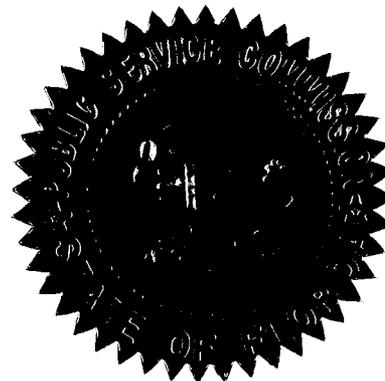


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 070370-TL

In the Matter of:

PETITION FOR WAIVER OF RULE 25-4.110(5)(C),  
F.A.C., REGARDING REQUIREMENT OF  
LOCAL EXCHANGE COMPANIES TO LIST ITEMS  
FOR WHICH NONPAYMENT WILL RESULT IN  
DISCONNECTION OF CUSTOMER'S BASIC LOCAL  
SERVICE, BY BELL SOUTH TELECOMMUNICATIONS,  
INC. D/B/A AT&T FLORIDA D/B/A AT&T  
SOUTHEAST.



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PROCEEDINGS:                   AGENDA  
  ITEM NO. 3

BEFORE:                           CHAIRMAN LISA POLAK EDGAR  
  COMMISSIONER MATTHEW M. CARTER, II  
  COMMISSIONER KATRINA J. McMURRIAN  
  COMMISSIONER NANCY ARGENZIANO  
  COMMISSIONER NATHAN A. SKOP

DATE:                               Tuesday, September 25, 2007

TIME:                               Commenced at 9:30 a.m.  
  Concluded at 9:57 a.m.

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

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

DOCUMENT NUMBER DATE

FLORIDA PUBLIC SERVICE COMMISSION 08957 OCT-18

FPSC-COMMISSION CLERK

1 PARTICIPATING:

2 MARYROSE SIRIANNI, representing AT&T Florida.

3 NANCY PRUITT, BETH SALAK and MICHAEL COOKE, GENERAL  
4 COUNSEL, representing the Florida Public Service Commission  
5 staff.

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## P R O C E E D I N G S

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2 CHAIRMAN EDGAR: We will begin our discussions with  
3 Item 3.

4 MS. PRUITT: Good morning, Commissioners. Nancy  
5 Pruitt, Commission staff.

6 Item 3 is staff's recommendation for approval of  
7 AT&T's billing format rule waiver request. AT&T and staff are  
8 available to address your questions.

9 CHAIRMAN EDGAR: Would you like to make any opening  
10 comment?

11 MS. SIRIANNI: No, Chairman. This is Maryrose  
12 Sirianni with AT&T Florida. I'm just here to answer any  
13 questions that you might have.

14 CHAIRMAN EDGAR: Thank you.

15 Commissioners. Yes, Commissioner Argenziano.

16 COMMISSIONER ARGENZIANO: Thank you. I have a  
17 question. I have a few actually. On the current customer's  
18 bill, and I think we have it in our packet, I think it's the  
19 fourth page in, and it's an AT&T attachment. It says 2 of 7.  
20 Under your current charges it currently says -- let's see.  
21 Move down under regulated charges. It talks about the  
22 regulated charges or the minimums you must pay in order to  
23 maintain your local telephone service. "If you do not pay this  
24 amount: Your local service may be disconnected, and you may  
25 need to pay a charge or deposit to have your service

1 reconnected," and then it gives you a number. This is the part  
2 that we will be changing that I'd like further clarification of  
3 and somewhat is disturbing to me. "If you do not pay the rest  
4 of your bill, which includes unregulated charges, all of which  
5 are identified on your bill: Your local phone service will not  
6 be disconnected, and you are still responsible for paying these  
7 charges."

8           The new language to replace that, which is in our  
9 packet also, Attachment B under, on the right-hand upper side,  
10 "Prevent Disconnect," and it changes to read, and I'll just go  
11 to that part -- well, let me read the whole thing to be fair.  
12 "Please be aware that all charges must be paid each month to  
13 keep your account current and prevent collection activities.  
14 We are required to inform you that certain charges must be paid  
15 in order to prevent interruption of basic local service. These  
16 charges are already included in the total amount," and they  
17 give you an amount there on a fake bill. "Also, neglecting to  
18 pay for remaining charges," and this is where the change is,  
19 "may result in interruption or removal of these remaining  
20 services or further collection."

21           And, in other words, what you're doing is kind of  
22 changing the way you inform the customer that if they do not  
23 pay the unregulated -- it's no longer informing them that their  
24 service will not be disconnected. It infers that it may be  
25 interrupted, which has a different meaning to me, and I don't

1 know why you chose to change the language.

2 MS. SIRIANNI: Under the new language, Commissioner,  
3 we've done a couple of things. One thing most importantly is  
4 that we are providing the customer the total amount due that  
5 they have to pay in order to avoid disconnection. And I will  
6 add that we have had some discussions with staff, and that in  
7 the Attachment B to the staff recommendation that number is not  
8 bolded. But we will be bolding that number so that it stands  
9 out for the customer further.

10 As to your question regarding the change in the  
11 language, it is a little bit different, but we believe that it  
12 makes it clear to the customer as to what they need to pay to  
13 avoid the disconnection, and that any of the other charges that  
14 are not paid, it may cause them to be disconnected. It is not  
15 necessarily that they will be disconnected at that time, that  
16 month, but they may be disconnected.

17 COMMISSIONER ARGENZIANO: Madam Chair.

18 CHAIRMAN EDGAR: Yes.

19 COMMISSIONER ARGENZIANO: I like the bold amount.  
20 That's not my concern. And I see it differently. What I see  
21 is words right now that say if you do not pay the rest of your  
22 bill, which includes unregulated charges, your local phone  
23 service will not be disconnected versus, also, neglecting to  
24 pay for the remaining charges which does not indicate  
25 unregulated charges may result in interruption. If I'm a

1 customer, I'm thinking, well, you know, they may shut off my  
2 service. It does not tell me or inform me that my service will  
3 not be interrupted for not paying the unregulated portion.  
4 It's a change in policy to me, and I have a problem with that.  
5 It's saying something else.

6 CHAIRMAN EDGAR: Commissioner McMurrin.

7 COMMISSIONER McMURRIAN: I have a question. I guess  
8 it goes to how I read that sentence, but I may have read it  
9 wrong. And I follow where Commissioner Argenziano is going. I  
10 guess when I read the "may result in interruption or removal of  
11 these remaining services," I was thinking that it was saying  
12 with respect to the unregulated charges -- and, no, it doesn't  
13 say unregulated charges -- but with those unregulated, that  
14 some of those services that might be unregulated, if you didn't  
15 pay them, you might lose those services, but that you wouldn't  
16 be, you wouldn't lose your entire connection. But I'm not sure  
17 if that's correct or not, so.

18 COMMISSIONER ARGENZIANO: But, Madam Chair, if I may,  
19 to Commissioner McMurrin. It is very clear in the first bill  
20 that it will not be interrupted and it is unclear in the second  
21 bill to me that it may result in interruption, and that could  
22 take that two different ways. Not knowing that it never was  
23 meant -- that the other bill said "not interruption," I could  
24 take that as, oh, I may lose my service, rather than, oh, I may  
25 not lose my service.

1 MS. SIRIANNI: Commissioner, how I read the language  
2 there and our intent of the language is that we want to inform  
3 the customer that they may be, their service may be interrupted  
4 if they do not pay those other charges. It may or may not be.  
5 It is not necessarily -- I don't read it, and our intent is not  
6 to try to confuse them and say, you know, that it, that it will  
7 not be -- that it will be disconnected. We just want them to  
8 understand that it may not be that particular month.

9 There's usually a threshold that a customer has to  
10 hit before anything would be disconnected, and that's on the  
11 regulated charges. On the unregulated charges, I mean, they  
12 are not going to be disconnected for nonpayment of those  
13 charges. The only thing at this point -- I can't commit at  
14 this point to that language. But what I can do is certainly  
15 take it back and talk to, talk to folks and, you know, relay  
16 your concerns, and then I could get back to the staff on that.

17 CHAIRMAN EDGAR: Okay. Let's see if there are other  
18 concerns and then figure out what the best way is maybe to try  
19 to accommodate and approach them.

20 Commissioner Skop.

21 COMMISSIONER SKOP: Thank you, Madam Chair.

22 Notwithstanding the, excuse me, notwithstanding the  
23 other concerns that have been raised with respect to the  
24 wording of the text, again, I had spoken to staff about making  
25 the "Prevent Disconnection" notice more prominently featured

1 within the proposed bill. And I was wondering whether staff  
2 had any additional feedback with respect to conversations with  
3 AT&T on how that might be accomplished in the manner in which  
4 we discussed.

5 MS. SALAK: Commissioner Skop, I did discuss the  
6 prominence of the "Prevent Disconnect," and that is actually  
7 why they decided to bold the \$237.70 -- well, the dollar  
8 amount. That was -- they thought that would make it more  
9 prominent and so it was bolded, sir.

10 COMMISSIONER SKOP: Madam Chair.

11 CHAIRMAN EDGAR: Commissioner Skop.

12 COMMISSIONER SKOP: With respect -- thank you.

13 With respect to the other concerns, I mean, just  
14 bolding to me pursuant to some of the concerns we discussed and  
15 expressed, again, the text in the staff recommendation is, is  
16 much larger than the fine print contained in the "News You Can  
17 Use" section of the bill. And, again, per our discussions, one  
18 of the things that I would probably like to see, if it is at  
19 all possible, is where Item 18 is in terms of the green circle  
20 and the "News You Can Use" banner there, I simply requested  
21 staff to discuss with AT&T whether we might be able to  
22 appropriately have one of those banners that stated "Prevent  
23 Disconnect" and then having the text, and perhaps shadowed in  
24 the background with blue that is similar to what is indicated  
25 in this section on Page 1 to make that more prominent, and then

1 simply just continuing on with the banner, news that you -- or  
2 "News You Can Use" section below that. So, again, those were  
3 my concerns. I don't know how, how they may have been  
4 presented. But, again, I'm reiterating those, and I'd like to  
5 see if AT&T may be able to accommodate or work with staff in  
6 that regard. Because, again, I do think that that's very, very  
7 important to the consumers to the extent that they need to be  
8 aware that if they don't pay certain features of their bills or  
9 all of their bill, that they may be subject to disconnection of  
10 service. And, again, having that in small print is something  
11 that -- I think that ought to have more visibility and  
12 prominence because I do think it is important; not only to AT&T  
13 in terms of receiving payment, but also to consumers to  
14 understand the ramifications of nonpayment. Thank you.

15 CHAIRMAN EDGAR: And it --

16 COMMISSIONER ARGENZIANO: Madam Chair.

17 CHAIRMAN EDGAR: Just a moment. Let me, if I could,  
18 just make --

19 COMMISSIONER ARGENZIANO: Sure. Sure.

20 CHAIRMAN EDGAR: Commissioner Skop, I'm sorry. I got  
21 a little confused there.

22 Generally when consumers receive a bill, they  
23 understand that it's something that is being requested to be  
24 paid in return for service. But so what you're asking for is  
25 kind of a reformatting of the second column on Page 2 of 4 of

1 Attachment B?

2 COMMISSIONER SKOP: Yes, Madam Chair. Again, not a  
3 major reformatting, just something to make the, that particular  
4 disclaimer language stand out to be a little bit more  
5 prominent. Again, in the staff recommendation it is much  
6 larger text, it's very easy to read. But in Section 18, the  
7 last part of the bill being "News You Can Use," it just kind of  
8 blends in there, so I'm wondering whether it may be separated  
9 per my discussion with staff or suggestion. And it appears  
10 that AT&T has, has, per their, their statements, agreed in  
11 principle to bold just the dollar amount. But, again, I don't  
12 know if that would be completely in line with what I had in  
13 mind in terms of perhaps making it more prominent in my  
14 discussions that I had with staff.

15 CHAIRMAN EDGAR: All right. Thank you.

16 Commissioner Argenziano.

17 COMMISSIONER ARGENZIANO: Thank you, Madam Chair.

18 To the point I was making before about the change  
19 from "may" and "shall not be interrupted," I want to just bring  
20 your attention to, staff's attention to also statute  
21 364.604 under billing practices under (4). And this is a  
22 concern of mine pertaining to Lifeline service, if the language  
23 stays with the "may."

24 "A billing party shall not disconnect a customer's  
25 Lifeline local service if the charges," excuse me, "taxes and

1 fees applicable to basic local exchange telecommunications  
2 services are paid." So I really think that keeping the  
3 language "shall not be disconnected" if you don't pay those  
4 particular unregulated fees is very important, especially to  
5 Lifeline customers. Thank you.

6 CHAIRMAN EDGAR: Yes, ma'am.

7 MS. SIRIANNI: Chairman, with those comments both  
8 from Commissioner Skop and from Commissioner Argenziano, I  
9 think that staff -- or we would definitely work with staff  
10 through these issues and probably need to come back at a later  
11 Agenda Conference.

12 CHAIRMAN EDGAR: Commissioner Argenziano.

13 COMMISSIONER ARGENZIANO: Madam Chair.

14 CHAIRMAN EDGAR: Yes.

15 COMMISSIONER ARGENZIANO: If I may just add to that  
16 that I really do appreciate AT&T's decision to try to make it  
17 easier for customers to understand the billing practice,  
18 because we really do hear a lot from people that they're so  
19 confused. So good work on that. That just hit me as maybe  
20 being very ambiguous.

21 MS. SIRIANNI: Certainly. Thank you. And I'd like  
22 to thank staff for taking the time. We did meet with them on  
23 several occasions to try to work through issues, but always  
24 others come up. So thank you.

25 CHAIRMAN EDGAR: Commissioner Skop.

1 COMMISSIONER SKOP: Thank you, Madam Chair.

2 And, again, just along the lines with Commissioner  
3 Argenziano's comments, I do feel also that the new bill was  
4 much easier to read than the old one. So I do appreciate AT&T  
5 taking the time to work with the Commission to address our  
6 related concerns to the new format, but I do think the new  
7 format is very nice. Thank you.

8 MS. SIRIANNI: Thank you.

9 CHAIRMAN EDGAR: Okay. Thank you.

10 Before we go any further though, let me, if I could,  
11 ask a question of our general counsel just to make sure that I  
12 am straight with where we are procedurally, recognizing that  
13 what we do have before us is a petition for a rule waiver and  
14 that that does include some required time frames.

15 Mr. Cooke, could you please --

16 MR. COOKE: There is a deadline and, as stated in the  
17 rec, it's October 15th. I don't think we would get this back  
18 for that before -- I think the next agenda is October 9th, and  
19 our filings are due this week. So I guess I would just ask on  
20 the record whether they would waive that deadline.

21 MS. SIRIANNI: Yes, Commissioner, we would waive the  
22 deadline.

23 CHAIRMAN EDGAR: Okay. Okay. So the applicant, the  
24 petitioner is, is agreeing to waive the time line in order to  
25 work with our staff, with the understanding that some -- that

1 this item will come back before us.

2           Commissioners, any further comments, questions,  
3 directions to our staff on this item before we move on?

4           Commissioner Carter.

5           COMMISSIONER CARTER: I think what the paramount  
6 issue is here, what Commissioner Argenziano is saying is let's  
7 make it simple so people can understand it. The phone bill is  
8 very confusing. This is far better than, than what was before.  
9 But a little -- a succinct statement in terms of whether or not  
10 you'll be, your service will be interrupted for basic service  
11 just because you have some additional services on there. But  
12 really just make it clear that your basic service won't be  
13 interrupted for the unregulated services. Is that --

14           CHAIRMAN EDGAR: And I would just make a very brief  
15 additional comment that I do understand or at least from the  
16 information that was presented to us in the item that the  
17 company is attempting to have some consistency across states  
18 and that that can also result in savings to, to customers or at  
19 least the reduction of potentially additional costs if we have  
20 a state by state by state approach on some things that don't  
21 require that. But yet, as always, we strive for clarity and  
22 transparency. So any other comments before we move on?

23           Okay. Then this item will be deferred until a future  
24 date. And thank you all for your questions and comments.

25           (Agenda Item 3 concluded at 9:57 a.m.)

1 STATE OF FLORIDA )  
2 COUNTY OF LEON )

CERTIFICATE OF REPORTER

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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 1st day of October, 2007.

  
LINDA BOLES, RPR, CRR  
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(850) 413-6734