

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Mel Citron
against Supra Telecommunications
and Information Systems, Inc.
regarding quality of service.

DOCKET NO. 020999-TX
ORDER NO. PSC-03-0066-PAA-TX
ISSUED: January 8, 2003

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI

NOTICE OF PROPOSED AGENCY ACTION ORDER
DENYING CONSUMER COMPLAINT

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

I. CASE BACKGROUND

On October 11, 2001, Mr. Mel Citron ("Mr. Citron" or "customer") contacted our Division of Consumer Affairs to register a complaint against Supra Telecommunications and Information Systems, Inc. (Supra). This complaint was logged as Consumer Activity Tracking System Request No. 411314T. Mr. Citron claimed that he asked Supra to provide him with the access numbers for programing his phone, to put a 900 call block on both his accounts and to place a call block on both of his accounts that would not allow calls to be completed through directory assistance. Mr. Citron alleged that Supra told him the blocks were in place, but he was billed for calls that should have been blocked. The customer further alleged that he was billed by and paid both Supra and BellSouth for the same service.

Supra responded to our staff's inquiry on November 21, 2001. Supra indicated in its report that a credit in the amount of \$25

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was issued for each line for the inconvenience. As a result, the account for telephone numbers 954-921-0287 and 954-921-0322 had a balance of \$287.02. The customer also had a second residence with telephone numbers 305-932-4893 and 305-932-3546. A credit of \$50 for inconvenience and \$150 for misbilling were applied to this account. Supra reported that Mr. Citron was satisfied with the resolution for the 305 telephone numbers but not for the 954 account. Supra alleged that it was not responsible for the calls placed to directory assistance via "555-1212" as the calls were dialed from the customer's home.

On February 1, 2002, our staff closed the customer's complaint. On July 24, 2002, Mr. Citron notified staff that he was not satisfied with the proposed resolution to his complaint by requesting to participate in the informal conference process.

On September 11, 2002, an informal conference was held with Mr. Citron, Supra representatives and Commission staff. During the informal conference, Mr. Citron stated his position that Supra was billing him for services it did not provide and that he believed that he was due credits for these services. Supra stated its position that it had corrected all the problems reported to it by the customer and that it was not responsible for the directory assistance calls made from his home. Supra declined to provide any additional credits and stated that the customer was not paying for the service he had and was utilizing the service. The informal conference ended without a settlement.

We have jurisdiction in this matter pursuant to Section 364.604, Florida Statutes.

II. ANALYSIS

As mentioned previously, Mr. Citron stated that he asked Supra to provide him with the access numbers for programing his phone, to put a 900 call block on both of his accounts and to place a call block on both of his accounts that would not allow directory assistance calls. However, Mr. Citron was billed for calls that he believes should have been blocked. The specific blocking of directory assistance calls requested by the customer is not available. The customer wanted to block 411 and 555-1212 calls. In order for any local telephone company to provide this type of

block, the customer must accept a full toll block (CREX Block). This means that no long distance call of any kind could be placed from the blocked service. According to Supra, once it was explained to the customer that if a full toll block was placed on his line, it would prevent him from being able to dial direct, use a prepaid calling card, or dial 10-10-XXX, he declined the block.

The customer further alleged that he paid both Supra and BellSouth for the same service. Our staff contacted a BellSouth representative and inquired as to Mr. Citron's allegation. BellSouth responded that it had only charged Mr. Citron for the service that he used. When asked about documentation regarding double billing, Mr. Citron failed to provide proof to substantiate his claim of the duplicate charges of BellSouth and Supra for the same service.

Supra also responded that it had given Mr. Citron a number of credits totaling \$250 for his inconvenience and misbilling for the telephone numbers at one residence, 954-921-0287 and 954-921-0322 and telephone numbers at his second residence, 305-932-4893 and 305-932-3546. However, Supra declined to credit Mr. Citron for directory assistance charges on his 954 account as Supra had confirmed the calls were dialed from the customer's home.

During the informal conference, Mr. Citron indicated that he thought that he was due more credits from Supra regarding the directory assistance calls on his bill. However, Supra stated that it had provided Mr. Citron with a number of courtesy and misbilling credits in order to resolve the dispute. Hence, Supra declined to issue any additional credits.

Based on the information that has been provided by parties, we find that Supra has given Mr. Citron the appropriate credits for misbilling, as well as additional courtesy credits. Furthermore, we emphasize that while Mr. Citron may have requested call blocking for calls to directory assistance, that type of call blocking is not available. As such, since the information provided indicates that directory assistance calls were placed from Mr. Citron's residence, we find that Supra may properly charge for these calls. Even though Mr. Citron may have understood this call blocking option to be available, we find that the charges are appropriate because the service was actually used and the charge was incurred

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as a result. Therefore, we find that Complaint No. 411314T filed by Mr. Mel Citron is denied.

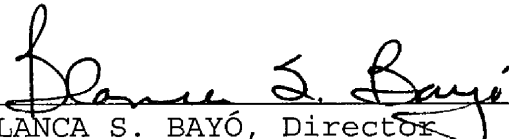
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Complaint No. 411314T filed by Mr. Mel Citron is denied. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 8th Day of January, 2003.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 29, 2003.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.