

State of Florida



Public Service Commission
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: NOVEMBER 19, 2001

TO: DIRECTOR, DIVISION OF THE COMMISSION
ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF LEGAL SERVICES (CHRISTENSEN)
DIVISION OF CONSUMER AFFAIRS (STOKES) *AS*
DIVISION OF COMPETITIVE SERVICES (TRUBELHORN) *TR*

RE: DOCKET NO. 010422-TL - COMPLAINT BY LORENZAR BROWN AGAINST
BELLSOUTH TELECOMMUNICATIONS, INC., REGARDING TRANSFER AND
INSTALLATION OF SERVICE.

AGENDA: 12/04/01 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\LEG\WP\010422.RCM

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COMMISSION
CLERK

CASE BACKGROUND

On February 23, 2000, Mr. Lorenzar Brown (Mr. Brown or customer) filed a complaint with the Division of Consumer Affairs (CAF) alleging that BellSouth Telecommunications, Inc. (BellSouth) failed to connect his service as ordered. He stated that he had requested that BellSouth transfer his primary line and an additional line to his new apartment on Rock Island Road in Fort Lauderdale, Florida. CAF forwarded Mr. Brown's complaint to BellSouth.

On March 1, 2000, CAF received BellSouth's response to Mr. Brown's complaint. In its response, BellSouth confirmed that Mr. Brown had requested the transfer of his primary residential line and the installation of an additional residential line. BellSouth stated that an appointment was scheduled for the installation of the additional line between 8:00 a.m. and 1:00 p.m. on February 22,

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2000. Subsequently, BellSouth also stated that Mr. Brown would not provide access to the apartment and would provide the inside wiring himself. On February 22, 2000, BellSouth provided both the main and additional lines to the apartment's meter room. Since Mr. Brown's apartment was equipped with two-line Inside Network Interface (INI), BellSouth properly advised Mr. Brown to connect his new inside wire to the INI.

On March 8, 2000, CAF sent a letter to Mr. Brown. In the letter, staff indicated that based upon the information received it did not appear that BellSouth had violated its tariff nor Commission rules and regulations in its handling of this matter. Mr. Brown was informed in the letter that if he had any unresolved concerns and wished to pursue the matter further, he could request an informal conference in writing.

On April 11, 2000, CAF received Mr. Brown's written request for an informal conference to discuss his unresolved concerns regarding his complaint. In addition, Mr. Brown asserted that he was still paying for service that was ordered and never received. On April 12, 2000, CAF sent a letter acknowledging receipt of Mr. Brown's request and informing him staff would contact him to discuss his concerns.

Staff continued to work with Mr. Brown to resolve his concerns. On May 5, 2000, CAF contacted BellSouth to discuss the demarcation point for Mr. Brown's service. On May 8, 2000, BellSouth confirmed that the demarcation point for the additional line was the first jack inside Mr. Brown's apartment. BellSouth stated that it would contact the customer to arrange to install the lines, however it would not credit Mr. Brown's account because he initially stated he would do his own inside work. In its May 10, 2000 report, BellSouth stated that it had installed an Inside Network Interface which resolved Mr. Brown's service problem on the additional line. On June 7, 2001, staff learned that BellSouth replaced the first INI with an INI that provided both a demarcation point and a jack for connection to his additional line.

Despite the resolution of the service problem, Mr. Brown continued to request an informal conference. On June 12, 2000, staff phoned Mr. Brown to discuss his informal conference request. During this conversation, Mr. Brown was informed that a request for informal conference may be denied if it appears no Commission rules

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or regulation had been violated. Per Mr. Brown's request, he was sent a copy of the customer complaint rules.

Mr. Brown's complaint was referred to the Division of Legal Services and the Division of Competitive Services. On October 10, 2000, BellSouth sent copies of Mr. Brown's monthly bills for the period of November 1999 to April 2000. On October 30, 2000, Mr. Brown was sent a letter regarding the status of the Division of Legal Services and Division of Competitive Services review. In that letter, staff indicated that a recommendation to deny his request for an informal conference would be filed because it appeared that Mr. Brown was not only seeking credits but damages for the period of time his additional line was not in service. Additionally, Mr. Brown was informed that a civil court would be the appropriate forum for him to pursue his damages claim. In addition, staff suggested that Mr. Brown might consider withdrawing his complaint because damages could not be addressed.

Subsequently, it was determined that Mr. Brown should be granted an informal conference since Mr. Brown had not withdrawn his request for an informal conference. By a letter dated August 20, 2001, Mr. Brown was informed that an informal conference in the above referenced matter would be held on September 27, 2001.

On September 27, 2001, an informal conference was held by telephone at the Commission. Present were representatives from BellSouth, Mr. Brown and his attorney, and staff. BellSouth and Mr. Brown were able to reach a settlement agreement as a result of the informal conference. On October 29, 2001, staff received the settlement agreement with the original signatures of the parties.

This recommendation addresses the settlement agreement reached pursuant to the informal conference held on September 27, 2001.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission should approve the settlement agreement between Mr. Brown and BellSouth resolving Complaint No. 307124-T?

RECOMMENDATION: Yes, the Commission should approve the settlement agreement between Mr. Brown and BellSouth resolving Complaint No. 307124-T. (CHRISTENSEN, STOKES)

STAFF ANALYSIS: As stated in the Case Background, on February 23, 2000, Mr. Brown filed a complaint with CAF alleging that BellSouth failed to connect his service as ordered. He stated that he had requested that BellSouth transfer his primary line and an additional line to his new apartment on Rock Island Road in Fort Lauderdale, Florida.

On September 27, 2001, an informal conference was held between BellSouth representatives, Mr. Brown and his attorney and staff. During the informal conference, Mr. Brown reiterated the allegations of his complaint that the additional line did not work. BellSouth again indicated that the additional line was working on the day of installation. However, Mr. Brown indicated for the first time that the additional line was being used for business purposes rather than residential use as indicated on his account. Further, it was confirmed that BellSouth had issued credits on Mr. Brown's account regarding the additional line.

CAF received the settlement agreement with original signatures on October 29, 2001, which is attached hereto and incorporated by reference. By signing the settlement agreement, the parties agreed that a satisfactory resolution of the complaint has been reached, that the settlement agreement is binding on the parties, and the parties waive any right to further review or action by the Commission. The parties agreed that BellSouth had issued the appropriate credits to the additional line account. Further, BellSouth agreed not to charge Mr. Brown business rates on his residential additional line account.

For the foregoing reasons, staff recommends that the Commission approve the settlement agreement between Mr. Brown and BellSouth resolving Complaint No. 307124-T.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed. (CHRISTENSEN)

STAFF ANALYSIS: If the Commission approves staff recommendation on Issue 1, then all issues have been resolved. Therefore, this docket should be closed.

STATE OF FLORIDA

COMMISSIONERS:
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J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

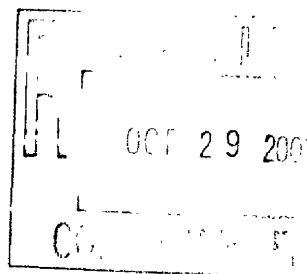


DIVISION OF CONSUMER AFFAIRS
BEVERLEE DEMELLO
DIRECTOR
(850) 413-6100
TOLL FREE 1-800-342-3552

Public Service Commission

October 22, 2001

Mr. John Merlino, Manager
BellSouth Telecommunications, Inc.
150 West Flagler Street
Suite 1815
Miami, FL 33130



RE: Settlement Agreement for Mr. Lorenzar Brown, Request No. 307124T

Dear Mr. Merlino:

Since there were some concerns about getting all original signatures on the Settlement Agreement, we asked Mr. Graham to send us a copy of the settlement with his and Mr. Brown's original signatures. I have enclosed it for you to put your original signature on it above your name or to the side of it. After that, please return the original Settlement Agreement to me.

Thank you for your assistance. If you have any questions, please give me a call at 1-850-413-6125.

Sincerely,

A handwritten signature in cursive script, appearing to read "Shirley Ann Stokes".

Shirley Ann Stokes, Regulatory Consultant
Bureau of Consumer Information and
Conservation Education

SAS:sas

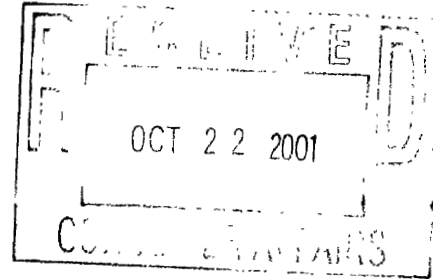
LAW OFFICES OF

MAURICE GRAHAM, ESQ.

*339 E. Prospect Road
Oakland Park, FL 33334
Phone: (954) 491-3737
Fax: (954) 491-2545*

October 17, 2001

Shirley Stokes
Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850



ORIGINAL

RE: Lorenzar Brown / Settlement Agreement

Dear Shirley,

Enclosed please find the Settlement Agreement signed by Mr. Graham and Mr. Brown. Notice they are signed twice. If it is not clear which signatures are the originals I will tell you. The very first signature located above all the others is the original for Mr. Graham. The signature of Mr. Brown off to the right at the bottom is his original signature. If you have any questions regarding this please feel free to contact me at the numbers listed above. Thank you.

Respectfully,

Legal Secretary
Stacey Orcutt

ORIGINAL

MG/so

LSOUTH → 19544912545

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COMMISSIONERS:
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STATE OF FLORIDA



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

Public Service Commission

ORIGINAL

SETTLEMENT AGREEMENT

Customer: Mr. Lorenzo Brown

FPSC Request Number: 3071247

By signing the following statement, the parties agree that a satisfactory resolution of the complaint has been reached and understand that the settlement is binding on both parties and that the parties waive any right to further review or action by the Commission.

Regarding account 954-485-2055, BellSouth has issued the appropriate credits to the account.

In addition, BellSouth has agreed not to charge you Business Rates on your residential account 954-485-2055.

Maurice Graham
Lorenzo Brown
Maurice Graham
Maurice Graham, Esquire
Representing Mr. Lorenzo Brown

ORIGINAL

Customer or Customer's Representative _____ Date September 27, 2001

[Signature] _____ Date September 27, 2001
Company BellSouth Telecommunications