

ORIGINAL

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

RECEIVED-PPSC
OCT 22 11:31
COMMISSION
CLERK

DATE: October 22, 2004

TO: Blanca S. Bayó, Commission Clerk and Administrative Services Director

FROM: Melinda H. Watts, Engineer III, Division of Competitive Markets & Enforcement *MW*

RE: Docket No. 030947-TI - Compliance investigation of Digitec for apparent violation of Sections 364.02(13) and 364.04, Florida Statutes.

Please add the attached document, staff's July 3, 2003, letter to Digitec, returned by the United States Postal Service, with the Certified Return Receipt card and postal service notations on the envelope, to the Docket file for Docket No. 030947-TI.

CMP _____

COM _____

CTR _____

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GCL _____

OPC _____

MMS _____

RCA _____

SCR _____

SEC 1

OTH _____

MW

DOCUMENT NUMBER-DATE

11430 OCT 22 04

FPSC-COMMISSION CLERK

STATE OF FLORIDA

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DIVISION OF COMPETITIVE MARKETS &
ENFORCEMENT
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

July 3, 2003

CERTIFIED

DigiTEC 2000
8 West 38th Street
Fifth Floor
New York, NY 10018

2003 JUL 14 AM 10:25
DIVISION OF
COMPETITIVE SERVICES

Dear Sir or Madam:

The Florida Public Service Commission (Commission) received a complaint (No. 532583T, enclosed) against DigiTEC 2000 (DigiTEC) on May 12, 2003, from Ms. Althia Gabrilowitz regarding a prepaid calling card apparently issued by DigiTEC. Ms. Gabrilowitz stated that she purchased the card for \$5.00 on May 1, 2003, and attempted to use the card shortly thereafter. Her call attempt was not completed (the call was not connected), so she attempted the call again. The recording then stated that only \$3.00 remained on the card.

Ms. Gabrilowitz contacted customer service to dispute the \$2.00 being deducted from the balance on the card for a call that was never connected, and was informed that the \$2.00 would be placed back on the card within an hour. She attempted the call again the next day and found that the \$2.00 had not been refunded. She again called customer service and was informed that the \$2.00 would not be placed back on the card.

Please provide a written response addressing the manner in which DigiTEC will resolve Ms. Gabrilowitz's complaint by July 23, 2003. Ms. Gabrilowitz's contact information is listed on the enclosed complaint form.

Further, please provide the following information for each phone call using the Caribbean Direct pre-paid phone card with PIN number 135 9135 447:

1. Date and time of call
2. Point of origin of call (city, state, phone number, pay phone (yes/no))
3. Destination of call (city, state, phone number)
4. Duration of call
5. Additional charges pertaining to the call
6. The balance remaining on the card after the call

In short, provide a complete breakdown of how the account for that PIN went from \$5.00 to

DigiTEC 2000
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\$3.00 (or to the amount of the balance remaining on the card). Please include a copy of the point-of-sale information supplied with your pre-paid phone cards in Florida, as well as the name of the network company from whom you purchase time. This information should be included in your July 23, 2003, response.

The analyst from the Commission's Division of Consumer Affairs (CAF) forwarded the complaint to the Compliance section of the Division of Competitive Markets & Enforcement. The reason it was forwarded is that, upon investigation of the complaint, CAF discovered that DigiTEC is not registered with the Commission and has not provided contact information. Section 364.02(13)(g), Florida Statutes (F.S.), states in part that each intrastate interexchange telecommunications company shall provide the Commission with such current information as it deems necessary to contact and communicate with the company. The Commission has developed a form for this purpose entitled "Change of Company Information on Regulated Utility" (attached). Please complete the Change of Company Information on Regulated Utility form and submit the completed form in accordance with the instructions contained therein by July 23, 2003.

Additionally, Section 364.04, F.S., requires that every telecommunications company file a tariff with the Commission showing the rates, tolls, rentals, contracts, and charges of that company for service to be performed within the state. A sample tariff and a tariff checklist are attached to assist you in its preparation. Please prepare a tariff and file it with the Commission according to attached instructions to the following address by July 23, 2003:

Florida Public Service Commission
Division of the Commission Clerk & Administrative Services
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

To summarize, DigiTEC should provide the following by July 23, 2003:

- Response to the customer complaint
- Change of Company Information on Regulated Utility Form
- Tariff

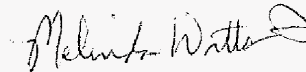
DigiTEC 2000

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July 3, 2003

Please provide complete and accurate responses to all requests made in this letter by July 23, 2003. If you have any questions, please contact me at (850) 413-6952.

Sincerely,



Melinda Watts
Bureau of Service Quality

Enclosures (3)

1. Complaint
2. **Change of** Company Information on Regulated Utility form
3. **Tariff checklist** and sample tariff

cc: Department of Revenue
Division of Competitive Markets & Enforcement (Gilchrist)

Ref: TMS 201
CATS 532583T

SENDER: COMPLETE THIS SECTION

- ☒ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- ☒ Print your name and address on the reverse so that we can return the card to you.
- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DigiTEC 2000
8 West 38th Street
Fifth Floor
New York, NY 10018

2. Article Number

(Transfer from service label)

PS Form 3811, March 2001

COMPLETE THIS SECTION ON DELIVERYA. Received by *(Please Print Clearly)* B. Date of Delivery

C. Signature

X

 Agent AddresseeD. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.4. Restricted Delivery? *(Extra Fee)* Yes

7002 0860 0001 1754 5648

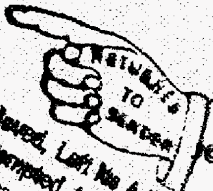
Domestic Return Receipt

102595-01-M-1424

ISSIOM

DigiTEC 2000
8 West 38th Street
Fifth Floor
New York, NY 10018

For
7/7/03

 ORIGINALS TO SLACKER
 Moved, Left No Address
 Attempted, Not Known
 Forwarding Order Expires
 NY, NY 10018-9998

Handwritten signature