, such contract should be governed by Florida contract law which requires full disclosure as a condition for validation. Now therefore, if the Commission clearly defines what it considers to be "full disclosure" of the relevant terms and conditions, it need not pre-determine the format for presentation. It does, of course, need to hold the carrier, and where appropriate, the billing party, if the terms of their agreement require the billing party to perform agency functions, accountable for abuse or non-performance of their responsibilities, and provide for appropriate penalties. The consumer should not be harmed by variations in billing presentations so long as the format serves the need for full disclosure in plain language and it is clearly explained to the consumer. Of course, it should be a requirement that any and all questions be answered both orally and if appropriate, in writing in a timely fashion.

DOCUMENT NUMBER-DATE

10731 AUG 30 8

FPSC-RECORDS/REPORTING

In re Rule 25-4.110(19) (Billing Block), both the Commission and the telcom industry have previously recognized the right of the consumer to block phone calls that they do not want to receive, and in fact the industry profits from the practice (sic Caller I.D.). Our commercial culture promotes free choice for the consumer as a means of market management. It follows then that consumers should not be forced to accept a service from a source that they might prefer to reject. At the very least, they should be given an opportunity to make their own determination. Consequently, it must be stipulated that Bill Blocking is a "reasonable" means of curbing an abusive billing practice. On balance, the telcoms are, in fact, selling both access to their customer base and a billing and collection service...for profit! Accordingly, they should be prepared to absorb the cost of any necessary adjustment in their operations to accommodate the needs of the market as properly defined. It appears that the Commission staff has presented a good deal of empirical evidence that indicates the existence of a problem of fraudulent billing, and has reasonably identified a relationship between the volume of business done by ALECs and IXCs in the Florida local exchange markets as a basis for their belief that the current level of billing abuses cannot be considered a criteria for determining "necessity" as suggested by the advocates for the industry. The Commission has both the right and the obligation to be proactive in the matter of consumer protection. The existence of an occasion for transgression, should be sufficient to support a prudent action in defense of the right of the consumer to free choice. Moreover, the ALECs, which have been granted exemptions from certain regulation by the Commission to encourage competition, have been abusing their privileged position by "cherry-picking" the local telephone service markets and the IXCs are clearly avoiding entry into those markets on a meaningful scale. These selective marketing practices provide the ALECs and IXCs with a clear advantage over the ILECs without benefit to the market. Perhaps it is time to "level the playing field".

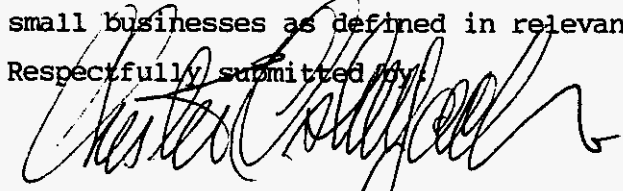
GENERAL COMMENTS

Concerns have been expressed regarding the possible financial impact on the small ALECs that operate within the state. In fact Florida law does provide the authority to regulators to accomodate small business' need for exemption based upon economic impact....but their needs should not be a factor in establishing overall regulatory policies. In considering the milieu of special interests, the interests of the public should always prevail. That is the constitutional mandate for government.... notwithstanding the quest for balance.

CONCLUSION

It is my suggestion that that bill formatting should not be applied; that voluntary bill blocking rules should be applied; and that exemptions should be considered where there is serious negative economic impact proven by submission of empirical evidence and/or the risk of disruption of the markets. The above referenced exemptions, if warranted, should apply only to small businesses as defined in relevant law.

Respectfully submitted by:



CHESTER OSHEYACK, Private Citizen

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following parties by U.S. Mail or Hand Delivery (*) this 3/5th day of August, 2000.

AT&T Communications of the
Southern States, Inc.
Marsha Rule
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BellSouth Telecommunications,
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Ms. Nancy B. White
c/o Nancy H. Sims
150 South Monroe Street
Suite 400
Tallahassee, FL 32301-1556

Billing concepts, Inc.
W. Audie Long/Donald R. Philbin
7411 John Smith Drive Suite 200
San Antonio, TX 78229

Florida Cable Telecommunications
Assoc., Inc.
Michael A. Gross
310 N. Monroe St.
Tallahassee, FL 32301

Florida Competitive Carriers
Asso
c/o McWhirter Law Firm
Vicki Kaufman
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Tallahassee, FL 32301

MCI WorldCom
Ms. Donna C. McNulty
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Messer Law Firm
Floyd Self
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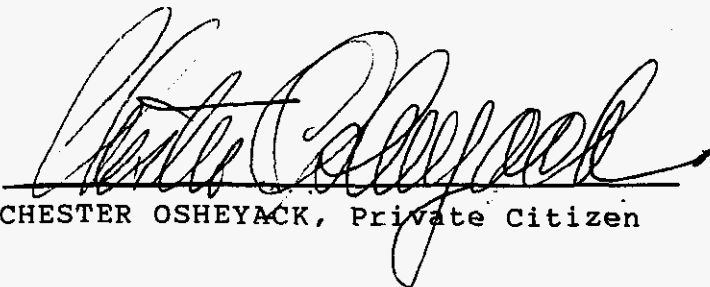
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Sprint Communications Company
Limited Partnership
Charles J. Rehwinkel
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Tallahassee, Fl 32316-2214

Verizon Select Services, Inc.
Kimberly Caswell
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Martha Carter Brown
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CHESTER OSHEYACK, Private Citizen