

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of the Attorney )  
General and Public Counsel to adopt )  
rules governing 900 services )

Docket No. 910060-TP  
Filed: 8-12-91

COMMENTS OF THE ATTORNEY GENERAL  
OF THE STATE OF FLORIDA

The Attorney General of the State of Florida, by and through his undersigned counsel, hereby files his comments in Phase I of the above-referenced proceeding.

The Attorney General supports the Staff's proposal that 900/976 charges on customer bills be segregated from regular long distance or local charges and the requirement that statements that nonpayment of 900 or 976 service charges will not result in discontinuance of service and that customers can obtain 900/976 blocking from the local exchange company appear on each page of the bill containing 900 or 976 service charges. The Attorney General believes that these minimal protections of being advised of their rights are essential if telephone customers are to be successfully protected from fraud and abuse. In urging the adoption of these minimal protections, the Attorney General is aware that segments of the industry hold one or both of two attitudes that endanger the rights of the consuming public. The industry has demonstrated amazing candor and surprisingly little subtlety in expressing these attitudes in both its written and verbal comments. Engaging in unwarranted subtlety in countering and rejecting these industry attitudes might cloud the indefensibility of the industry's positions on these.

ACK \_\_\_\_\_ 1. The Threat of Disconnecting Local Service for the Failure to Pay for 900/976 Services Is Unlawful and Is the Regulatory Equivalent of Extortion.

AFA \_\_\_\_\_

APP 1 \_\_\_\_\_

CAF \_\_\_\_\_ In its May 31, 1991 Comments, Sprint Gateways took the position that advising customers of their current rights would invite them to not pay legitimate 900/976 charges. In this regard, Sprint suggested:

CMU \_\_\_\_\_

EAG \_\_\_\_\_ Disconnect of local service for nonpayment of charges adds considerable value to LEC B&C services. Removing the local disconnect threat could diminish the value of the LEC B&C services by threatening the ability to collect for legitimate 900/976 charges.

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LIN b \_\_\_\_\_

OPC 1 \_\_\_\_\_

RCH 1 \_\_\_\_\_

SEC 1 \_\_\_\_\_

WAS \_\_\_\_\_

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It should not be necessary to have to point this out, however, it is against the Commission's rules, and, therefore, the law to disconnect a person's local service for the failure to pay for nonregulated telephone service. Specifically, Rule 25-4.113(4)(e), F.A.C. provides:

(4) The following shall not constitute sufficient cause for refusal of service to an applicant or customer:

(e) Failure to pay for a service rendered by the utility which is not regulated by the Commission.

For better or worse, 900/976 services are not "regulated" by the Florida Public Service Commission. It follows, then, that regulated services may not be disconnected or refused for the failure to pay for 900/976 services. That is the law! Threatening the unlawful act of disconnecting regulated services in order to compel and coerce the payment of 900/976 charges is the equivalent extortion, pure and simple. As alluded to earlier, the suggestion that such a threat should be maintained and otherwise aided and abetted by Commission action is not worthy of serious consideration or debate.

2. Educating Telephone Customers that Their Local Company Cannot Legally Shut Off Regulated Services for the Failure to Pay for 900/976 Services Will Make Them Dishonest or Otherwise Confuse Them.

While the great majority of industry parties to this docket did not explicitly advocate unlawfully threatening their customers with the disconnection of local service for failure to pay 900/976 charges, most are highly concerned that their customers will be compelled to dishonesty, or otherwise confused about what services they have to pay for, if they are excessively educated about their rights.

While the Attorney General would submit that the vast majority of telephone customers are hard-working, honest individuals who are willing to pay their legitimate bills, segments of the industry have made the charge that their customers will be tempted to not pay legitimate bills if: (1) they fully understand the prohibition on disconnections or (2) their rights are explained too frequently. The industry cure to this presumed problem is to either ensure that the notification of rights appears only once on the customer bill, or, preferably, only require that the notification be buried in bill stuffers or white page directories.

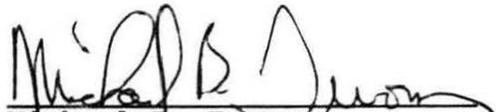
The customers' right to not have their regulated services

disconnected or refused for the failure to pay for 900/976 services is meaningless unless they are aware of this right. Failure to completely and fully educate customers as to their rights on this issue will likely result in them paying for 900/976 services that have wrongfully been billed to them. The confusion and expense that might result from customers being fully aware of their rights will surely not compare to that which has already damaged the reputation of this industry as a result of the insufficient education 900/976 services customers have received to date.

CONCLUSION

The Commission Staff should ensure the protection of Florida telephone customers by recommending a rule to the Commission that requires the segregation of 900/976 charges from other charges on the customer bill, and which completely and fully advises customers of the availability of 900/976 blocking and the right to not have regulated services disconnected or refused for the failure to pay for 900/976 services.

Respectfully submitted,

  
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**CERTIFICATE OF SERVICE  
DOCKET NO. 910060-TP**

I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S. Mail or hand-delivery to the following parties on this 12th day of August, 1991.

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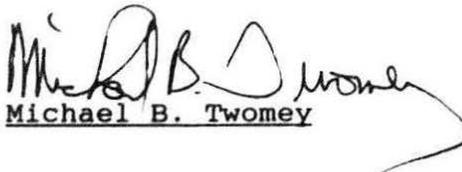
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TO:

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