

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Complaint of Mr. Thomas) DOCKET NO. 930421-TL
Firriolo against BELLSOUTH) ORDER NO. PSC-93-1385-FOF-TL
TELECOMMUNICATIONS, INC. d/b/a) ISSUED: 9/22/93
SOUTHERN BELL TELEPHONE AND)
TELEGRAPH COMPANY regarding)
charges for residential)
telephone service.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

FINAL ORDER AFFIRMING THE FINDINGS OF
NOTICE OF PROPOSED AGENCY ACTION
AND DISMISSING PROTEST

BY THE COMMISSION:

On September 28, 1992, Thomas Firriolo, owner of the Putnam County News, filed a complaint with Consumer Affairs against Southern Bell. The complaint concerned a lack of response by Southern Bell to Mr. Firriolo's concerns about improper installation, interrupted service, and mistakes in his billing.

After numerous discussions it was determined that there were three (3) main areas of disagreement between Southern Bell and Mr. Firriolo:

- 1) Mr. Firriolo believes that he should not have to pay for the cost of installing the telephone at his first residence;
- 2) Mr. Firriolo believes that he should not have to pay for the cost of changing his installation at his second residence, since he believed that the Company could not protect him from having his telephone tapped;
- 3) Mr. Firriolo has been receiving bills for telephone service that he says he never ordered and has not utilized.

Based on its initial investigation, staff advised Mr. Firriolo that Southern Bell had sufficiently attempted to satisfy his

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concerns and was due payment. Mr. Firriolo requested an informal conference which was conducted by staff on April 5, 1993 in St. Augustine pursuant to Rule 25-22.032(4), Florida Administrative Code. At the conference, items 1 and 2 were settled to the mutual satisfaction of both parties. The one question remaining is whether Mr. Firriolo owes installation and monthly charges on telephone service for (904)826-0888, in the amount of \$57.12.

Mr. Firriolo contends that he never ordered this service. Southern Bell contends that he did order the service.

Southern Bell records indicate that Mr. Firriolo called on November 12, 1992, spoke to Ms. Helfer, and placed an order for both residential and business service to be installed at 253 State Road 16 in St. Augustine. He was given a connection date of November 20, 1992. Records indicate that on November 17, 1992, at 11:44 AM, Mr. Firriolo called Southern Bell, spoke to Ms. Helfer, and requested that the installation date for the residential service be changed to November 30, 1992. He did not request that any inside wiring be done.

At the informal conference, Beverly Murray, the Assistant Manager of Southern Bell's Business Office, said that she was with Ms. Helfer when she took the order from Mr. Firriolo. She said that Mr. Firriolo clearly ordered two separate services, one business service and one residential service. Ms. Murray said that Ms. Helfer reviewed the rates for both services with Mr. Firriolo, verified the name in which each service would be billed, and discussed with Mr. Firriolo which building would be the business and which would be the residence. The business service was installed on November 20, 1992, and the residential service was connected on November 30, 1992, with telephone number (904) 826-0888.

Since both services used existing facilities, there was no follow-up with Mr. Firriolo by Southern Bell to verify that the services were functioning properly. No premises visit was necessary to complete the Southern Bell connection. Mr. Firriolo said that he never used the residential line since there is no inside wiring for the service.

On December 30, 1992, Mr. Firriolo filed a letter containing a copy of his bill and a note that read, "As you can see this is not my telephone number yet Im being charge." (sic) This letter

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was forwarded to Southern Bell which verified that the number was assigned to Mr. Firriolo.

Southern Bell has issued credit for local service on this account for the period from December 24, 1992, until April 6, 1993, when the service was discontinued. Included in this credit are late payment charges reflected on January, February, and March, 1993 bills. The remaining balance of \$57.12 is for connection charges and local service charges from the date of connection through December 24, 1992.

Since Southern Bell's records indicate not only that an order for this service was placed, but that an additional call was made by Mr. Firriolo to change the date of installation, it appears that it was his intention to have service installed. Southern Bell has adjusted local service charges after the first 24 days of service, but is entitled to payment for connection charges and the initial local service in the amount of \$57.12.

On June 9, 1993, we issued Order No. PSC-93-0869-FOF-TL containing a proposed finding that Southern Bell was owed \$57.12. On June 30, 1993 Mr. Firriolo filed a protest to the Order. Mr. Firriolo bases his protest to Order No. PSC-93-0869-FOF-TL on an assertion in the Order that he failed to first direct his complaint to Southern Bell before bringing this matter to the Commission. Even assuming this to be correct, it in no way alters the determination in Order No. PSC-93-0869-FOF-TL that Southern Bell is owed \$57.12 for connection charges and the initial 24 days of local service.

Mr. Firriolo also asserts that a portion of the informal conference was not recorded. Mr. Firriolo did return after the informal conference had concluded but the conversation was limited to his procedural concerns. No substantive issues were addressed.

Finally, Mr. Firriolo expresses considerable concern regarding Southern Bell's efforts to collect the charges owed. Again this objection has no bearing on the facts alleged in Order No. 93-0869-FOF-TL. The actions alleged by Mr. Firriolo occurred after the events described in that Order and consequently are beyond the scope of the Order.

Reading Mr. Firriolo's, protest in the light most favorable to him, he has raised no issues of material fact or law, that if true

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would entitle him to relief. Accordingly, we find it appropriate to dismiss Mr. Firriolo's protest and declare Order No. PSC 93-0869-FOF-TL final and effective.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the protest of Order No. PSC-93-0869-FOF-TL filed by Mr. Thomas Firriolo is dismissed as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-93-869-FOF-TL is final and effective as set forth in the body of this Order. It is further

ORDERED that this docket be closed.

By ORDER of the Florida Public Service Commission, this 22nd day of September, 1993.

STEVE TRIBBLE, Director
Division of Records and Reporting

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

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hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or 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 after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Civil Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.