

BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

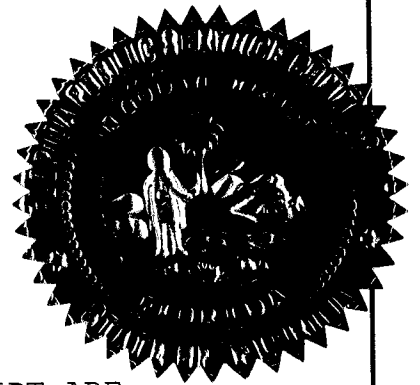
In the Matter of:

PETITION TO INVESTIGATE, CLAIM FOR
DAMAGES, COMPLAINT, AND OTHER STATEMENTS
AGAINST RESPONDENTS EVERCOM SYSTEMS, INC.
D/B/A CORRECTIONAL BILLING SERVICES AND
BELLSOUTH CORPORATION, BY BESSIE RUSS.

DOCKET NO. 060640-TP

COMPLAINT TO INVESTIGATE EVERCOM SYSTEMS,
INC. D/B/A CORRECTIONAL BILLING SERVICES
AND BELLSOUTH TELECOMMUNICATIONS, INC. ON
BEHALF OF MICHAEL RUSS FOR IMPROPER CALL
BLOCKING AS ESTABLISHED BY ORDER
PSC-07-0207-PCO-TP.

DOCKET NO. 070151-TP



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PROCEEDINGS: AGENDA CONFERENCE
ITEM NO. 5

BEFORE: CHAIRMAN LISA POLAK EDGAR
COMMISSIONER MATTHEW M. CARTER, II
COMMISSIONER KATRINA J. MCMURRIAN

DATE: Tuesday, March 27, 2007

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: LINDA BOLES, CRR, RPR
Official FPSC Reporter
(850) 413-6734

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FLORIDA PUBLIC SERVICE COMMISSION 02840 APR-25

FPSC-COMMISSION CLERK

1 PARTICIPATING:

2 MANUEL A. GURDIAN, ESQUIRE, representing AT&T
3 Florida.

4 JON MOYLE, SR., ESQUIRE, representing Evercom
5 Systems, Inc. d/b/a Correctional Billing Services.

6 BESSIE RUSS and MICHAEL RUSS, representing themselves
7 (via telephone.)

8 MICHAEL COOKE, GENERAL COUNSEL, LEE ENG TAN, ESQUIRE,
9 and CATHERINE BEARD, representing the Florida Public Service
10 Commission Staff.

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P R O C E E D I N G S

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2 CHAIRMAN EDGAR: We are on Item 5, and my
3 understanding is that we have Bessie Russ and Michael Russ on
4 the phone with us. Are you with us?

5 MR. RUSS: Yes, ma'am.

6 MS. RUSS: Yes, ma'am.

7 CHAIRMAN EDGAR: Okay. I'm sure that Mr. Staden
8 shared with you that we are having some technical difficulties
9 here in Tallahassee today, and so it is much noisier in this
10 room than it usually is for our proceedings. So we are going
11 to try this, and if it turns out that you cannot hear us,
12 please let me know that. If it turns out that we cannot hear
13 you, we will see what is the best way to proceed after that.
14 But we're going to give it a try if you will just bear with us.
15 And so I'm going to start by asking our staff to introduce the
16 item.

17 MS. TAN: Good morning, Commissioners. Lee Eng Tan
18 on behalf of staff. Item Number 5 is Docket Number 060640 and
19 Docket Number 070151. These two docket are complaints by
20 customers Bessie Russ and Michael Russ regarding service by
21 Evercom Systems, Inc., doing business as Correctional Billing
22 Services, and BellSouth Telecommunications, Inc., now AT&T
23 Florida. Staff would be happy to introduce each issue to you
24 or proceed at your pleasure. Staff is also available for
25 further questions. And representatives of Embarq, BellSouth

1 and Evercom are available for questioning. Thank you.

2 CHAIRMAN EDGAR: Okay. All right. If you would give
3 us just sort of an overview, not necessarily issue by issue,
4 but if you could kind of give us an overview of the item that
5 is before us, and then we'll hear from the consumers and then
6 we'll hear from the companies and we'll go from there.

7 MS. TAN: I'd be happy to do an overview.

8 CHAIRMAN EDGAR: Thank you.

9 MS. TAN: Issue Number 1 addresses the outstanding
10 motion to dismiss that was filed by BellSouth regarding the
11 petition filed by Petitioner Bessie Russ. Staff recommends
12 that the petition should, by Bessie Russ should be dismissed in
13 part with prejudice for lack of jurisdiction. And then we also
14 have -- staff recommends that the Commission dismiss without
15 prejudice the Petitioner's claim in regards to waivers due to
16 lack of specific specificity and that the appropriate companies
17 don't have reasonable notice.

18 Regarding -- sorry.

19 MS. BEARD: The rest of the issues we were able to
20 address. Issue 2 specifically addressed whether or not Bessie
21 was able or, excuse me, was improperly blocked. We found that
22 her service was blocked but it was not blocked improperly.
23 Excuse me.

24 The next issue came about regarding whether or not
25 she was improperly attempted marketing services from BellSouth,

1 which we also found was not the case.

2 Another question of the Petitioner was whether or not
3 she was charged higher telephone charges than stated in the
4 tariff, which was not the case as well.

5 Finally we get to Michael Russ's case, which was
6 specifically regarding whether or not he was blocked from
7 receiving incoming calls improperly. He was also blocked from
8 receiving calls, but the block was not improper.

9 That takes us back to the, back to the --

10 CHAIRMAN EDGAR: Okay. And you did say that in the
11 analysis of staff the block was not improper.

12 MS. BEARD: Yes, ma'am.

13 CHAIRMAN EDGAR: Okay. Working on my ears. Okay.
14 Okay. Then I would ask the representatives of the companies
15 that are here, if you would, just go ahead and identify
16 yourselves to us and to those that are on the phone, and then
17 I'll look to the consumers and then I'll come back to you for
18 response and comment.

19 MR. GURDIAN: Good morning, Commissioners. Manny
20 Gurdian on behalf of AT&T Florida.

21 MR. MOYLE: Good morning, Commissioners. My name is
22 Jon Moyle, Sr., the Moyle Flanigan Law Firm, and I'm here on
23 behalf of Evercom d/b/a Correctional Billing Services.

24 CHAIRMAN EDGAR: Thank you. And Ms. Russ and Mr.
25 Russ, can you hear us?

1 MS. RUSS: I can very well.

2 MR. RUSS: Yes.

3 CHAIRMAN EDGAR: Okay. I am so glad to hear that.
4 If you would, this is an opportunity for you to share with us
5 your comments and concerns.

6 MR. RUSS: Okay. I guess I'll start first, if that's
7 okay.

8 CHAIRMAN EDGAR: Yes.

9 MR. RUSS: Good morning, ladies and gentlemen of the
10 Commission. I appreciate you taking the time and hearing and
11 listening to my point of view with regard to the current
12 matter.

13 The unusual economic advantage of an exclusive
14 service area and monopolistic status given a utility in our
15 free market economy in exchange for the utility relinquishing
16 its usual right to determine the level of service it provides
17 and to set its own competitive rates in submitting those two
18 matters to a governmental authority which regulates the quality
19 of service to be provided and sets rates to provide the utility
20 a reasonable return on its investment. The corporation
21 performing a public or quasi-public service may, under the
22 police power of the state, be regulated in the interest of
23 public convenience and necessity, provided such regulation
24 bears reference to the public welfare and does not take from
25 the corporation any of the essential rights and privileges that

1 its charter confers. Although there may be numerous public
2 policy reasons, the most prevalent ones have a direct bearing
3 on the particular matter before this Commission: Providing
4 affordable and reliable utility services to the public.

5 That obligation to regulate and oversee that this
6 obligation is met within reason falls on the Public Service
7 Commission. For the power of the state legislator to regulate
8 public utilities may either be exercised by directly or,
9 alternatively, it may confer its power on a state agency such
10 as the Public Service Commission.

11 The terms of a contract for the rendering of such
12 services of a public nature are subject to the right of a
13 governmental authority under existing laws to regulate the
14 service and the charges made for it.

15 On numerous occasions BellSouth has switched my
16 service without my permission, interfered with my service and
17 even disconnected my service even though all regulatory charges
18 were paid. While these statements may seem hard to believe or
19 taken with a grain of salt as there is not a mountain of
20 evidence before the Commission at this time, such evidence does
21 exist. Currently I do have in my possession such evidence
22 which shows or proves that the aforementioned acts were
23 performed by BellSouth alone. These acts wholly and completely
24 defy public policy which has been set forth in statutes by the
25 Florida Legislature and an interpretation of the statutes that

1 the Public Service Commission is charged with enforcing. The
2 interpretation of the statutes by the agency charged with the
3 enforcement of such statutes is entitled to great weight by the
4 courts and the courts will not and should not depart from that
5 construction unless it is clearly erroneous.

6 While I realize many of the above statements have no
7 direct bearing on the current proceeding before this
8 Commission, I felt compelled to make such statements. And I
9 respectfully request that if this Commission does dismiss the
10 complaints before it, that it do so without prejudice and allow
11 the refileing of these complaints and for the complainants
12 therein to submit the necessary evidence to support their
13 claims.

14 I believe that each complaint should be adjudicated
15 on its factual merits and not summarily dismissed or set aside.
16 Alternatively, I ask that this Commission postpone making any
17 decisions with regard to the complaints before it and allow the
18 Petitioners or Complainants to amend their complaints and
19 supply the necessary evidence to support their claims.
20 Although these claims might seem moot, the events alleged
21 within those complaints are most certainly capable of
22 repetition and evading review (phonetic) as it may be months
23 before such issues are presented before the Commission again.
24 And with that, I close.

25 CHAIRMAN EDGAR: Excuse me. Thank you, Mr. Russ.

1 And, Ms. Russ, do you have additional comment?

2 MS. RUSS: I would just like to reiterate on what
3 Mr. Russ has said, and I agree wholeheartedly because my
4 service on my line was disconnected without any such cause or
5 reasons that were within BellSouth and Correctional Billing
6 Service, which is Evercom. There was not a balance due at the
7 time. And each time I talked with each party, they continued
8 to switch back and forth and say it was the other one that did
9 it, it was not I, constantly putting blame.

10 CHAIRMAN EDGAR: Thank you.

11 I'd like to hear from AT&T, if I could.

12 MR. GURDIAN: Thank you, Commissioners. AT&T Florida
13 supports staff's recommendation. AT&T Florida has not
14 improperly interfered with the Petitioners' service. It has
15 not improperly blocked their telephone service. As staff
16 indicated in their recommendation, they investigated and found
17 that neither BellSouth doing business as AT&T Florida or
18 Evercom did anything improper. Thank you.

19 CHAIRMAN EDGAR: Thank you.

20 Mr. Moyle.

21 MR. MOYLE: May it please the Commission. On behalf
22 of our client we also urge the Commission to adopt the
23 recommendations of staff as to factual determination as to the
24 disposition of the claim and dismissal of this docket, and we
25 agree and adopt the comments made by counsel for AT&T -

1 BellSouth as to the conduct of Evercom Systems d/b/a
2 Correctional Systems, Inc. Thank you.

3 CHAIRMAN EDGAR: Thank you, Mr. Moyle.
4 Commissioner Carter.

5 COMMISSIONER CARTER: Thank you, Madam Chairman.

6 A question for staff. Did you have opportunity to
7 have communications with the Russes, Mr. and Ms. Russ prior to
8 this case being filed?

9 MS. TAN: Yes, we did.

10 COMMISSIONER CARTER: And did you have an opportunity
11 to explain to them the procedure, perspective that we operate
12 under here at the Commission?

13 MS. TAN: We inherited this docket, but we understand
14 that that communication was made with them.

15 COMMISSIONER CARTER: Okay. May I ask direct?

16 Mr. and Ms. Russ, can you hear me okay?

17 MS. RUSS: Yes.

18 COMMISSIONER CARTER: This is Commissioner Carter. I
19 wanted to ask you -- you heard my question about staff. Did
20 they have an opportunity to discuss this matter with you about
21 the procedures that we operate under here at the Commission?

22 MR. RUSS: Yes.

23 COMMISSIONER CARTER: Let me ask you this, Mr. Russ.
24 In your comments you alluded to some significant information
25 that you have that we may not have, we may not be privy to

1 today. Did you offer that to our staff prior to the filing of
2 this matter?

3 MR. RUSS: No, I did not because it doesn't have a
4 direct bearing on the matter. The dockets were combined and I
5 didn't introduce that into my complaint.

6 COMMISSIONER CARTER: Okay. So you've given them all
7 of the information that you thought was pertinent to this
8 matter.

9 MR. RUSS: Yes, to this particular matter.

10 COMMISSIONER CARTER: Okay. Are you, are you
11 familiar with the recommendations of what staff has made here
12 today in this matter? Were you familiar -- did you understand
13 what they said in their recommendation?

14 MR. RUSS: Yes. They're asking that part of it be
15 dismissed with prejudice, the other part without, and BellSouth
16 should at least acknowledge that Ms. Russ does not want certain
17 services marketed to her.

18 COMMISSIONER CARTER: Thank you. Madam Chairman, if
19 I may ask your indulgence.

20 CHAIRMAN EDGAR: Commissioner Carter.

21 COMMISSIONER CARTER: Just another question of staff.
22 Staff, did we try in the process of this matter prior to this
23 actual filing, did we have staff to maybe try and deal with
24 this under the rubric of consumer concerns?

25 MS. TAN: Are you talking about our consumer

1 complaint system?

2 COMMISSIONER CARTER: Yes, ma'am.

3 MS. TAN: This was filed directly as a petition, and
4 prior to receiving the petition we did not have any indication
5 that there was an issue.

6 COMMISSIONER CARTER: Madam Chairman, it just seems
7 to me that this may have been more appropriate there as a
8 matter of a consumer issue rather than going through a
9 full-blown docket to have a situation where you're talking
10 about dismissing with prejudice, dismissing without prejudice
11 when you've got consumers who are obviously not represented by
12 counsel or anything like that. It certainly seems to me that
13 this may be more appropriate as a, as a consumer complaint
14 versus being a matter before the Commission. I don't know if
15 you agree with that, Madam Chairman, but it just seems to me
16 that there may be, it just may, it may be more appropriate in
17 that area.

18 CHAIRMAN EDGAR: Mr. Cooke.

19 MR. COOKE: Commissioners, it's my understanding this
20 was filed as a petition by the consumer, and that's their
21 choice. And having done that, we would have to process it as a
22 petition, which is what we did.

23 I do believe -- my understanding is that we did have
24 discussions with the consumers in this matter, and to some
25 extent that would serve the effect of the more informal process

1 that they might have chosen to pursue. But that is their
2 choice. And if we get essentially a filing as a petition, then
3 we need to process it.

4 CHAIRMAN EDGAR: Commissioner Carter.

5 COMMISSIONER CARTER: Mr. Russ.

6 MR. RUSS: Yes.

7 COMMISSIONER CARTER: You heard my line of
8 questioning with staff here and my thinking out loud?

9 MR. RUSS: Yes, sir.

10 COMMISSIONER CARTER: Would you agree with me that
11 this is probably a matter that's best discussed as a consumer
12 complaint with you working with our staff to try to resolve
13 whatever issues there are versus the Commission getting into
14 this in the context of a full-blown docket?

15 MR. RUSS: Well, originally I thought so, but these
16 problems with BellSouth have been going on for over four years.
17 And each time I go to the Commission with an informal
18 complaint, they'll stop doing whatever they're doing for about
19 three months and then they'll start up again. I have been
20 billed \$300 on one of my bills for a cell phone that doesn't
21 even belong to me, it belongs to a Mildred somebody, and it's
22 been on there for years and they won't take it off. And, I
23 mean, that's just the tip of the iceberg. They just keep doing
24 things, doing things, disconnecting my service, even though all
25 of the regulated fees are paid. And I do have proof that my

1 service was disconnected. There was a \$25 reconnection fee on
2 one of my bills. They refused to credit me for that. They
3 have consistently double billed me for items.

4 MCI was supposed to be my local toll company and MCI
5 was also my long distance company. BellSouth continued to bill
6 me for local toll calls and so did MCI. I mean, it's been
7 things like this continuously, continuously, continuously, and
8 I'm at the point, I'm just frustrated with it.

9 COMMISSIONER CARTER: Well, let me, let me apologize
10 to you for your frustration. But I still -- it just seems to
11 me with the documentation -- the issues that you raise are
12 abundantly clear to me that they should have fallen within the
13 context of our consumer complaint system, and we resolve
14 complaints like this every single day. And it seems to me if
15 you've got the documentation that they've done that and gone
16 back, and then we want to make sure that all of our citizens
17 receive the proper protection under the consumer protection
18 auspices here at our agency, and it just seems to me the things
19 that you're speaking of, Mr. Russ, those things fall within the
20 confines of our consumer complaint. And I just -- I think it
21 would be better served -- it seems to me, if I were you, I'd
22 rather have the problem resolved particularly rather than going
23 through a process here that's going to, it may be drawn out, it
24 could be appealed and through the process. I would think that
25 you'd want relief. And if they've done that to you and it's

1 cost you some money, you're entitled to a refund. And I think
2 that we'd love to work with you on that and get you whatever
3 relief that you're due. And I think that you, you know, you've
4 gone through -- you say four years; is that what you said?

5 MR. RUSS: Yes, sir. They won't give me the refund.
6 I have filed informal complaints with the Public Service
7 Commission, and they just, they won't. They said they don't
8 have to and they're not going to. That's their response.

9 COMMISSIONER CARTER: Madam Chairman, it just seems
10 to me that -- I mean, if we've got a situation in our operation
11 where a consumer has an issue and the consumer issue has not
12 been resolved, and whenever our people step into it, it abates
13 for a while, and it goes back after it looks like we're not
14 looking, I think that's a systemic problem that we need to get
15 to.

16 Mr. Russ, I mean, I can't tell you what to do, but I
17 would suggest that you allow us as a Commission -- if there's a
18 problem in our system, we need to fix the broken problem in our
19 system. I want you to get redress. Every one of us as
20 Commissioners here work tirelessly, not just here at the bench,
21 but we go around the state talking to our citizens and
22 customers and trying to resolve whatever issues that are
23 outstanding. A lot of times we'll go for an issue that may be
24 dealing with electricity and a person will come up with a phone
25 issue and we'll try to resolve that. I believe, Mr. Russ, that

1 we can resolve your issue prior to having to go through this
2 prolonged case. And I don't know, Madam Chairman, where we are
3 procedurally, maybe we can ask Mr. Cooke, but, Mr. Russ, if
4 you're willing to give us an opportunity, as Commissioners let
5 us look into this matter. Because what you're saying -- in my
6 opinion, Madam Chairman, what he's saying, these issues fall
7 perfectly within the confines of consumer complaints that we
8 resolve every single day, and this case as it's presented
9 before us does not put us in a posture to resolve the case. I
10 want to have the case resolved, and I know you do too.

11 CHAIRMAN EDGAR: Thank you, Commissioner Carter.
12 Commissioner McMurrin.

13 COMMISSIONER McMURRIAN: Chairman, my question was
14 along the lines of what staff addressed earlier. It was my
15 understanding that Mr. Russ was given the option of pursuing
16 this on a complaint basis or his petition because, as I
17 understood it, there were two things essentially filed at the
18 same time and that staff discussed with him the options. But
19 maybe I misunderstood. But could you clarify that for me?

20 MS. BEARD: That is correct. They were given the
21 option of whether or not they wanted to pursue this as a
22 complaint or as a formal petition, and they chose the formal
23 petition.

24 COMMISSIONER McMURRIAN: And I guess just as a
25 follow-up -- and, Commissioner Carter, I just wanted to make

1 sure that that was clear because I had heard -- I understood it
2 a little differently in my discussions with them yesterday from
3 what I've heard today. I think that Mr. Cooke did say that it
4 was up to the customer to choose one path or the other, and
5 that if they did file a petition, then it's essentially our
6 duty to deal with it in that fashion. So I'm having some
7 concerns. And it also sounds like Mr. Russ has some concerns
8 beyond what's before us, and maybe those would be appropriate
9 to go through the complaint process and try that avenue first,
10 as you've suggested to him. But perhaps deal with the issues
11 before us today as, as I understand the customer chose to deal
12 with them, but.

13 CHAIRMAN EDGAR: Commissioner Carter.

14 COMMISSIONER CARTER: Mr. Russ?

15 MR. RUSS: Yes, sir.

16 COMMISSIONER CARTER: Can you hear me?

17 MR. RUSS: Yes, sir.

18 COMMISSIONER CARTER: Let me ask you something, sir.

19 MR. RUSS: Okay.

20 COMMISSIONER CARTER: Would you do me a favor
21 personally?

22 MR. RUSS: Yes, sir.

23 COMMISSIONER CARTER: Whatever we do today, those
24 complaints that you have, would you please, sir, file them
25 under our consumer division so we can resolve these?

1 Notwithstanding -- whatever we do today -- it seems to me that
2 if a customer comes to the Florida Public Service Commission
3 with a complaint and that complaint is not resolved, we have
4 not done our jobs. So regardless of what we do today as a
5 Commission, Mr. Russ, please file the information as, as it
6 pertains. Because it seems to me that if you have a complaint
7 about your service and they bill you for someone else -- I
8 mean, I know that myself. I've sat down there and listened on
9 the line to a complaint and I've been down in our consumer
10 services division and I've been with our people as they're on
11 the case. And if there's a problem with you receiving service,
12 quality of service, time of service, billing for service, and
13 if any of that stuff is inappropriate, we need to take care of
14 it. So whatever we do today, Mr. Russ, would you give me your
15 word that you will file the necessary information so we can
16 investigate this? And if there's a problem with our consumer
17 services division, we want to get to the bottom of it. Can I
18 get that commitment from you, sir?

19 MR. RUSS: Yes, sir.

20 COMMISSIONER CARTER: Thank you.

21 MS. BEARD: Commissioners, can I also say that staff
22 would be happy to contact Mr. Russ to discuss the additional
23 issues that have come up today that we did not address in our
24 recommendation. We would like to seek relief for him as well.

25 CHAIRMAN EDGAR: Mr. Cooke?

1 MR. COOKE: I'm not sure where the Commission is at
2 this point. I guess just a couple of points of clarification.
3 One is this is a customer complaint. It is a formal complaint
4 as opposed to using an informal process. So we are resolving
5 it, although the recommendation is to find that the companies
6 did not do anything improper.

7 I'm also hearing, just listening on the phone, that
8 other complaints have been filed that are not related to this
9 matter and those have been processed informally in the past.
10 And as a result of that, it sounded like the customer chose to
11 pursue a formal process.

12 One other point that may be helpful here, given that
13 Mr. Russ has talked about additional information, this is PAA
14 and you could decide this and staff could work with the
15 customer to see what that information is and help them decide
16 if they wanted to pursue this further as a PAA.

17 Alternatively, if it is an unrelated matter, nothing
18 precludes them from filing an informal complaint on that
19 unrelated matter if it's an additional matter that really isn't
20 addressed in what's being decided today.

21 CHAIRMAN EDGAR: Commissioner Carter, if I may, just
22 let me see if the companies have, representatives have
23 additional comment at this time to Evercom and AT&T. Your
24 choice.

25 MR. GURDIAN: No, Commissioner, unless you have some

1 questions for us.

2 MR. MOYLE: No.

3 CHAIRMAN EDGAR: Okay. Thank you very much.

4 Commissioner Carter.

5 COMMISSIONER CARTER: Madam Chairman -- I thank you,
6 Mr. Cooke, for that explanation. I understand that. And based
7 upon the facts before us today, you know, staff has made a good
8 recommendation. And I think from what Mr. Cooke has said is
9 that notwithstanding what we do today is that the Russes can
10 still file whatever customer complaints that there are. But
11 based upon the facts that are presented to us today, we have to
12 stay confined within the four corners of this document. So I
13 thank you for that clarification.

14 CHAIRMAN EDGAR: Commissioner McMurrin, comment?

15 COMMISSIONER McMURRIAN: It seems like we're at the
16 point of making a decision on these issues that are before us.
17 And to Mr. Russ and Ms. Russ, I would also say that we look
18 forward to getting more information about your concerns. We do
19 want to help make sure your problems are resolved. And with
20 that, I can move the staff recommendation.

21 COMMISSIONER CARTER: Second.

22 CHAIRMAN EDGAR: Okay. We have a motion and a second
23 for the staff recommendation in total, and I concur. So all in
24 favor, say aye.

25 (Unanimous affirmative vote.)

1 CHAIRMAN EDGAR: Opposed? Show it adopted. And I
2 know that our staff will be in contact. Ms. Russ and Mr. Russ,
3 thank you for your participation with us today. And as
4 Commissioner Carter asked of you, if you would be in touch with
5 our staff and they will work to be in touch with you as well,
6 and I know the companies will also work with our staff to see
7 what is the best, most appropriate steps to resolve the issues
8 in the most appropriate way. So thank you all, and we are done
9 with this item.

10 (Agenda Item 5 concluded.)
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1 STATE OF FLORIDA)
 : CERTIFICATE OF REPORTER
2 COUNTY OF LEON)

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I, LINDA BOLES, RPR, CRR, Official Commission Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 2nd day of April, 2007.

Linda Boles
LINDA BOLES, RPR, CRR
FPSC Official Commission Reporter
(850) 413-6734