

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

AUGUST 29, 2000

RE: DOCKET NO. 000348-TI - Investigation and determination of appropriate method for refunding interest and overcharges on intrastate 0+ calls made from pay telephones and in a call aggregator context by Business Telecom, Inc. d/b/a BTI.

Issue 1: Should the Commission accept Business Telecom, Inc. d/b/a BTI's offer of refund and refund calculation of \$2,168.60, plus interest of \$184.70, for a total of \$2,353.30, for overcharging customers for 0+ intrastate toll calls placed from pay telephones and in call aggregator contexts between February 26, 1999, and January 12, 2000?

Recommendation: Yes. The Commission should accept BTI's calculation of \$2,168.60, adding interest of \$184.70, for a total of \$2,353.30, and proposal to credit customer bills beginning November 1, 2000, and ending November 30, 2000, for overcharging customers for 0+ intrastate toll calls placed from pay telephones and in call aggregator contexts between February 26, 1999, and January 12, 2000. The refunds should be made through credits to customers' bills beginning November 1, 2000. At the end of the refund period, any amount not refunded, including interest, should be remitted to

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

*[Handwritten signatures in the majority column]*

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REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

10711 AUG 30 8

FPSC-RECORDS/REPORTING

VOTE SHEET

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the Commission and forwarded to the Comptroller for deposit in the General Revenue Fund, pursuant to Chapter 364.285(1), Florida Statutes. BTI should submit a final report as required by Rule 25-4.114, Florida Administrative Code, Refunds, by February 2, 2001. If the company fails to issue the refunds in accordance with the terms of the Commission's Order, the company's certificate should be canceled, and this docket should be closed.

**APPROVED**

Issue 2: Should Business Telecom, Inc. d/b/a BTI be required to show cause why it should not pay a fine for over billing of calls in excess of the rate cap established in Rule 25-24.630, Florida Administrative Code, Rate and Billing Requirements?

Recommendation: No. Staff does not believe that BTI's conduct rises to the level that warrants an Order to Show Cause.

**APPROVED**

Issue 3: Should this docket be closed?

Recommendation: No. If no person whose interests are substantially affected by the proposed action files a protest of the Commission's decision on Issue 1 within the 21-day protest period, the Commission's Order will become final upon issuance of a Consummating Order. This docket should, however, remain open pending the completion of the refund and receipt of the final report on the refund, or cancellation of the certificate. After completion of the refund and receipt of the final report or cancellation of the company's certificate, this docket may be closed administratively.

**APPROVED**