

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

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COMMISSION CLERK

**DATE:** DECEMBER 5, 2001

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

**FROM:** DIVISION OF APPEALS (CIBULA, BELLAK) *smc. ACB DS*  
DIVISION OF COMPETITIVE SERVICES (M. WATTS) *mw*

**RE:** DOCKET NO. 010409-TP - PETITION BY CITIZENS OF STATE OF FLORIDA FOR INVESTIGATION OF TALK AMERICA INC. AND ITS AFFILIATE, THE OTHER PHONE COMPANY, INC. D/B/A ACCESS ONE COMMUNICATIONS, FOR WILLFUL VIOLATION OF RULE 25-4.118, F.A.C.

DOCKET NO. 010564-TX - INVESTIGATION OF POSSIBLE VIOLATION OF COMMISSION RULES 25-4.118 AND 25-24.110, F.A.C., OR CHAPTER 364, F.S., BY THE OTHER PHONE COMPANY, INC. D/B/A ACCESS ONE COMMUNICATIONS, HOLDER OF ALEC CERTIFICATE NO. 4099, AND TALK AMERICA INC, HOLDER OF ALEC CERTIFICATE NO. 4692.

**AGENDA:** 12/17/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\APP\WP\010409.RCM

CASE BACKGROUND

By Order No. PSC-01-2107-SC-TP, issued October 23, 2001, in Dockets Nos. 010409-TP and 010564-TX, the Commission required Talk America, Inc., formerly known as Talk.com Holding Corp. d/b/a Network Services d/b/a The Phone Company, and its affiliate, The Other Phone Company d/b/a Access One Communications (collectively referred to herein as Talk America or company) to show cause within 21 days why it should not be fined for apparent violations of

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Section 364.604(2), Florida Statutes, and Rules 25-4.118 and 25-22.032(5)(a), Florida Administrative Code. Moreover, the Order required that the company's response contain specific allegations of fact and law.

On November 1, 2001, Talk America timely filed a Motion for Clarification and Extension of Time, in which it requested clarification of Order No. PSC-01-2107-SC-TP and an extension of time to respond to the Order. On November 8, 2001, Commission hearing staff timely filed a Response to Talk America, Inc.'s Motion for Clarification and Extension of Time.

On November 6, 2001, Talk America requested a hearing in this matter. Pursuant to Section 2.15 of the Administrative Procedures Manual, when the Commission conducts a show cause proceeding that results in a hearing, two distinct groups of staff shall be designated: hearing staff and advisory staff. Staff in this instance has been divided accordingly.

This recommendation addresses whether the Commission should grant Talk America's motion. The Commission has jurisdiction to consider this matter pursuant to Sections 120.569, 120.57, 364.01, 364.19, 364.285, 364.337, 364.603, and 364.605, Florida Statutes.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Talk America's Motion for Clarification and Extension of Time?

RECOMMENDATION: Talk America's Motion for Clarification and Extension of Time should be granted in part and denied in part. Order No. PSC-01-2107-SC-TP should be amended to include the list provided in Attachment A of this recommendation, which sets forth Talk America's apparent violations by complaint number and categorizes the complaints under the applicable violation. Hearing staff should be ordered to provide the customer complaint forms generated by the Division of Consumer Affairs that correspond to the customer complaints set forth in Attachment A within 10 days of the issuance date of the order rendered in this matter. Furthermore, Order No. PSC-01-2107-SC-TP should be amended to clarify that each complaint forms the basis for a single violation. Moreover, Talk America should file its response to Order No. PSC-01-2107-SC-TP within 30 days after the hearing staff provides the customer complaint forms to Talk America. The Commission should deny Talk America's request for a separate list from the Commission detailing the company's apparent violations by billing telephone number and customer name, as such a list is unnecessary if Attachment A and the customer complaint forms generated by the Division of Consumer Affairs are provided to Talk America.

STAFF ANALYSIS: As stated in the case background, on November 1, 2001, Talk America timely filed a Motion for Clarification and Extension of Time, in which it requested clarification of Order No. PSC-01-2107-SC-TP and an extension of time to respond to the Order. On November 8, 2001, Commission staff timely filed a Response to Talk America, Inc.'s Motion for Clarification and Extension of Time.

TALK AMERICA'S MOTION:

In support of its motion, Talk America states that the Commission cites to a number of apparent violations of each rule and generally discusses those apparent violations by the type of complaint/rule violation. Talk America asserts that although the proposed fines are based upon the number of apparent violations, the Order does not contain any list or schedule detailing the specific complaints that form the basis of these apparent violations nor does it provide the information necessary and

required to enable Talk America to respond adequately and accurately to each of the specific allegations identified in the Order.

The company further states that it tracks and responds to consumer inquiries based on billing telephone numbers. Talk America states that, although hearing staff has informally provided lists of customer complaints to Talk America during the course of hearing staff's investigation, it has been unable to provide hearing staff with any analysis of those complaints to date because the lists provided by hearing staff only contain internally assigned complaint numbers. Talk America contends that it has been unable to link the list provided by the hearing staff with its billing telephone numbers. Moreover, Talk America states that Order No. PSC-01-2107-SC-TP makes no mention of the specific complaints upon which the Order is based by either billing telephone numbers or customer name; therefore, Talk America asserts that it will have difficulty providing, and may ultimately be unable to provide, an adequate, accurate response to the Order or to defend itself in this proceeding.

Talk America states that it needs to receive:

- 1) an accurate list with customer names and the billing telephone number associated with each complaint that forms the basis of each of the rule violations alleged in Order No. PSC-01-2107-SC-TP; and
- 2) in the context of the list, an identification of the apparent rule violation associated with each complaint.

Talk America states that without the information outlined above, it will be without specific knowledge of the complaints at issue and will be unable to adequately respond or defend itself in this matter.

Talk America also requests that the Commission clarify whether each of the consumer complaints generally identified in Order No. PSC-01-2107-SC-TP are limited to a single category or apparent rule violation, or whether certain complaints are listed in multiple categories, thus requiring multiple responses. Talk America requests that, to the extent that certain complaints are listed in

multiple categories, the Commission separately identify such complaints by customer name and billing telephone number.

Talk America also requests that the Commission grant it an extension of time of thirty days from the date that the list outlined above is provided by the Commission to file its response to Order No. PSC-01-2107-SC-TP. Talk America states that the research, analysis, and preparation of the response to the over 600 apparent violations is extremely time consuming and Talk America has limited personnel to dedicate to completing these tasks.

The company states that it has consulted with the Office of Public Counsel (OPC), and that OPC has no objection to the motion.

HEARING STAFF'S RESPONSE:

On November 8, 2001, hearing staff filed its Response to Talk America, Inc.'s Motion for Clarification and Extension of Time. Hearing staff states that it believes that the information in Order No. PSC-01-2107-SC-TP contains sufficient information to enable Talk America to provide an appropriate response to the Order. Hearing staff, however, concedes that the Order does not contain a list or schedule that specifically identifies the complaints that form the basis of each violation. Hearing staff states that it does not object to the Commission including in the Order a list that identifies the specific complaints at issue. Hearing staff included such a list in its response.

Nevertheless, hearing staff states that it disagrees that in order for Talk America to appropriately respond to Order No. PSC-01-2107-SC-TP that the violations must be identified by billing telephone number and customer name. Hearing staff states that the Commission does not track consumer complaints by either customer name or billing telephone number, but rather by a complaint number assigned by the Commission's Division of Consumer Affairs. Hearing staff asserts that in order to comply with Talk America's request, the Commission would have to create a computer program to cull out the information in the format requested by Talk America.

Hearing staff states that as long as the company has the apparent violations identified by customer complaint number, the customer complaint number can be matched with the customer complaint form generated by the Division of Consumer Affairs, which contains the customer's identifying information. Hearing staff

states that it is willing to provide the customer complaint forms generated by the Division of Consumer Affairs to Talk America; however, it believes that it is unnecessary and too cumbersome to attach these forms to the Order. Hearing staff states that providing Talk America with copies of the customer complaint forms would provide the company with the additional information it seeks without requiring the Commission to generate a special report.

As to Talk America's assertion that Order No. PSC-01-2107-SC-TP needs to be clarified because it was unclear whether each violation identified pertains to a single violation or multiple violations, hearing staff states that there may be confusion due to a lack of a list or schedule attached to the Order. Hearing staff states that if the Commission clarifies the Order to include a list of the violations by complaint number, it will be clear that each complaint forms the basis for a signal violation.

Hearing staff further states that it does not object to Talk America's request for extension of time to file its response to Order No. PSC-01-2107-SC-TP. Hearing staff states that it is willing to provide copies of the complaint forms to the company as soon as practicable to assist the company in its response.

ANALYSIS OF ADVISORY STAFF:

When considering whether to grant a motion for clarification, the Commission typically determines whether its order requires further explanation to fully make clear the Commission's intent. See, e.g., Order No. PSC-01-1930-PCO-EI, issued September 25, 2001, in Dockets Nos. 010994-EI and 001148-EI. Upon reviewing Order No. PSC-01-2107-SC-TP and Talk America's and hearing staff's filings, advisory staff agrees with Talk America that the Order is unclear, but is persuaded by the arguments of hearing staff as to how to clarify the Order. Thus, advisory staff recommends that Talk America's motion should be granted in part and denied in part.

To clarify Talk America's apparent violations, advisory staff recommends that Order No. PSC-01-2107-SC-TP should be amended to include the list provided in Attachment A of this recommendation. This is the list that was included in hearing staff's response which sets forth Talk America's apparent violations by complaint number and categorizes the complaints under the applicable violation.

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Advisory staff further recommends that the hearing staff should be ordered to provide the customer complaint forms generated by the Division of Consumer Affairs that correspond to the customer complaints set forth in Attachment A within 10 days of the issuance date of the order rendered in this matter. Talk America can cross-reference the Commission's customer complaint number, found in Attachment A, with the Commission's customer complaint forms to obtain the information it desires. Thus, the Commission should deny Talk America's request for a separate list from the Commission detailing the company's apparent violations by billing telephone number and customer name, as such a list is unnecessary if Attachment A and the customer complaint forms generated by the Division of Consumer Affairs are provided to Talk America.

Advisory staff also recommends that Order No. PSC-01-2107-SC-TP should be amended to clarify that each complaint forms the basis for a single violation. As mentioned above, Attachment A categorizes Talk America's apparent violations by complaint number under the applicable violation. Therefore, amending Order No. PSC-01-2107-SC-TP with Attachment A will also clarify that each complaint forms the basis for a single violation.

Advisory staff believes the company's request for an extension of time to file its response to Order No. PSC-01-2107-SC-TP is reasonable. Thus, advisory staff recommends that Talk America should file its response to Order No. PSC-01-2107-SC-TP within 30 days after the hearing staff provides the customer complaint forms discussed herein to Talk America.

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**ISSUE 2:** Should these dockets be closed?

**RECOMMENDATION:** No. These dockets should remain open to allow Talk America to file its response to Order No. PSC-01-2107-SC-TP as discussed in Issue 1.

**STAFF ANALYSIS:** These dockets should remain open to allow Talk America to file its response to Order No. PSC-01-2107-SC-TP as discussed in Issue 1.



DOCKET NO. 010409-TP

SLAMMING - APPARENT VIOLATION OF RULE 25-4.118, F.A.C. (522)

COMPANY DID NOT PROVIDE LOA OR TPV (154)  
Rule 25-4.118(1) & (2), F.A.C.

T1076 (85)

CATS #	Rec'd Date
271050	08/03/1999
272722	08/10/1999
275981	08/27/1999
276092	08/27/1999
279257	09/17/1999
297989	12/29/1999
302485	01/25/2000
304624	02/04/2000
304932	02/08/2000
305006	02/08/2000
305225	02/10/2000
306691	02/21/2000
307682	02/28/2000
308540	03/06/2000
308546	03/06/2000
311142	03/20/2000
312297	03/28/2000
312418	03/29/2000
313523	04/07/2000
314012	04/12/2000
314345	04/13/2000
315754	04/26/2000
316340	05/01/2000
317022	05/08/2000
318125	05/16/2000
319137	05/25/2000
319938	06/05/2000
320252	06/07/2000
320735	06/12/2000
321698	06/21/2000
321922	06/22/2000
324168	07/14/2000
325536	08/22/2000
326331	07/25/2000
329283	08/08/2000
331036	08/17/2000
331302	08/18/2000
331390	08/18/2000
331876	08/22/2000
334339	09/07/2000
335033	09/11/2000
335142	09/11/2000
337007	09/21/2000
337848	09/27/2000
338902	10/03/2000
340302	10/10/2000
340924	10/13/2000
342491	10/24/2000
342589	10/24/2000
342775	10/25/2000
343062	10/26/2000

343725	10/31/2000
347224	11/27/2000
348387	12/04/2000
348814	12/06/2000
349488	12/11/2000
350924	12/18/2000
350930	12/18/2000
352096	12/26/2000
352272	12/26/2000
352429	12/27/2000
352990	12/29/2000
353492	01/03/2001
354368	01/08/2001
355520	01/12/2001
355700	01/16/2001
355753	01/16/2001
355765	01/16/2001
356198	01/17/2001
357005	01/22/2001
358078	01/25/2001
359098	01/30/2001
361276	02/09/2001
361408	02/09/2001
363838	02/22/2001
364097	02/22/2001
365546	03/01/2001
366507	03/07/2001
366557	03/07/2001
366939	03/08/2001
368364	03/15/2001
369053	03/19/2001
369688	03/21/2001
369825	03/22/2001
371240	03/28/2001

## TX036 (46)

CATS #	Rec'd Date
321639	06/20/2000
322327	06/27/2000
322338	06/27/2000
323547	07/11/2000
325605	07/21/2000
329032	08/07/2000
331757	08/22/2000
331842	08/22/2000
332712	08/28/2000
337621	09/26/2000
341604	10/18/2000
343297	10/27/2000
343714	10/31/2000
344566	11/06/2000
344721	11/07/2000
347537	11/29/2000
347567	11/29/2000
347832	11/30/2000
348286	12/04/2000
348310	12/04/2000
348347	12/04/2000
348669	12/05/2000

348812	12/06/2000
349129	12/07/2000
349413	12/11/2000
349847	12/11/2000
350180	12/14/2000
350396	12/14/2000
350902	12/18/2000
351051	12/19/2000
354019	01/05/2001
355292	01/11/2001
355706	01/16/2001
355787	01/16/2001
360974	02/08/2001
361145	02/08/2001
366505	03/07/2001
369031	03/19/2001
373918	04/12/2001
375429	04/19/2001
329297	08/08/2000
340303	10/10/2000
353787	01/04/2001
364663	02/26/2001
371211	03/28/2001
374683	04/17/2001

**TX082 (21)**

<u>CATS #</u>	<u>Date Rec'd</u>
266170	07/01/1999
274325	08/18/1999
314226	04/13/2000
318522	05/19/2000
321047	06/14/2000
321404	06/19/2000
323484	07/10/2000
331787	08/22/2000
334178	09/06/2000
344211	11/02/2000
344646	11/06/2000
346039	11/16/2000
346850	11/22/2000
349688	12/11/2000
360054	02/05/2001
363471	02/21/2001
369547	03/21/2000
320289	06/07/2000
370321	03/23/2001
370459	03/26/2001
374964	04/17/2001

**TI619 (2)**

<u>CATS #</u>	<u>Date Rec'd</u>
272038	08/06/1999
363833	02/22/2001

**COMPANY RESUBMITTED PIC CHANGE AFTER CANCELLATION (10)**  
Rule 25-4.118(2)(b), F.A.C.

**TI076 (6)**

<u>CATS #</u>	<u>Date Rec'd</u>
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302130	01/24/2000
313954	04/11/2000
336778	09/19/2000
337777	09/26/2000
346650	11/21/2000
361241	02/09/2001

**TX036 (3)**

<u>CATS #</u>	<u>Date Rec'd</u>
339906	10/09/2000
367932	03/14/2001
371567	03/30/2001

**TX082 (1)**

<u>CATS #</u>	<u>Date Rec'd</u>
352802	12/28/2000

TPV does not contain all the information required to make a valid verification. (100)  
Rule 25-4.118(2)(c)(2), F.A.C.

**TI076 (45)**

<u>CATS #</u>	<u>Date Rec'd</u>
278206	09/10/1999
278510	09/13/1999
305037	02/09/2000
307872	02/29/2000
309813	03/10/2000
310206	03/14/2000
310726	03/16/2000
311522	03/22/2000
311617	03/23/2000
314597	04/14/2000
315349	04/21/2000
319416	05/30/2000
320735	06/12/2000
324287	07/17/2000
324889	07/18/2000
327612	07/31/2000
328327	08/02/2000
329829	08/10/2000
335263	09/12/2000
337076	09/21/2000
338618	10/02/2000
339195	10/04/2000
339408	10/05/2000
340627	10/12/2000
342693	10/24/2000
343882	11/01/2000
345583	11/14/2000
345892	11/15/2000
347814	11/30/2000
350830	12/18/2000
351200	12/19/2000
354605	01/09/2001
355476	01/12/2001
358899	01/30/2001
362896	02/16/2001
363579	02/21/2001
364374	02/26/2001

365979	03/05/2001
368364	03/15/2001
369188	03/20/2001
369200	03/20/2001
369286	03/20/2001
371440	03/29/2001
371909	04/02/2001
371988	04/02/2001

## TX036 (32)

CATS #	Date Rec'd
321977	06/23/2000
323543	07/11/2000
325995	07/24/2000
327306	07/28/2000
328094	08/01/2000
333519	08/31/2000
336617	09/19/2000
339766	10/06/2000
344354	11/03/2000
344563	11/06/2000
346021	11/16/2000
347813	11/30/2000
348291	12/04/2000
348776	12/06/2000
350548	12/15/2000
353304	01/02/2001
353452	01/03/2001
353661	01/04/2001
354082	01/05/2001
355112	01/10/2001
355784	01/16/2001
356021	01/17/2001
357654	01/24/2001
357959	01/25/2001
358818	01/29/2001
358822	01/29/2001
361926	02/13/2001
362169	02/14/2001
364989	02/27/2001
365978	03/05/2001
366823	03/08/2001
366897	03/08/2001

## TX082 (23)

CATS #	Date Rec'd
317706	05/12/2000
318050	05/16/2000
320843	06/13/2000
321884	06/22/2000
323403	07/10/2000
323459	07/10/2000
326619	07/26/2000
327880	08/01/2000
328966	08/04/2000
330904	08/16/2000
334519	09/07/2000
335537	09/13/2000
336521	09/19/2000

337683	09/26/2000
340626	10/12/2000
342604	10/24/2000
345381	11/13/2000
348595	12/05/2000
354104	01/05/2001
355002	01/10/2001
358479	01/29/2001
360819	02/07/2001
363026	02/19/2001

**LOA CHECK PROVIDED IS NOT VALID DUE TO INCORRECT CUSTOMER INFORMATION, OR LACK OF SIGNATURE (122)**

Rule 25-4.118(3)(a), F.A.C.

**LOA CHECK IS ALSO MISLEADING AND DECEPTIVE**

Rule 25-4.118(4), F.A.C.

**LOA check is not valid (no signature, wrong name, etc.) (27)**

**TI076 (12)**

<u>CATS #</u>	<u>Date Rec'd</u>
310739	03/16/2000
311729	03/23/2000
314009	04/12/2000
318843	05/23/2000
319497	05/31/2000
320355	06/07/2000
339532	10/05/2000
342238	10/23/2000
350155	12/13/2000
350978	12/18/2000
351452	12/20/2000
355161	01/11/2001

**TX036 (9)**

<u>CATS #</u>	<u>Date Rec'd</u>
321024	06/14/2000
328544	08/03/2000
337474	09/25/2000
339649	10/06/2000
341511	10/17/2000
344258	11/03/2000
348321	12/04/2000
356569	01/19/2001
360720	02/07/2001

**TX082 (6)**

<u>CATS #</u>	<u>Date Rec'd</u>
321818	06/22/2000
328320	08/02/2000
336902	09/20/2000
343587	10/30/2000
347528	11/29/2000
354818	01/09/2001

**Intended customer did not cash LOA check - phone number to customer name mismatch (95)**

**TI076 (43)**

<u>CATS #</u>	<u>Date Rec'd</u>
284187	10/15/1999

302207	01/24/2000
306272	02/17/2000
306927	02/22/2000
307029	02/23/2000
309911	03/13/2000
312590	03/30/2000
312689	03/31/2000
313511	04/07/2000
314702	04/17/2000
321062	06/14/2000
327453	07/31/2000
329432	08/08/2000
335121	09/11/2000
338184	09/28/2000
338314	09/29/2000
340443	10/11/2000
342377	10/23/2000
342841	10/25/2000
342956	10/26/2000
344208	11/02/2000
344573	11/06/2000
346993	11/27/2000
348088	12/01/2000
348689	12/05/2000
349249	12/08/2000
351408	12/20/2000
351883	12/21/2000
353168	01/02/2001
353504	01/03/2001
355206	01/11/2001
355685	01/16/2001
356820	01/22/2001
359910	02/02/2001
361289	02/09/2001
361324	02/09/2001
361405	02/09/2001
362204	02/14/2001
365198	02/28/2001
367096	03/09/2001
368443	03/15/2001
371554	03/30/2001
372286	04/04/2001

## TX036 (31)

<u>CATS #</u>	<u>Date Rec'd</u>
332495	08/25/2000
335703	09/14/2000
336644	09/19/2000
336762	09/19/2000
336978	09/20/2000
337503	09/25/2000
343758	10/31/2000
344383	11/03/2000
344555	11/06/2000
348460	12/05/2000
348940	12/06/2000
349825	12/12/2000
353502	01/03/2001
355201	01/11/2001

355458	01/12/2001
357129	01/22/2001
357405	01/23/2001
357875	01/25/2001
359236	01/31/2001
359605	02/01/2001
360826	02/07/2001
367096	03/09/2001
368294	03/15/2001
368355	03/15/2001
369160	03/20/2001
370498	03/26/2001
370533	03/26/2001
371064	03/28/2001
371584	03/30/2001
373223	04/09/2001
374479	04/16/2001

**TX082 (20)**

<u>CATS #</u>	<u>Date Rec'd</u>
321644	06/20/2000
329220	08/07/2000
330233	08/14/2000
330551	08/15/2000
338199	09/28/2000
341074	10/16/2000
341853	10/19/2000
342978	10/26/2000
344879	11/07/2000
344912	11/08/2000
346584	11/21/2000
347244	11/27/2000
347363	11/28/2000
347379	11/28/2000
349259	12/08/2000
352011	12/22/2000
355821	01/16/2001
358463	01/29/2001
363658	02/20/2001
373020	04/09/2001

**TI619 (1)**

<u>CATS #</u>	<u>Date Rec'd</u>
331014	08/17/2000

**CUSTOMER AUTHORIZED ONLY ONE TYPE OF SERVICE OR ONE LINE; MORE THAN ONE SWITCHED (23)**  
 Rule 25-4.118(3)(a)1. & 2., F.A.C.

**TI076 (16)**

<u>CATS #</u>	<u>Date Rec'd</u>
267489	07/13/1999
267573	07/29/1999
270289	07/29/1999
298854	01/04/2000
299099	01/06/2000
299528	01/07/2000
310079	03/13/2000
311521	03/22/2000
317060	05/08/2000



320099	06/06/2000
321048	06/14/2000
321301	06/16/2000
321635	06/20/2000
325031	07/19/2000
362686	02/16/2001
369022	03/19/2001

**TX036 (7)**

<u>CATS #</u>	<u>Date Rec'd</u>
305797	02/14/2000
334000	09/05/2000
335038	09/11/2000
337491	09/25/2000
337847	09/27/2000
353981	01/05/2001
374122	04/12/2001

**CUSTOMER INITIATED CALL TO LEC OR LEC PIC'D COMPANY'S CIC; NO VERIFICATION DATA PROVIDED (14)**  
Rule 25-4.118(2)(b), F.A.C.

**TX036 (14)**

<u>CATS #</u>	<u>Date Rec'd</u>
267933	07/16/1999
280031	09/22/1999
307597	02/28/2000
309173	03/08/2000
309998	03/13/2000
311364	03/21/2000
311645	03/23/2000
318483	05/19/2000
323859	07/13/2000
325410	07/20/2000
327499	07/31/2000
329168	08/07/2000
363231	02/20/2001
371762	04/02/2001

**MARKETING - APPARENT VIOLATION OF RULE 25-4.118(4) & (9), F.A.C. (99)**

**Telemarketers misquoted rates or inducements to convince customers to switch (36)**

**TI076 (29)**

<u>CATS #</u>	<u>Date Rec'd</u>
298977	01/05/2000
299704	01/10/2000
306561	02/18/2000
310946	03/17/2000
311680	03/23/2000
312522	03/30/2000
315445	04/24/2000
319750	06/01/2000
327904	08/01/2000
328352	08/03/2000
337043	09/21/2000
340874	10/13/2000
342229	10/23/2000
343365	10/30/2000
343952	11/01/2000

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344642	11/06/2000
345040	11/08/2000
347027	11/27/2000
347426	11/28/2000
353840	01/04/2001
355051	01/10/2001
355076	01/10/2001
355536	01/12/2001
356679	01/19/2001
360128	02/05/2001
361715	02/12/2001
366195	03/06/2001
369165	03/20/2001
369294	03/20/2001

**TX036 (7)**

<u>CATS #</u>	<u>Date Rec'd</u>
336499	09/18/2000
339032	10/03/2000
343831	10/31/2000
344144	11/02/2000
346746	11/21/2000
355438	01/12/2001
367854	03/13/2001

Customer not receiving local toll extended calling plan as company indicated and swithing intraLATA without authorization (43)

**TI076 (34)**

<u>CATS #</u>	<u>Date Rec'd</u>
275289	08/24/1999
277155	09/02/1999
277962	09/09/1999
280151	09/22/1999
281461	09/29/1999
281760	10/01/1999
287087	10/29/1999
295302	12/10/1999
296958	12/21/1999
299089	01/06/2000
301498	01/19/2000
301929	01/21/2000
304221	02/03/2000
304987	02/08/2000
306844	02/22/2000
307303	02/24/2000
308037	03/01/2000
308456	03/03/2000
308953	03/07/2000
311718	03/23/2000
312443	03/29/2000
312584	03/30/2000
313202	04/04/2000
313986	04/12/2000
328181	08/01/2000
343061	10/26/2000
343181	10/27/2000
345544	11/14/2000
349443	01/05/2001

354000	01/17/2001
356230	01/29/2001
358556	01/29/2001
360677	02/07/2001
360966	02/08/2001

**TX036 (9)**

<u>CATS #</u>	<u>Date Rec'd</u>
332350	08/24/2000
338032	09/27/2000
339845	10/06/2000
340969	10/13/2000
342242	10/23/2000
343721	10/31/2000
345463	11/13/2000
347324	11/28/2000
367013	03/09/2001

Customers switched to Talk.com based on misleading information presented during telemarketing (20)

**TI076 (14)**

<u>CATS #</u>	<u>Date Rec'd</u>
276764	09/01/1999
284367	10/15/1999
309781	03/10/2000
311539	03/22/2000
323177	07/06/2000
326830	07/26/2000
327874	08/01/2000
342037	10/20/2000
345832	11/15/2000
354025	01/05/2001
356385	01/18/2001
359188	01/31/2001
366145	03/05/2001
370211	03/23/2001

**TX036 (6)**

<u>CATS #</u>	<u>Date Rec'd</u>
336076	09/15/2000
353358	01/03/2001
355351	01/11/2001
359243	01/31/2001
369997	03/22/2001
372129	04/03/2001

**ISSUE 2**

APPARENT VIOLATIONS OF SECTION 364.604, FLORIDA STATUTES (105)

BILLING ERROR (duplicate charges) (32)

**TI076 (19)**

<u>CATS #</u>	<u>Date Rec'd</u>
272401	08/09/1999
299068	01/05/2000
299410	01/07/2000
304038	02/02/2000
315186	04/20/2000
315518	04/24/2000

316118	04/28/2000
320046	06/05/2000
326585	07/26/2000
333528	08/31/2000
336664	09/19/2000
339252	10/04/2000
351075	12/19/2000
351607	12/20/2000
363232	02/20/2001
364625	02/26/2001
364922	02/27/2001
367165	03/09/2001
370982	03/28/2001

**TX036 (12)**

<u>CATS #</u>	<u>Date Rec'd</u>
305015	02/08/2000
354802	01/09/2001
355356	01/12/2001
356221	01/17/2001
362344	02/14/2001
363178	02/19/2001
369087	03/19/2001
370152	03/23/2001
370375	03/26/2001
370719	03/27/2001
374011	04/12/2001
375095	04/18/2001

**TX082 (1)**

<u>CATS #</u>	<u>Date Rec'd</u>
290722	11/17/1999

**BILLED CUSTOMERS PRIOR TO PROVISIONING SERVICE (18)****T1076 (4)**

<u>CATS #</u>	<u>Date Rec'd</u>
341254	10/16/2000
349662	12/11/2000
350942	12/18/2000
352516	12/27/2000

**TX036 (13)**

<u>CATS #</u>	<u>Date Rec'd</u>
337070	09/21/2000
344128	11/02/2000
347345	11/28/2000
348233	12/04/2000
352659	12/28/2000
353181	01/02/2001
354737	01/09/2001
368532	03/16/2001
368922	03/19/2001
369597	03/21/2001
370606	03/26/2001
371378	03/29/2001
372270	04/03/2001

**TX082 (1)**

<u>CATS #</u>	<u>Date Rec'd</u>
350415	12/15/2000

**BILLING FOR CALLING FEATURES CUSTOMER DID NOT ORDER OR AUTHORIZE (5)**

Section 364.604(2), Florida Statutes

**TX036 (3)**

<u>CATS #</u>	<u>Date Rec'd</u>
340330	10/11/2000
341938	10/19/2000
365430	03/01/2001

**TX082 (2)**

<u>CATS #</u>	<u>Date Rec'd</u>
351983	12/22/2000
358867	01/30/2001

**BILLING ERRONEOUSLY ON SEPARATE BILLS (50)**

Section 364.604(2), Florida Statutes

**TI076 (38)**

<u>CATS #</u>	<u>Date Rec'd</u>
312962	04/03/2000
315429	04/24/2000
322526	06/29/2000
323684	07/12/2000
329147	08/07/2000
332996	08/29/2000
334659	09/08/2000
335017	09/11/2000
335108	09/11/2000
335147	09/11/2000
335192	09/12/2000
335256	09/12/2000
335264	09/12/2000
335557	09/13/2000
335589	09/13/2000
335628	09/13/2000
335897	09/14/2000
335914	09/14/2000
336008	09/15/2000
336399	09/18/2000
336528	09/19/2000
336543	09/18/2000
336549	09/19/2000
338011	09/27/2000
339178	10/04/2000
339207	10/04/2000
339216	10/04/2000
345628	11/14/2000
346587	11/21/2000
352263	12/26/2000
353974	01/05/2001
354981	01/10/2001
357699	01/24/2001
357796	01/24/2001
358190	01/26/2001
358506	01/29/2001
369245	03/20/2001

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369811 03/22/2001

**TX036 (6)**

<b>CATS #</b>	<b>Date Rec'd</b>
341893	10/19/2000
343245	10/27/2000
345748	11/14/2000
360800	02/07/2001
369275	03/20/2001
369456	03/20/2001

**TX082 (4)**

<b>CATS #</b>	<b>Date Rec'd</b>
317276	05/09/2000
320270	06/07/2000
322553	06/29/2000
329317	08/08/2000

**TI619 (2)**

<b>CATS #</b>	<b>Date Rec'd</b>
323416	07/10/2000
333298	08/30/2000

**ISSUE 3****APPARENT VIOLATION OF RULE 25-22.032(5)(A), F.A.C. (30)****TX082 (25)**

<b>CATS #</b>	<b>Date Rec'd</b>
318929	05/23/2000
319281	05/26/2000
319478	05/30/2000
319505	05/31/2000
319660	06/01/2000
319864	06/02/2000
322154	06/26/2000
322464	06/28/2000
322620	06/29/2000
324517	07/17/2000
324714	07/18/2000
324956	07/19/2000
325564	07/21/2000
325986	07/24/2000
332679	08/28/2000
335472	09/13/2000
337398	09/25/2000
339480	10/05/2000
339520	10/05/2000
342979	10/26/2000
343583	10/30/2000
344526	11/03/2000
345002	11/08/2000
345523	11/13/2000
346252	11/17/2000

**TI619 (5)**

<b>CATS #</b>	<b>Date Rec'd</b>
321148	06/15/2000
322104	06/26/2000
322836	07/03/2000

323108 07/06/2000  
323747 07/12/2000