

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

RECEIVED-FPSC  
00 JAN -6 AM 10:19  
RECORDS AND REPORTING

**DATE:** JANUARY 6, 2000

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

**FROM:** DIVISION OF LEGAL SERVICES (CLEMONS) *one*  
DIVISION OF COMMUNICATIONS (WATTS) *WA*

**RE:** DOCKET NO. 991936-TI - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST WESTERN TELECOM FOR APPARENT VIOLATION OF RULE 25-24.470, F.A.C., CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED, RULE 25-4.043, F.A.C., RESPONSE TO COMMISSION STAFF INQUIRY REQUIRED, AND SECTION 364.604, F.S., BILLING PRACTICES.

**AGENDA:** *01/18/00*  
~~02/01/00~~ - REGULAR AGENDA - ISSUES 1, 5 AND 6, SHOW CAUSE - ISSUES 2, 3 AND 4, Proposed Agency Action (PAA) - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\991936.RCM

### CASE BACKGROUND

- September 30, 1999 - The Commission's Division of Consumer Affairs (CAF) received a consumer complaint regarding unauthorized services being added to her bill by Western Telecom (cramming).
- October 1, 1999 - CAF forwarded the case to the Commission's Division of Telecommunications.
- October 5, 1999 - Initial staff investigation revealed Western Telecom was providing pre-paid long distance

DOCUMENT NUMBER-DATE

00162 JAN-68

FPSC-RECORDS/REPORTING

DOCKET NO. 991936-TI  
DATE: January 6, 2000

telecommunications services without a certificate from this Commission.

- October 6, 1999 - Staff sent a certified letter (Attachment A, page 14) to Western Telecom instructing it to apply for a Certificate of Public Convenience and Necessity and to resolve the consumer complaint.
- October 19, 1999 - Staff received another consumer complaint against Western Telecom regarding unauthorized charges to the bill. Staff again sent a letter to Western Telecom instructing it to resolve the consumer complaint.
- November 1, 1999 - Staff contacted Western Telecom to find out why there had been no response to the October 6, 1999, letter. Western Telecom indicated it would resolve the customer complaints and forward the application for certification to its home office in Seattle.
- November 2, 1999 - Western Telecom responded to staff's inquiries with a letter (Attachment B, page 18) indicating it had credited the consumers' accounts with the disputed amounts. Western Telecom, however, failed to respond to or acknowledge staff's request that it comply with the requirement of a Certificate of Public Convenience and Necessity.
- December 14, 1999 - Further staff investigation reveals 39 complaints between July 19, 1999, and October 19, 1999, against Western Telecom for unauthorized charges to consumers' bills. Western Telecom refunded the disputed amount in each case when the consumer filed a complaint. As of this date, however, Western Telecom has not filed an application for a Certificate of Public Convenience and Necessity.

**SUMMARY OF ISSUES**

<b>ISSUE NO.</b>	<b>VIOLATION</b>	<b>RECOMMENDATION</b>
Issue 1	Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required	Fine \$25,000
Issue 2	Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required	Order Western Telecom to cease billing in Florida until authorized to do so by the Commission
Issue 3	Rule 25-24.4701(3), F.A.C., Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited	Order IXCs to discontinue providing intrastate long distance service for resale to Western Telecom
Issue 4	Rule 25-4.114, F.A.C., Refunds	Order Western Telecom to dispense refunds, with interest, to all Florida customers
Issue 5	Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries	Fine \$10,000
Issue 6	Section 364.604(2), F.S., Billing Practices	Fine \$2,000 per recorded violation, or \$78,000.

**DISCUSSION OF ISSUES**

**ISSUE 1:** Should the Commission order Western Telecom to show cause why it should not be fined \$25,000 for apparent failure to comply with Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required?

**RECOMMENDATION:** Yes. The Commission should order Western Telecom to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$25,000 for apparent violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. The company's response should contain specific allegations of fact or law. If Western Telecom fails to respond to the show cause order, the fine should be deemed assessed. If the fine is not paid within ten business days after the order becomes final, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it will be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

**STAFF ANALYSIS:**

Western Telecom acknowledges that it is reselling long distance services in Florida. Additionally, written documentation (Attachment B, pages 18-22) supports this conclusion. Based on the foregoing, Western Telecom appears to be in violation of Rule 25-24.470, Florida Administrative Code, by offering telecommunications service without a certificate.

By Section 364.285, Florida Statutes, the Commission is authorized to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each offense, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of Chapter 364. Utilities are charged with knowledge of the Commission's rules and statutes. Additionally, "[i]t is a common maxim, familiar to all minds, that 'ignorance of the law' will not excuse any person, either civilly or criminally." Barlow v. United States, 32 U.S. 404, 411 (1833).

Staff believes that Western Telecom's conduct in offering prepaid long distance service without a certificate of public convenience and necessity, in apparent violation of Commission Rule 25-24.470, Florida Administrative Code, is "willful" in the sense intended by Section 364.285, Florida Statutes. In Order No. 24306, issued April 1, 1991, in Docket No. 890216-TL, In re: Investigation

DOCKET NO. 991936-TI  
DATE: January 6, 2000

Into The Proper Application of Rule 25-14.003, F.A.C., Relating To Tax Savings Refund for 1988 and 1989 For GTE Florida, Inc., having found that the company had not intended to violate the rule, the Commission nevertheless found it appropriate to order it to show cause why it should not be fined, stating that "In our view, willful implies intent to do an act, and this is distinct from intent to violate a rule." Thus, any intentional act, such as Western Telecom's conduct at issue here, would meet the standard for a "willful violation."

Therefore, staff recommends that the Commission order Western Telecom to show cause in writing within 21 days of the issuance of the Commission's Order why it should not be fined \$25,000 for apparent violation of Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. The company's response should contain specific allegations of fact or law. If Western Telecom fails to respond to the show cause order, the fine should be deemed assessed. If the fine is not paid within ten business days after the order becomes final, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it will be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

DOCKET NO. 991936-TI  
DATE: January 6, 2000

**ISSUE 2:** Should the Commission order Western Telecom to cease all billing in Florida until authorized to do so by the Commission?

**RECOMMENDATION:** Yes. Pursuant to Sections 364.01, 364.08, and 364.19, Florida Statutes, the Commission should order Western Telecom to immediately cease all back-billing and all future billing and provision of service in Florida until authorized to do so by the Commission, and to obtain certification before the company initiates any billing of charges stemming from such authorized prepaid long distance service in Florida.

**STAFF ANALYSIS:** Western Telecom is a reseller of prepaid long distance service, using telemarketing to sign-up customers. The consumer complaints received to date indicate that the consumers did not authorize the service billed and Western Telecom has been unable to produce any tape recordings or letters of authorization to support its claim to the contrary.

Based on the above, staff recommends that the Commission order Western Telecom to immediately cease all back-billing and all future billing in Florida until authorized to do so by the Commission, and to obtain certification before the company initiates any billing of charges stemming from such authorized prepaid long distance service in Florida. Pursuant to Sections 364.01, 364.08, and 364.19, Florida Statutes, the Commission has the jurisdiction over Western Telecom's long distance services in Florida.

DOCKET NO. 991936-TI  
DATE: January 6, 2000

**ISSUE 3:** Should the Commission order all certificated interexchange companies (IXCs) to discontinue providing interexchange telecommunications service to Western Telecom, pursuant to Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited?

**RECOMMENDATION:** Yes. The Commission should order all certificated IXCs to discontinue providing service to Western Telecom. The order should state that any IXC providing interexchange telecommunications service to Western Telecom should contact the Commission at the conclusion of the show cause response period to determine if the show cause proceeding has been concluded.

**STAFF ANALYSIS:** Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited, states:

(3) The Commission, upon making a determination that a customer of an interexchange company is unlawfully reselling or rebilling intrastate interexchange service may issue an order that directs the customer to cease and desist reselling or rebilling such service and simultaneously directs the interexchange company to discontinue providing such service to such customer and/or to cease providing service to such customer at additional locations within Florida, provided that such discontinuance or limitation of service is technically feasible within the context of existing facilities and technology.

It appears that Western Telecom is providing interexchange telecommunications services in Florida without a certificate. Accordingly, staff recommends that the Commission order all certificated IXCs to discontinue providing service to Western Telecom. The order should state that any IXC providing interexchange telecommunications service to Western Telecom should contact the Commission at the conclusion of the show cause response period to determine if the show cause proceeding has been concluded.

DOCKET NO. 991936-TI  
DATE: January 6, 2000

**ISSUE 4:** Should the Commission order Western Telecom to refund customers for unauthorized charges pursuant to Rule 25-4.114, Florida Administrative Code, Refunds?

**RECOMMENDATION:** Yes. The Commission should order Western Telecom to refund customers for all unauthorized charges relative to intrastate toll usage, non-recurring long distance activation fees, and the unused portion of the recurring pre-paid long distance charges pursuant to Rule 25-4.114, Florida Administrative Code, Refunds. Since Western Telecom has not filed tariffs with this Commission that identify the services it will provide and the prices it will charge, the Commission should order Western Telecom to dispense refunds, with interest, to all customers who paid the unauthorized charges, in the manner prescribed by Rule 25-4.114, Florida Administrative Code.

**STAFF ANALYSIS:** In mid-1999, Western Telecom began a telemarketing campaign in Florida to sell their prepaid long distance service without a certificate or an established tariff. Therefore, staff believes that refunds should be due to all Florida customers who were billed for services provided by Western Telecom prior to certification. Staff recommends that the Commission order Western Telecom to refund customers for all unauthorized charges relative to intrastate toll charges, non-recurring long distance activation fees, and the unused portion of the recurring pre-paid long distance charges pursuant to Rule 25-4.114, Florida Administrative Code, Refunds. Since Western Telecom has not filed tariffs with this Commission that identify the services it will provide and the prices it will charge, the Commission should order Western Telecom to dispense refunds, with interest, to all customers who paid the unauthorized charges, in the manner prescribed by Rule 25-4.114, Florida Administrative Code.

Western Telecom should be ordered to refund on a per customer basis pursuant to Rule 25-4.114 (3), Florida Administrative Code, Refunds. If the Commission orders a per customer refund, staff recommends the Commission order interest pursuant to Rule 25-4.114 (4) (d), Florida Administrative Code, Refunds. If the Commission orders a per customer refund and interest, staff recommends the Commission order a refund report pursuant to Rule 25-4.114 (7), Florida Administrative Code, Refunds. The Commission previously ordered a refund in a similar situation in Commission Order No. PSC-99-1389-AS-TI, issued July 19, 1999, in Docket No. 980675-TI.



DOCKET NO. 991936-TI  
DATE: January 6, 2000

**ISSUE 5:** Should the Commission order Western Telecom to show cause in writing why it should not be fined \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries?

**RECOMMENDATION:** Yes. The Commission should order Western Telecom to show cause in writing why it should not be fined \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. If Western Telecom fails to respond to the show cause order, the fine should be deemed assessed. If the fine is not paid within ten business days after the order becomes final, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it will be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

**STAFF ANALYSIS:** Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries, states:

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.

On October 5, 1999, staff contacted Western Telecom by telephone and informed them of the requirement of a Certificate of Public Convenience and Necessity from the Commission. Western Telecom stated it did not agree that it was required to obtain a certificate because it was a reseller and was not carrying the call. Staff explained that as a reseller of long distance using an underlying carrier, Western Telecom is required to be certificated. On October 6, 1999, staff mailed a certified letter (Attachment A, pages 14-15) to Western Telecom instructing it to submit its application for Certificate of Public Convenience and Necessity to the Commission by October 29, 1999. Western Telecom has failed to respond to or acknowledge staff's request to date to submit a completed application form to provide interexchange telecommunications services in Florida. Staff believes the failure of Western Telecom to submit a Certificate of Public Convenience and Necessity constitutes a willful violation of a lawful rule of the Commission under the same legal analysis as set forth in Issue 1.

Therefore, since it appears that Western Telecom refuses to respond to staff correspondence regarding failure to comply with Commission Rules, staff recommends that the Commission order Western

DOCKET NO. 991936-TI  
DATE: January 6, 2000

Telecom to show cause in writing why it should not be fined \$10,000 for apparent violation of Rule 25-4.043, Florida Administrative Code, Response to Commission Staff Inquiries. If Western Telecom fails to respond to the show cause order, the fine should be deemed assessed. If the fine is not paid within ten business days after the order becomes final, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it will be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

DOCKET NO. 991936-TI  
DATE: January 6, 2000

**ISSUE 6:** Should the Commission order Western Telecom to show cause in writing within 21 days of the Commission's Order why it should not be fined \$2,000 per instance for apparent violation of Section 364.604 (2), Florida Statutes, Billing Practices?

**RECOMMENDATION:** Yes. The Commission should order Western Telecom to show cause in writing within 21 days of the effective date of the order why it should not be fined \$2,000 per instance, or \$78,000, for violation of Section 364.604 (2), Florida Statutes, Billing Practices. If Western Telecom fails to respond to the show cause order, the fine should be deemed assessed. If the fine is not paid within ten business days after the order becomes final, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it will be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

**STAFF ANALYSIS:** Section 364.604 (2), Florida Statutes, Billing Practices states:

(2) A customer shall not be liable for any charges for telecommunications or information services that the customer did not order or that were not provided to the customer.

Since each of the consumers who filed a complaint with the Commission stated that they did not order the prepaid long distance service from Western Telecom, and since Western Telecom has not been able to verify to staff that these consumers did order the service, it appears that Western Telecom is in violation of Section 364.604 (2), Florida Statutes, Billing Practices. Staff believes Western Telecom's conduct constitutes a willful violation under the same legal analysis set forth in Issue 1.

Therefore, staff recommends that the Commission order Western Telecom to show cause in writing within 21 days of the effective date of the order why it should not be fined \$2,000 per instance, or \$78,000, for violation of Section 364.604 (2), Florida Statutes, Billing Practices. If Western Telecom fails to respond to the show cause order, the fine should be deemed assessed. If the fine is not paid within ten business days after the order becomes final, it should be forwarded to the Office of the Comptroller for collection. If the fine is paid, it will be remitted by the Commission to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

DOCKET NO. 991936-TI  
DATE: January 6, 2000

**ISSUE 7:** Should this docket be closed?

**RECOMMENDATION:** If staff's recommendations in Issues 1, 5 and 6 are approved, Western Telecom will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amounts proposed. If Western Telecom timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Western Telecom fails to respond to the show cause order, the fines will be deemed assessed. If the fines are not received within ten business days after the expiration of the show cause response period, it should be forwarded to the Office of the Comptroller for collection and this docket may be closed administratively if all other issues are closed.

If staff's recommendations in Issues 2 and 3 are approved, they will become final and effective upon the issuance of a consummating Order unless a person whose substantial interests are affected files a timely protest within 21 days of the issuance date of the Order or responds to the show cause. If a protest is filed, this docket should remain open pending resolution of the protest.

If staff's recommendation in Issue 4 is approved, this docket should remain open pending the conclusion of the refund or the resolution of a protest filed within 21 days of the issuance date of the Order by a person whose substantial interests are affected. If the PAA portion of this Order is not protested, it will become effective and final upon the issuance of a consummating order.

**STAFF ANALYSIS:** If staff's recommendations in Issues 1, 5 and 6 are approved, Western Telecom will have 21 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amounts proposed. If Western Telecom timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If Western Telecom fails to respond to the show cause order, the fines will be deemed assessed. If the fines are not received within ten business days after the expiration of the show cause response period, it should be forwarded to the Office of the Comptroller for collection and this docket may be closed administratively if all other issues are closed.

If staff's recommendations in Issues 2 and 3 are approved, they will become final and effective upon the issuance of a consummating Order unless a person whose substantial interests are affected files a timely protest within 21 days of the issuance date

DOCKET NO. 991936-TI  
DATE: January 6, 2000

of the Order or responds to the show cause. If a protest is filed, this docket should remain open pending resolution of the protest.

If staff's recommendation in Issue 4 is approved, Western Telecom should disburse all refunds by the date ordered by the Commission, and provide a final report 120 days thereafter to the Commission. This issue may be closed at that time.

STATE OF FLORIDA

Commissioners:  
JOE GARCIA, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
JULIA L. JOHNSON  
E. LEON JACOBS, JR.



DIVISION OF  
TELECOMMUNICATIONS  
WALTER D'HAESELEER  
DIRECTOR  
(850) 413-6600

## Public Service Commission

October 6, 1999

### CERTIFIED

Ms. Morgan Rucker  
Western Telecom  
4955 West Napoleon Avenue, Suite 294  
PMB 294  
Metairie, LA 70001

### **Re: Consumer Complaint and Certification to Provide Telecommunications Services in Florida**

Dear Ms. Rucker:

This correspondence is follow-up to our conversation on October 5, 1999. It is my understanding that Western Telecom provides Florida consumers long distance telecommunications services. You stated that Western Telecom's telecommunications product is similar to pre-paid phone card services. A consumer accepting your product is charged a non-recurring long distance activation fee plus a fee for a specific quantity of network time. Also, based on Western Telecom's marketing materials, it appears that a monthly service fee may also apply. I further understand that Western Telecom does not change a consumer's PIC but provides access to Western Telecom's switch or underlying carrier's switch using an 800 number and a PIN.

There are two issues that need to be addressed by Western Telecom. They are resolution of a consumer complaint and certification by the Florida Public Service Commission for authority to provide interexchange telecommunications services in Florida. I will first address the consumer complaint.

The Commission received a letter from Mr. Larry Stern who was representing his mother, Ms. Audrey Stern. I have enclosed two pages of Ms. Stern's telephone bill to aid you in the identification of the customer account number and billed services. Mr. Stern claims that his mother is not aware of any conversation that occurred between herself and a Western Telecom representative nor has she signed any agreement. Further, Ms. Stern has no desire to make use of Western Telecom's long distance service and requests that her account be fully credited. It is Ms. Stern's belief that Western Telecom was not authorized to bill her account for the long distance activation fee and 312 minutes of pre-paid long distance service.

Please provide a written response to staff addressing the manner in which Western Telecom will resolve Ms. Stern's complaint. Further, please provide proof that Ms. Stern authorized Western

Ms. Morgan Rucker  
Page 2  
October 6, 1999

Telecom to provide the services for which she was billed. If authorization was obtained by letter of authorization or third party verification, please provide a copy of the letter or tape of the recorded conversation. You should submit your response to me no later than October 22, 1999.

Regarding the second issue, upon review of Ms. Stern's billing statement, it appears that Western Telecom provides interexchange telecommunications services to Florida residents. Also, based on our telephone conversation, Western Telecom appears to be a reseller of interexchange telecommunications services. Rule 25-24.470, Florida Administrative Code, provides that no person shall provide intrastate interexchange telephone service without first obtaining a certificate of public convenience and necessity from the Commission. Section 364.285, Florida Statutes, provides that the Commission has the power to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each offense if it is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission. Each day that such refusal or violation continues constitutes a separate offense.

I have enclosed an application package and supporting documentation that will assist you in applying for a certificate of public convenience and necessity to provide long distance telecommunication services in Florida. The completed application should be submitted no later than October 29, 1999, to the address provided on the front of the application. In your response to the consumer complaint discussed earlier, please indicate your intentions regarding application for the certificate of public convenience and necessity.

Please be aware that the Commission has received other consumer complaints regarding Western Telecom's provisioning of long distance service for Florida residents. Because Western Telecom is not certificated, our Division of Consumer Affairs contacted either the certificated billing agent (Federal Transtel) or the local exchange company listed on the consumer's billing statement. Section 364.604, Florida Statutes, provides that a customer shall not be liable for any charges for telecommunications services that the customer did not order. I am in the process of identifying these consumer complaints and will provide you a list by the end of October.

To summarize, Western Telecom should provide a written response to staff by October 22, 1999, addressing the consumer complaint and should submit a completed application form to provide interexchange telecommunication services by October 29, 1999. Should you have any questions, please feel free to contact me at 850-413-6584. My fax number is 850-413-6585.

Sincerely,



Ray E. Kennedy  
Compliance Section

Enclosure  
CATS#282436T



1201 WALNUT BOTTOM ROAD  
CARLISLE, PA 17013-0920

RETURN TOP HALF WITH PAYMENT

407-830-8848 (003)  
SEPTEMBER 19, 1999

TOTAL AMOUNT DUE BY OCT. 08, 1999



AMOUNT PAID

PAY BEFORE OCT 19 TO AVOID A LATE CHARGE OF 1.11

MAKE CHECKS PAYABLE TO:



SPRINT  
P. O. BOX 30784  
TAMPA, FL

33430-3784



AUDREY STERN  
APT 20  
ROYAL ARMS CONDOMINIUMS  
504 ORANGE DR  
ALTAMONTE SPRGS, FL 32701-5301

Check Here for Address Change   
See Reverse Side

39984078308848003100899000073850000738511120919991109

1112  
R



LOCAL COMMUNICATIONS

PAGE 1  
407-830-8848 (003)  
SEPTEMBER 19, 1999

BUSINESS OFFICE NO. 1-800-339-1811  
PREVIOUS BALANCE IF ANY IS PAST DUE. PLEASE PAY IMMEDIATELY.

PREVIOUS CHARGES	PAYMENT ON 09-03-99	ADJUSTMENTS	PAST DUE BALANCE	CURRENT CHARGES	PAYMENT DUE BY
41.95	41.95	.00	.00	73.85	OCT. 08, 1999



CARRIER SUMMARY

CARRIER	ADJUSTMENTS	CURRENT CHARGES
SPRINT LOCAL COMMUNICATIONS	.00	27.53
FEDERAL TRANSTEL	.00	46.32
<b>TOTALS</b>	<b>.00</b>	<b>73.85</b>

OUR RECORDS INDICATE YOUR LOCAL TOLL CARRIER IS SPRINT

SPRINT



- 16 -

DOCKET NO. 991936  
DATE: JANUARY 6, 2000

ATTACHMENT A



FOR BILLING INQUIRIES, CALL 1-800-388-8111.

26 8264

**SUMMARY OF CURRENT CHARGES**

LONG DISTANCE CHARGES  
 TAXES

SEE DETAIL  
 SEE DETAIL

44.97  
 1.35

**TOTAL CURRENT CHARGES 44.97**

**LONG DISTANCE CHARGES**

**MISCELLANEOUS CHARGES/CREDITS**

BILLED ON BEHALF OF WESTERN TELECOM

REF	DATE	TIME	PLACE CALLED	NUMBER CALLED	FROM PLACE	FROM NUMBER	CODE	MIN	AMOUNT
1	SEP 15		LONGDISACT						19.97
2	SEP 15		PPLONGDIS12						25.00
SUBTOTAL									44.97
SUBTOTAL									44.97

**TOTAL LONG DISTANCE CHARGES**

44.97

**Rate Codes for Interstate and Intra-state Long Distance Calls**

Customer Dial Rate		Overseas Rate		Service Charge/Custom Feature	
A = Automatic Number Identification(ANI)	D = Day	R = Standard	C = Calling Card	F = Call Forward	
M = Multiple Rate Period	E = Evening	T = Discount	P = Person	X = Conference	
N = Night/Weekend	Y = Economy	S = Station			

C = When this symbol appears in the left margin, it indicates credit has been applied and the toll call is being billed at the reduced rate.

R = When this symbol appears in the left margin, it indicates a toll call has been billed to your account after being investigated by a toll investigation group.

**DETAIL OF TAXES**

FEDERAL TAX

1.35

**TOTAL TAX**

**1.35**

DOCKET NO. 991936  
 DATE: JANUARY 6, 2000

ATTACHMENT A





Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850  
Attention: Ray Kennedy

November 2, 1999

**Re: Calvin Favors & Audrey Stern**

On behalf of **Touchtone Communications** a product of **Western Telecom**, this letter is in response to an Informal Complaint regarding Calvin Favors & Audrey Stern.

The sales for Touchtone Communications are generated by out-bound telecommunications and verified by independent third party verification, which is recorded through verbal contracts. Once the contract is complete it is then passed on to verifiers, who then listen to each recording to make sure it was done properly.

To utilize our service a pin number must be dialed in order to receive the long distance rates we present. This pin number is enclosed in the initial package received by the consumer and most important, because of this pin we do not and cannot switch their local or long distance carrier.


After receiving these informal complaints, our Quality Control department verified the verbal contracts made the day of the initial contact again. Unfortunately they did not meet our standards and somehow the sale was processed, so Mr. Favors account has been canceled as of 09/23/99 and Ms. Stern's was canceled as of 11/01/99. Both accounts have been credited a total amount of \$44.97 each.

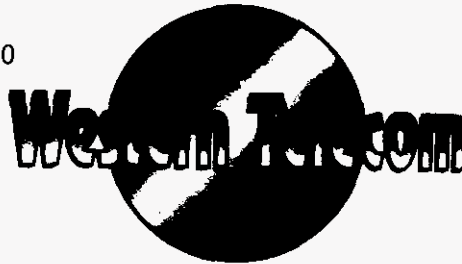
I have attached a copy of the verification sheet for each customer, you can clearly see that the verifier who was checking these recordings did not listen accurately. Fortunately this person is no longer employed by Western Telecom.

A letter confirming this resolution was mailed to Calvin Favors & Audrey Stern, enclosed are copies of those letters.

If we can be of any future assistance to your department regarding this consumer please contact myself directly at 888-814-2566 during the hours of 9AM-5PM Central Standard Time.

Sincerely,

  
Ms. Morgan Rucker  
Consumer Resolution Department  
mrucker7@bellsouth.net  
Cc: Calvin Favors & Audrey Stern



*Calvin Favors*  
*6739 Landover Circle*  
*TALLAHASSEE, FL . 32311*

*Tuesday, November 02, 1999*

*Attention :*

*Our customer service records show we spoke with someone from your household on 09/11/99 regarding a 6 cents per minute long distance flat rate billing plan. Unfortunately the Quality Control department noticed a problem with the verbal contract made on the above date. Western Telecom accepts full responsibility and has not only canceled the sale, but we also issued a full credit towards your local telephone bill in the amount of \$44.97 so you cannot be liable for that charge.*

*We would like to apologize for any inconvenience this may have caused you. Enclosed you will find a free 15 minute long distance calling card.*

*Please feel free to contact us at our toll-free customer service number 1-888-814-2566 between 9am-5pm CST.*

*Sincerely,*  
*Western Telecom*  
*Customer Service*  
*Department*

This is a copy of the verification sheet, as you can see the sale was put through to be processed due to the check (✓). Fortunately the verifier who signed below is no longer with us.

RepID	Contract#	Phone Number	Sale Date	
3364	5342622	7176845572	09/10/99	IR
3176	5340910	7176847509	09/10/99	✓
3317	5337818	7177764560	09/09/99	✓
3359	5341682	7403920880	09/10/99	✓
3359	5336088	7403927395	09/09/99	✓
3359	5340712	7403936656	09/10/99	✓
3273	5334910	7403978467	09/09/99	✓
3319	5330292	7408924623	09/08/99	✓
3202	5332182	7409272652	09/08/99	✓
3176	5340545	7852236642	09/10/99	✓
3365		7852381970	09/08/99	✓
3362	5338059	7852384649	09/09/99	✓
3317	5336784	7852935505	09/09/99	✓
3226	5333213	7853462160	09/08/99	✓
3191	78536438	7853643823	09/08/99	✓
3176	5334892	7853644631	09/09/99	✓
3202	5331388	7854463448	09/08/99	✓
3188	5330951	7854833530	09/08/99	✓
3346	5331448	7854866613	09/08/99	✓
3364		7857847796	09/11/99	✓
3346	5332206	8049701807	09/08/99	✓
3319	5330338	8049716504	09/08/99	✓
3363	5341078	8049849780	09/10/99	✓
3362	5338744	8166409909	09/09/99	✓
3185	5331717	8168585213	09/08/99	✓
3273	5345180	8168875795	09/11/99	✓
3176	5340816	8435242486	09/10/99	✓
3365	5343957	8502190085	09/11/99	✓
3363	5334807	8642270595	09/09/99	✓
3202	5332241	8649431451	09/08/99	✓
3359	5330803	9033952636	09/08/99	✓
3188	5330360	9036751256	09/08/99	✓
3298	5330713	9038494471	09/08/99	✓
3176	5330749	9038873115	09/08/99	✓
3317	5344673	9047750049	09/11/99	✓
3191	5332357	9083599786	09/08/99	✓
3298	5341672	9103464008	09/10/99	✓
3317	5337746	9106421017	09/09/99	✓

Checked By: Andrea Boudoin Using Acct/Access: 8001/7781



Audrey Stern  
504 Orange Dr No. 20  
ALTAMONTE SPG , FL . 32701

Tuesday, November 02, 1999

*Attention :*

*Our customer service records show we spoke with someone from your household on 09/13/99 regarding a 6 cents per minute long distance flat rate billing plan. Unfortunately the Quality Control department noticed a problem with the verbal contract made on the above date. Western Telecom accepts full responsibility and has not only canceled the sale, but we also issued a full credit towards your local telephone bill in the amount of \$44.97 so you cannot be liable for that charge.*

*We would like to apologize for any inconvenience this may have caused you. Enclosed you will find a free 15 minute long distance calling card.*

*Please feel free to contact us at our toll-free customer service number 1-888-814-2566 between 9am-5pm CST.*

*Sincerely,  
Western Telecom  
Customer Service  
Department*

Same as before

Cancel.

1234

**Verifications to Check**

RepID	Contract#	Phone Number	Sale Date
<b>Tampa</b>			
3346	5350619	2195463790	09/13/99
3298	5350971	2523532610	09/13/99
3317	5350731	2546990826	09/13/99
3362	5350552	2814417928	09/13/99
3364	5350367	3202865067	09/13/99
3364	5350748	3207324328	09/13/99
3359	5347996	4076470506	09/13/99
3359	5348091	4076737665	09/13/99
3359	5347292	4076771061	09/13/99
3176	5348277	4077679176	09/13/99
3176	5348342	4078308848	09/13/99
3262	5349859	4195920165	09/13/99
3298	5349731	5132214270	09/13/99
3176	5348786	5132810482	09/13/99
3176	5348875	5133213138	09/13/99
3202	5348842	5133215879	09/13/99
3317	5348868	5133513521	09/13/99
3176	5348527	5133519027	09/13/99
3202	5348891	5133690445	09/13/99
3185	5348899	5133816839	09/13/99
3364	5349794	5133858439	09/13/99
3176	5348961	5134740789	09/13/99
3185	5348984	5134749677	09/13/99
3298	5349037	5135210627	09/13/99
3185	5349030	5135221407	09/13/99
3185	5349063	5135314456	09/13/99
3191	5349099	5135339672	09/13/99
3185	5349103	5135415161	09/13/99
3317	5349134	5135590207	09/13/99
3298	5349164	5135741924	09/13/99
3364	5349875	5135744627	09/13/99
3362	5349181	5135831417	09/13/99
3191	5349179	5135831951	09/13/99
3346	5349180	5135838041	09/13/99
3185	5349199	5136248147	09/13/99

Checked By: Andrea Bordin

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