

VOTE SHEET

March 27, 2007

Docket No. 060640-TP – 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. 070151-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.

Issue 1: Should BellSouth’s Partial Motion to Dismiss be granted?

Recommendation: Yes. The Petition/Complaint should be dismissed in part because the Commission does not have judicial power required to (a) adjudicate claims for relief under the Florida Antitrust Act, The Sherman Act, or the Federal Trade Commission Act; (b) issue injunctions or award attorney fees; or (c) handle matters of personal injury claims founded in tort. In addition, the Commission does not have the authority to abrogate a waiver granted by the Federal Communication Commission.

APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS’ SIGNATURES

MAJORITY

DISSENTING

Katrina J. McMissian
John G. ...
...

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE
02627 MAR 27 5
FPSC-COMMISSION CLERK

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Issue 2: Was Petitioner Bessie Russ' ability to receive incoming collect calls from the confinement facility in Escambia County improperly blocked?

Recommendation: No. Petitioner Bessie Russ' ability to receive incoming collect calls from the confinement facility in Escambia County was not improperly blocked.

APPROVED

Issue 3: Did BellSouth improperly attempt to market its products and services to Petitioner Bessie Russ?

Recommendation: No. BellSouth did not improperly attempt to market its products and services to Petitioner Bessie Russ. BellSouth should acknowledge that the petition as filed indicates that Petitioner Bessie Russ no longer wishes to receive marketing calls to her telephone.

APPROVED

Issue 4: Have the respondents improperly charged Petitioner Bessie Russ higher prices for telephone services?

Recommendation: No. The respondents have not improperly charged higher prices to Petitioner Bessie Russ for telephone services.

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Issue 5: Was Complainant Michael Russ' ability to receive incoming calls from the confinement facility in Escambia County improperly blocked?

Recommendation: No. The ability to receive incoming calls from the confinement facility in Escambia County was not improperly blocked.

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Issue 6: Should this docket be closed?

Recommendation: If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, these dockets should be closed upon the issuance of a consummating order. A protest in one docket should not prevent the action in a separate docket from being final.

APPROVED