

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause)	DOCKET NO. 910293-TI
proceedings against INTEGRETTEL, INC. for)	
violation of Commission Rule 25-4.111(1))	ORDER NO. 24441
and 25-4.043 regarding responses to)	
consumer complaints.)	ISSUED: 4/26/91
)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 J. TERRY DEASON
 BETTY EASLEY
 GERALD L. GUNTER
 MICHAEL MCK. WILSON

ORDER INITIATING SHOW CAUSE PROCEEDINGS AGAINST
 INTEGRETTEL, INC. FOR VIOLATION OF RULES 25-4.111(1)
 AND 25-4.043, FLORIDA ADMINISTRATIVE CODE,
 REQUIRE RESPONSES TO CONSUMER COMPLAINTS

BY THE COMMISSION:

Integretel, Inc. has been a certificated provider of interexchange service since March 14, 1990. As an interexchange carrier (IXC), Integretel is subject to both the various rules governing IXCs and our jurisdiction.

In 1990, consumers (17) complaints were filed against Integretel, Inc. As each complaint was filed, Integretel was mailed or faxed a copy of the complaint and a request for a written response within (15) days as required by Rules 25-111(1) and 25-4.043, Florida Administrative Code.

In six of the 17 cases, the company did not respond at all to requests for information. One of these six cases was closed after obtaining information from the local exchange company and the customer. The other five cases remain unresolved. Despite numerous letters, calls and certified letters requesting information, Integretel provided no responses other than a form letter acknowledging receipt of the complaint in two cases.

Of the remaining 11 cases, all 11 of the responses received by staff arrived late (past the due date specified on the complaint form for reply). These responses were received only after many attempts to obtain replies to aid in the resolution of the complaints.

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Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries states that:

The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.

Integretel has repeatedly violated the above rule.

Despite numerous requests for the information needed in order to resolve and respond to customer complaints, each of the responses received were provided late in 1990 and only after many written and verbal requests. In six cases, no responses were ever provided, despite repeated requests.

Rule 25-4.111, Florida Administrative Code, Customer Complaints and Service Requests states:

(1) Each telephone utility shall make a full and prompt investigation of all complaints and service requests made by its customers, either directly to it or through the Commission and respond to the initiating party within fifteen (15) days. The term "complaint" as used in this rule shall be construed to mean any oral or written report from a subscriber or user of telephone service relating to facilities, errors in billing or the quality of service rendered.

It should be noted that most customers file complaints with the Division of Consumer Affairs only after first attempting to resolve the complaints by contacting the utility themselves. In fact, part of the division's procedures include screening complaints from customers and referring the customers directly to the utility if they have not already contacted it. Therefore it does not appear that Integretel's failure to respond is due to the company's having already resolved the customer's concerns as staff determined that the customers who filed complaints were justified in contacting the commission for assistance in 80% of the cases closed.

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Integretel, Inc. has repeatedly violated our rules by not responding in a timely manner to the reasonable requests made for information to aid in the investigation of customer complaints. In addition, the lack of response by Integretel caused extra expense as it was necessary to spend an inordinate amount of time calling the company, writing letters and sending certified mail requests in an effort to get the requested information.

Therefore, we believe Integretel, Inc. should be required to show cause why it should not be fined \$3,600 or \$200 for each case where a response was filed past the due-date and in each case where no response was filed at all.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Integretel, Inc. shall show cause why it should not be fined \$3,600 for violation of Rules 25-4.111(1) and 25-4.043, Florida Administrative Code. It is further

ORDERED that any response to this Order must be filed within 20 days pursuant to the requirements set forth below. it is further

ORDERED that this docket shall remain open pending resolution of the show cause proceeding.

By ORDER of the Florida Public Service Commission, this 26th day of APRIL, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

by: Kay Flynn
Chief, Bureau of Records

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review will be granted or result in the relief sought.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.037(1), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on May 16, 1991.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing pursuant to Rule 25-22.037(3), Florida Administrative Code, and a default pursuant to Rule 25-22.037(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.