

1 **IN ATTENDANCE:**

2 **DIANA CALDWELL, FPSC Division of Appeals.**

3 **CHARLIE BECK, Office of Public Counsel.**

4 **MICHAEL GROSS, Office of the Attorney General.**

5 **RICK MOSES, Division of Communications.**

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P R O C E E D I N G S

(Hearing convened at 10:00 a.m.)

CHAIRMAN JOHNSON: Ladies and gentlemen, I'm going to go ahead and call the hearing to order this morning.

Counsel, could you please read the notice?

MS. CALDWELL: Pursuant to the notice under Section 120.54, Florida Statutes, the Florida Public Service Commission will hold a rule development workshop at this time and place to consider amendments to rules relating to customer preferences for its local, local toll and toll provider.

CHAIRMAN JOHNSON: Thank you. I'm going to go ahead and take appearances at this time.

MS. CALDWELL: Diana Caldwell, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

MR. BECK: My name is Charlie Beck with the Office of Public Counsel, Claude Pepper Building, Tallahassee. Also appearing with me is Mr. Earl Poucher. Earl, could you raise your hand? He'll be here to try to assist anybody who'd like some assistance.

CHAIRMAN JOHNSON: Thank you. My name is Julia Johnson. I'm the Chairman of the Florida Public

1 Service Commission, and I'll be chairing this hearing
2 today. To my left is Commissioner Susan Clark, to my
3 far right is Commissioner Joe Garcia, and to my
4 immediate right is Commissioner Terry Deason.

5 The AG's Office, the Attorney General's
6 Office, has also been very active in this case, and
7 they are an active participant. They are
8 participating in all of our hearings and following
9 this process quite closely.

10 Let me do a little in terms of background
11 explanation of the case and of the issue. Slamming is
12 when someone is not authorized to change your long
13 distance service, but they, in fact, change your
14 service.

15 Oftentimes customers find out by looking at
16 their bill, and they determine -- if their carrier was
17 AT&T, they look at their bill the next month and it
18 may be MCI, and they have not authorized nor were they
19 aware of the change.

20 Over the last five to six years it has been
21 the number one issue in terms of customer complaints
22 heard before the Commission. In 1990-91 we had about
23 30 complaints. Last year we had close to 3,000
24 complaints of slamming.

25 What we have done over the past several

1 years is -- or we've had the authority to do, and we
2 have imposed fines, penalties, and we've also worked
3 with the customers; and if you were, indeed, slammed,
4 our current rule allows for you to have your bill
5 rerated.

6 And what I mean by that is that the company;
7 that overcharged you and illegally changed your
8 service, we would refund -- have them refund the
9 difference between what you would have been charged
10 under your company and what you are -- what you were
11 charged by this illegal transfer.

12 Now, we are here to hear from you, to hear
13 your concerns and your thoughts on the new proposed
14 rule. I'll have Staff, one of the members of our
15 Staff, explain to you our proposed rule. And that's
16 exactly what it is; it is a proposed rule. We're
17 going to have our public hearings to seek input, and
18 we've gotten some excellent input and questions from
19 customers thus far.

20 The input that you provide will be sworn
21 testimony, and we can use that as a basis for our
22 final determination as to what this rule should
23 encompass and how we can best protect the customers.

24 We've had excellent suggestions thus far
25 from both Pensacola and Tallahassee. We're here this

1 morning. We'll be in Fort Lauderdale. We're doing
2 central Florida and Jacksonville. So we are here to
3 hear and learn from you.

4 Also, what we've been able to do through
5 this process is learn more about additional cases of
6 slamming and additional complaints. We have several
7 staff members here that if you have an ongoing issue
8 or complaint, we will be able to address that for you,
9 too.

10 Outside the room we have several pamphlets
11 that are helped to -- designed to help educate and
12 protect you against these events. Even if we
13 strengthen our rule, we are concerned that there are
14 still companies out there that perhaps may through
15 some fraudulent process or just through telemarketing,
16 may, indeed, cause issues of confusion and concern for
17 customers. Thus, we've prepared several pamphlets to
18 help address those issues.

19 We've also included information from the
20 Department of Agriculture. They have a "no
21 solicitation" program, and I've had numerous
22 conversations with customers who really don't like
23 receiving those telemarketing calls.

24 They come home from work, they sit down for
25 dinner, and their phone rings and it's a telemarketer,

1 someone offering them something, someone trying to get
2 them to change service. And there is a program
3 offered through the Department of Agriculture that
4 will allow you to have your name placed on a
5 "no solicitation" list and will make that
6 telemarketing process illegal in and of itself. So
7 you can even stop those phone calls. But we have
8 several other suggestions, and we have our 1-800
9 number available, all to help serve and accommodate
10 you.

11 I do need to mention that this hearing is
12 being transmitted across the state through the
13 Internet process. We can be accessed through our web
14 page and, if you have the appropriate equipment on
15 your computer with speakers and the necessary
16 software, you, too, can listen to the other issues as
17 we continue throughout the state.

18 Also, if you have additional slamming
19 complaints, we've also set up a web page that will
20 allow you to file your complaint on line; again,
21 trying to think of helpful ways where we can reach out
22 and work with the public. One of the things we
23 understand, that there will a lot of benefits to
24 competition, but there will also be more confusion.
25 We are here to help alleviate any of those confusions

1 and address any concerns that you might have.

2 Again I see that Mr. Michael Gross from the
3 Attorney General's Office has arrived.

4 Michael, I had mentioned that you all are
5 very active in this process, and we welcome you here
6 today.

7 **MR. GROSS:** Thank you.

8 **CHAIRMAN JOHNSON:** Public Counsel -- after I
9 swear in all of the witnesses, Public Counsel,
10 Mr. Beck, he will call the names of the witnesses that
11 have signed up to testify. Those who don't want to
12 testify, there is a sheet that's out front, the
13 Special Report. There's a section in here if you want
14 to just provide us with your written comments, that
15 those can be filed and made a part of our record,
16 also.

17 So with that, I think I will have our Staff
18 go ahead and walk through the new proposed rules and
19 the changes that we have proposed, that Staff will be
20 proposing to the Commissioners. If you want a hard
21 copy of that rule, it was outside the door, and you
22 can have the detailed hard copy written rules, and he
23 will go through a summary and highlight those issues
24 and those changes that are most important.

25 With that, Mr. Moses?

1 **MR. MOSES:** Thank you. My name is Rick
2 Moses with the Commission Staff, and as Julia just
3 said, there is a handout out there, it's a blue
4 handout, that will also have the summary that I'm
5 about to go through.

6 The proposed amendments will do the
7 following for you: They will apply to all companies
8 providing local telephone service, local toll, and
9 also -- which is usually called intraLATA -- and for
10 your traditional long distance services.

11 We will also require these companies to be
12 certificated by the Public Service Commission prior to
13 offering service. It will require additional
14 information to be printed on the bill, as you have not
15 seen up to this point. You will have the name of the
16 company, the type of service that is being provided,
17 and a toll free service number for each provider, for
18 your local service, your intraLATA calls and your toll
19 service.

20 They will require that -- the consumer's
21 authorization and limit the ways in which a preferred
22 company may be changed. The change can only be made
23 if one of the following happens: The company has a
24 signed letter of agency that contains sufficient
25 information to verify that the consumer is authorizing

1 the change, or that the company has received a
2 customer initiated call and has obtained the
3 consumer's consent to be recorded, and has recorded
4 the consent and recorded the number to be changed; or
5 that an independent unaffiliated firm has verified the
6 consumer's request; or that the company has received a
7 consumer's change request and response by mailing an
8 information package which explains the changes,
9 verifies the information, and it requires your
10 signature and return to the company prior to switching
11 your service.

12 The company may not combine a letter of
13 agency with any inducement on the same document. Many
14 of you may have received checks from AT&T or MCI Sky
15 Miles or may have seen sweepstakes boxes at flea
16 markets and various other places. The rules will
17 eliminate it being combined in any of those types of
18 documents. When a company is soliciting in writing or
19 by telephone, the inducement may not be misleading or
20 deceptive.

21 And if a person is slammed, charges for the
22 change and all charges billed on behalf of the
23 unauthorized provider for the first 90 days of service
24 must be credited to the consumer.

25 Upon notification by the consumer, the

1 consumer must be switched back to his or her original
2 provider or the provider of his or her choice. That's
3 the summary of the rules.

4 **CHAIRMAN JOHNSON:** Thank you. There are
5 several Staff members here to assist you, and let me
6 go ahead and identify those Staff members now.

7 Oftentimes as witnesses testify they will
8 have questions, and I will direct you to Staff
9 members. But let me go ahead and introduce the Staff
10 members.

11 Of course Mr. Moses presented our summary
12 today. Mr. Dick Durbin was standing there in the
13 back. And you see the computer there. We have access
14 to our system up in Tallahassee, and if you have an
15 ongoing complaint that you've already filed, we can
16 input information and determine the status of that
17 complaint, where we are in the process of resolution,
18 or we can go on line and determine whether or not the
19 company that's been calling you is a certificated
20 company; but we thought that we needed to bring our
21 equipment to help facilitate the process. For those
22 of you who are looking for answers today, we'll do our
23 best to provide you with those answers.

24 Ms. Carmen Pena, she just stepped outside.
25 She's on the telephone; the lady in the beautiful red

1 suit. Terry Reid will also be available. Blanca
2 Bayo, she's sitting here. She's with Records and
3 Reporting. She's taking care of the Internet process.
4 If you have any question regarding that process, she
5 will be the one that you can direct your questions to.
6 Ms. Ruthe Potami is our court reporter. Again, all of
7 your testimony will be made a part of our record. It
8 will be sworn testimony, and we can use that to rely
9 upon when we're making our final decisions.

10 So with that, if those that would like to
11 testify would stand and raise your right hand, I'll go
12 ahead and swear you in at this time.

13 (Witnesses collectively sworn.)

14 **CHAIRMAN JOHNSON:** Thank you. You may all
15 be seated. Are there any other matters before we call
16 the witnesses?

17 **MS. CALDWELL:** No.

18 **CHAIRMAN JOHNSON:** Then with that, Public
19 Counsel?

20 **MR. BECK:** Thank you, Chairman Johnson.
21 Mr. Norman Solomon; if you could come up to the
22 microphone here and give your name and address and
23 phone number.

24

25

1 United States. So, therefore, we're very particular
2 as to which telephone company we use, because when
3 you're placing a call in England to Germany you
4 certainly want a telephone company that the Europeans
5 will recognize.

6 Finally, in June of 1996, CTS wrote to the
7 Federal Public Service Commission, and, I presume,
8 copied to the Florida Public Service Commission, and
9 said it was an error of a punch operator. Now, they
10 provided no service whatsoever, and it was really a
11 criminal extortion of funds. And I understand I
12 wasn't the only one.

13 However, I would offer the Commission a
14 suggestion on how to deal with this. I had the
15 facility, being a retired attorney, to locate this
16 company by calling the California corporate commission
17 office, and I found out they were in San Diego, and I
18 was able to locate them. Most people don't have that
19 facility. Most people don't have an office staff that
20 is well versed in corporate procedures and corporate
21 law. I guess we probably spent \$1,000 to get back our
22 50 or \$60, but it became a matter of principle.

23 My recommendation to this Commission is,
24 one, for every incident of slamming, the slammer
25 should be find at least \$1,000; and, two, the rule

1 should be implemented that BellSouth should not act as
2 a collection agency unless they are specifically
3 authorized to do so in writing by the customer.

4 If that was done, my experience indicates
5 that a company like CTS would soon go out of business
6 in the state of Florida because it would become
7 prohibitive for them to begin billing this \$15-a-month
8 service charge. Now, I realize \$15 a month is not a
9 lot of money, but when you begin to multiply it by the
10 number of customers they may have, it becomes a great
11 deal of money.

12 And I think if a simple rule was
13 implemented, customers would begin to realize that
14 they are not dealing with their usual carrier from
15 whom they receive a bill and here's a strange phone
16 bill showing up.

17 We've had that problem with the yellow
18 section of the phone book where you get bills from
19 some company for \$187 for advertising, but they have
20 been forced to put on their billing that this is not
21 BellSouth. And I guess most people throw them in the
22 wastebasket the way I do.

23 And I think that would enable the Commission
24 to do a good thing for the people of Florida and drive
25 out some of these small indiscriminate scam companies,

1 which is what this one is.

2 They wrote a nice letter to the Public
3 Service Commission. They wrote me nice letters, but
4 it took me a year, and God knows how much time of my
5 office and myself, to get that little bit of the money
6 returned, which we eventually did.

7 **COMMISSIONER GARCIA:** Mr. Solomon, I'd like
8 to ask you a quick question. How was the service that
9 the PSC gave you? Because you said you had to spend
10 almost 1,000 of your dollars.

11 **WITNESS SOLOMON:** In time. The PSC, when
12 they got our complaint, did write to this company and
13 did cooperate to that extent. However, I hate to say
14 it, but the Federal Public Service Commission is the
15 one that really worked them around to complying,
16 because they were using the mails, interstate
17 commerce, to collect money. Instead --

18 **COMMISSIONER GARCIA:** So you would figure
19 it's because the FCC had a more direct jurisdiction
20 than the PSC?

21 **WITNESS SOLOMON:** That's true, but the PSC
22 did cooperate.

23 **COMMISSIONER GARCIA:** And what was the name
24 of this company again?

25 **WITNESS SOLOMON:** It's called CTS,

1 Communication Telesystems International. And I have
2 agreed to provide Mr. Poucher a complete copy of our
3 file.

4 **COMMISSIONER GARCIA:** And I would assume
5 that Mr. Poucher will be generous enough to get that
6 to the Commission, also.

7 **WITNESS SOLOMON:** I'd be glad to send a copy
8 to the Commission.

9 **COMMISSIONER GARCIA:** You've spent enough
10 time. Mr. Poucher is an expert at making copies.

11 The other thing -- the other question I had
12 for you was your second suggestion -- I think once our
13 Staff proposed something similar to that, and the
14 companies were very upset, and one of the
15 justifications that the companies used -- and when I
16 say the companies, I meant all of them, the long
17 distance as well as local companies, like Southern
18 Bell -- was that they figured that the consumer was a
19 beneficiary -- or received a benefit through the fact
20 that it was collected through a local company because
21 it reduced the end user's cost.

22 In other words, because -- not to speak --
23 because AT&T didn't have to have a separate collection
24 system. I know they do, but that's why I used them.

25 **WITNESS SOLOMON:** They do now.

1 **COMMISSIONER GARCIA:** Well, they do now, but
2 they still -- I think AT&T still bills -- at least in
3 this area, because --

4 **WITNESS SOLOMON:** I get billed direct by
5 AT&T.

6 **COMMISSIONER GARCIA:** Okay. Through the
7 local exchange. Let's use MCI, then, or Sprint; bills
8 through the local exchange local company. They're
9 able to pass on some degree of savings to you because,
10 first of all, you're more likely to pay your local
11 service because you want to stay on.

12 **WITNESS SOLOMON:** But --
13 (Simultaneous conversation.)

14 **COMMISSIONER GARCIA:** And I'm just -- I
15 wanted you to respond to that.

16 **WITNESS SOLOMON:** My suggestion includes one
17 thing. If BellSouth is -- or General Telephone in
18 Tampa and so forth -- if the local telephone company
19 gets in writing approval to bill from the customer,
20 there's no problem.

21 **COMMISSIONER GARCIA:** I'd like Staff to look
22 into that. I know that we had originally drafted a
23 rule of that nature, and it really got everyone, at
24 least the industry, very aggravated. But I think we
25 should look at that possibility.

1 **WITNESS SOLOMON:** There are to many of
2 these --

3 **COMMISSIONER GARCIA:** I need -- Mr. Solomon
4 adds a new twist to it, which is a check-off. Not a
5 check-off, but allows people to affirmatively decide
6 whether they want that or not; and if they want that,
7 well, then the benefit is still there, and maybe
8 that --

9 **WITNESS SOLOMON:** Or all the local telephone
10 company has to do is include it with their bill, a
11 simple one-page statement approving their right to
12 bill for the other company who is doing the long
13 distance.

14 **COMMISSIONER GARCIA:** I think it's less --
15 less of a hurdle than what we originally contemplated,
16 and I think it still allows the local company to
17 continue that type of business as long as it's
18 approved by the user; and I think that that's
19 certainly more agreeable, I think, to all the parties.
20 I appreciate that. That's a very good suggestion.
21 Thank you for coming.

22 **WITNESS SOLOMON:** Do you have any other
23 questions?

24 **CHAIRMAN JOHNSON:** I have a question for
25 you, Mr. Solomon. You had two suggestions; the one,

1 every incident of slamming they should be charged a
2 minimum \$1,000 per incident. And I understood your
3 other that they can collect if there's written
4 authorization --

5 WITNESS SOLOMON: Correct.

6 CHAIRMAN JOHNSON: In our proposal, in the
7 proposal that Staff recommended, it also looked at the
8 consumer. Now, currently what we do is rerate the
9 bill. You will be charged no more than what you
10 otherwise would have been charged.

11 Under the new proposal there is a proposal
12 that the customer will not have to pay the bill even
13 for services rendered, because it was an unauthorized
14 switch. I think now we have a 90-day window there for
15 nonpayment. Now, would you be agreeable to that kind
16 of additional compensation?

17 WITNESS SOLOMON: Of course.

18 CHAIRMAN JOHNSON: And one of the issues
19 that you raised in that was that -- or you raised the
20 incidental damages of your time, your energy that it
21 took to have to resolve this yourself. Would that,
22 then, be covered by just having you not have to pay
23 for the services rendered or --

24 WITNESS SOLOMON: Well, it would certainly
25 be a -- it would certainly demonstrate an appreciation

1 of effort. I'm not suggesting that the consumer
2 should get compensated for his efforts. Of course,
3 you know, in some cases it could be an honest mistake.
4 But it would certainly make the consumer feel better.

5 **CHAIRMAN JOHNSON:** And so the suggestion of
6 simply for that 90-day period that the customer, even
7 though they received service, because it was
8 unauthorized that they will not have to pay for this
9 service would be --

10 **WITNESS SOLOMON:** I didn't receive any
11 service at all.

12 **CHAIRMAN JOHNSON:** That's a good --

13 **WITNESS SOLOMON:** AT&T provided all my
14 service.

15 **CHAIRMAN JOHNSON:** That's a good point.

16 **WITNESS SOLOMON:** It was just a, quote,
17 service charge for nothing.

18 **COMMISSIONER GARCIA:** Let me ask you, off
19 that question, because I was curious since we've got
20 you here.

21 You basically use a phone card in Europe,
22 and that's the majority of -- not you, but someone who
23 is in your employ uses a phone card in Europe which
24 is -- that's the reason you use AT&T, because AT&T is
25 a carrier that's basically universal.

1 **WITNESS SOLOMON:** Well, we use the phone
2 card in Europe and also in different parts of the
3 United States. My brother and I travel extensively in
4 our business around the world.

5 **COMMISSIONER GARCIA:** And let me ask you,
6 when this company switched you over, basically all
7 they did was charge you 15 bucks, but your card was
8 still working, right?

9 **WITNESS SOLOMON:** They never switched them.

10 **COMMISSIONER GARCIA:** Got you.

11 **WITNESS SOLOMON:** They didn't -- basically
12 they were charging us for a service that they didn't
13 give.

14 **COMMISSIONER GARCIA:** Got you.

15 **CHAIRMAN JOHNSON:** Any other questions,
16 Commissioners? Public Counsel or Attorney General's
17 Office?

18 **MR. BECK:** No. Thank you very much,
19 Mr. Solomon.

20 **CHAIRMAN JOHNSON:** Thank you, Mr. Solomon.

21 **WITNESS SOLOMON:** Thank you.

22 **MR. BECK:** Mr. Clarence James.

23

24

25

CLARENCE JAMES

1
2 appeared as a witness and, swearing to tell the truth,
3 testified as follows:

DIRECT STATEMENT

4
5 **WITNESS JAMES:** My name is Clarence James.
6 My address is 970 Southwest 95th Terrace, Pembroke
7 Pines, Florida 33025. My home telephone number is
8 area code (954)430-7575.

9 On July 19th, 1997, we received a regular
10 telephone statement from BellSouth and also a bill
11 from USBI. Upon examination, we found that for our
12 telephone we were being charged additional moneys for
13 our intraLATA calls, or local long distance service,
14 and this dated back to January 1997. The total was
15 for \$223.

16 This was, to say the least, very surprising
17 in that we monitor our long distance usage very
18 carefully. Upon inquiry, we found that a company by
19 the name of Amerinet Services, which we had never
20 heard of before, was billing us for their local long
21 distance, or intraLATA calls, which they claimed that
22 we used.

23 We thought at first that this must have been
24 some misunderstanding in billing in that we never
25 requested any company to switch our long distance

1 service, never mind our local long distance service in
2 that we speak to our mother who lives right here in
3 Miami. We live in Broward. We talk many times during
4 the day. Why pay 28 cents per minute when we pay one
5 flat rate? Why pay 40 to \$50 per person to my mother,
6 for example, when I could see her every day? It just
7 didn't make much sense. We just don't have money to
8 throw away.

9 Upon investigation, we found that
10 telecommunications companies engage in exactly why
11 we're here, because of slamming. So we requested
12 BellSouth to research our account to see when this
13 unauthorized switching occurred, but we were informed
14 that there was never a switch done. Now this was
15 surprising.

16 Direct from BellSouth, told us that this
17 company bills us for using a designated code prior to
18 calling the number of choice. We never used such a
19 number. Hence, we called USBI to find out why we are
20 being billed for charges that we never used. They
21 told us "We are only the billing agent. If you have
22 any dispute, you have to pick this up directly with
23 Amerinet Services."

24 We called the number that they gave us only
25 to find a recorded message over and over again, never

1 a person. No one never responded. Finally we sent a
2 return receipt letter to them, and no one never
3 responded, never called.

4 Finally on October 20th, a couple days ago,
5 1997, we were carbon copied a letter from their
6 attorney that they sent to the PSC, the gentleman
7 right here today, and they sent it to him denying all
8 charges of slamming. They claim that a telemarketing
9 company by the name of J-mart (phonetic) obtained
10 permission to switch our service by offering a
11 sweepstake. A photocopy of this authorization form
12 supposedly signed by my wife was supplied.

13 However, the signature, the write-in, was
14 just not my wife's. And what is more, the same date
15 that they claim that this occurred, we were on
16 vacation with our family in New York and Washington,
17 and we have all the documentation to prove that. And
18 the signature is certainly not the way my wife signs.

19 Now, we can go back to cancelled check,
20 driver's license and any documentation to see that
21 it's far from her signature. It's outright forgery,
22 and that's wrong. It's illegal, all in an attempt to
23 obtain business by dishonest means. Now, we wondered
24 how many guys they have conned this way.

25 We want to inform this Commission that it's

1 illegal practices like this that's very frightening.
2 When someone can so easily obtain your name, your date
3 of birth, and other pertinent and confidential
4 information, friends, that is scary.

5 What has to be done, and what has this done
6 to us? Well, to say the least, it has caused us
7 uneasiness, having to worry whether or not our credit
8 is in tact or whether our name is being sent to other
9 companies to be sent a bill; and certainly we don't
10 need that. Life is tough enough as it is, and we
11 don't want to add to that.

12 Again, we detest companies like this who
13 would use these clandestine means all in an effort to
14 get business. We hope that our being here today will
15 give you a glimpse of some insight of what is going on
16 in this very competitive industry, and we trust that
17 you will be able to do something to stop this illegal
18 slamming and clear our name.

19 We must say that the PSC have responded
20 wonderfully. We have gotten information quickly. We
21 have had no problem at all from the PSC. We
22 appreciate your service, your time. Thank you.

23 **COMMISSIONER GARCIA:** Mr. James, before you
24 leave us, there may be some questions. But I wanted
25 to ask you, were you -- did you actually pay that

1 bill, or you put it in dispute right away and you --
2 and the company didn't charge you until the dispute
3 was cleared?

4 **WITNESS JAMES:** We put it in dispute, and
5 so --

6 **COMMISSIONER GARCIA:** Okay. And so you
7 never had to pay that?

8 **WITNESS JAMES:** No, sir.

9 **COMMISSIONER GARCIA:** And you said you had
10 dealt with Mr. Durbin at the Commission?

11 **WITNESS JAMES:** Yes. In fact, my wife and
12 myself are in the school system. I'm a schoolteacher,
13 and it takes a lot of time to leave our kids; and I
14 was not going to come. I was just going to put it in
15 writing. She says, "No. Come on down; express
16 yourself." And Mr. Durbin -- I was about to leave --
17 he says -- he said, "No, come on; tell the Commission
18 exactly what happened." So everything was fine as far
19 as the PSC and Mr. Durbin was concerned.

20 **COMMISSIONER GARCIA:** Thank you. That's
21 very nice of you. Rarely does the PSC get good news,
22 and I know Mr. Durbin is one of our best. But thank
23 you very much. We appreciate you coming.

24 **COMMISSIONER DEASON:** Mr. James, I have a
25 question for you. You indicated that the signature

1 was not authentic; obviously it was some type of a
2 forgery, which you indicated is illegal. Do you think
3 there should be some type of criminal prosecution or
4 sanctions against individuals who indulge in such
5 activity?

6 **WITNESS JAMES:** Well, to forge a person's
7 signature is something, in my opinion, that is wrong.
8 Whether or not it would be criminal I really don't
9 know, but this could cause a lot of problem. We
10 ourselves investigated. We know it was not my wife's
11 signature, but we think of people who would sometimes
12 just pay a bill, something that they see just fearing
13 as you see the name "attorney," just send the moneys
14 there that we just don't have. So I feel that
15 something should definitely be done to curb that.

16 **COMMISSIONER DEASON:** Thank you.

17 **COMMISSIONER GARCIA:** You know, I'd like to
18 ask you a favor. I'm sure Mr. Durbin has a complete
19 file on this, if I'm not mistaken. But if we do, we
20 should get that to Mr. Gross, who I believe the
21 Attorney General's Office has jurisdiction over --
22 well, I know they have jurisdiction over criminal
23 issues -- but maybe there's something a little beyond
24 that and maybe his office can look at it and then he
25 may contact you. But if you could, Mr. Durbin, if we

1 have everything that he has, you can transfer it over
2 to the Attorney General.

3 **WITNESS JAMES:** And I have those forms
4 today --

5 **COMMISSIONER GARCIA:** No. But I think
6 Mr. Durbin does, and if he's missing anything,
7 Mr. Gross will get a hold you of.

8 **MR. BECK:** Mr. James, could I ask you a
9 question? Do you have a copy of the letter the
10 attorney for Amerinet sent?

11 **WITNESS JAMES:** Yes, sir, I have that here.

12 **MR. BECK:** And you said that they claimed it
13 wasn't their responsibility, it was one of their
14 agents?

15 **WITNESS JAMES:** Right. Yes. Amerinet
16 claimed one of their agents, by way of a sweepstake
17 spoke with my wife on January 4th when we were on
18 vacation and got this authorization form, and they
19 turned it in as an exhibit; and it's a forgery.

20 **MR. BECK:** You know, the PSC has authority
21 to fine a company for that type of slamming of up to
22 \$25,000 for each incident, so this can be pursued as
23 far as getting some action against the company as well
24 at the PSC.

25 I'd appreciate if you could give Mr. Poucher

1 a copy of that letter from the attorney. We would
2 appreciate it. Thank you.

3 **WITNESS JAMES:** Thank you.

4 **CHAIRMAN JOHNSON:** Thank you very much,
5 Mr. James. We appreciate you coming out and sharing
6 that testimony with us.

7 **WITNESS JAMES:** You're welcome.

8 **MR. BECK:** Sean Averett -- I'm sorry. Jean.

9 **COMMISSIONER GARCIA:** Could I also ask Staff
10 if we could check and see if that other company is
11 certificated to do business with the State of Florida?
12 Mr. James, what was that? Amerinet? Was that the
13 name -- I'm sorry, ma'am. And you need to come up to
14 the microphone so that we stay on the record.

15 **WITNESS JAMES:** The company is Amerinet
16 Services.

17 **COMMISSIONER GARCIA:** And Mr. Durbin is
18 telling us that they are.

19 **MR. DURBIN:** Yes, sir.

20 **COMMISSIONER GARCIA:** Okay. Great. Thank
21 you.

22 **CHAIRMAN JOHNSON:** Ma'am, could you spell
23 your last name for us?

24 **WITNESS AVERETT:** "A," "V" as in Victor,
25 E-R-E-T-T.

1 **JEAN AVERETT**

2 appeared as a witness and, swearing to tell the truth,
3 testified as follows:

4 **DIRECT STATEMENT**

5 **WITNESS AVERETT:** My name is Jean Averett.

6 My address is 10500 Southwest 125 Street, Miami,
7 Florida 33176. Telephone number is (305)251-2370.

8 I just have more questions for you than I
9 have problems, because I solved my problem within a
10 month of it happening. I saw it on my bill that AT&T
11 was billing me for long distance, which in effect
12 raised my long distance service by about 50%, and the
13 local -- if I call from here to Fort Lauderdale, it's
14 25 -- 15 cents a minute instead of 25 cents per call.

15 I want to --

16 **COMMISSIONER GARCIA:** May I ask you before
17 you move off that, how did you solve it? Just --

18 **WITNESS AVERETT:** I called -- Sprint is my
19 long distance service. They called and informed us
20 that our service was disconnected, and I immediately
21 called them to find out why, because I pay the bill
22 the day I get the bill, and I --

23 **COMMISSIONER GARCIA:** And I assume that they
24 didn't tell you you were disconnected, you just
25 switched, you had a new company or whatever?

1 **WITNESS AVERETT:** They just said that our
2 service with them was discontinued.

3 **COMMISSIONER GARCIA:** Okay.

4 **WITNESS AVERETT:** I didn't know why, where,
5 when or what, and they told me that AT&T had taken our
6 service. They had also taken the local long
7 distance --

8 **COMMISSIONER GARCIA:** Right.

9 **WITNESS AVERETT:** I -- pardon?

10 **COMMISSIONER GARCIA:** And then what
11 happened? You called AT&T --

12 **WITNESS AVERETT:** I called AT&T --

13 **COMMISSIONER GARCIA:** -- and switched
14 back --

15 **WITNESS AVERETT:** -- and I told Sprint to
16 take it back. I called AT&T and had a long, hot
17 conversation with them, and they didn't want to tell
18 me much of anything. They tried to tell me that I
19 would have to pay the bill based on your old rules,
20 you know, what Sprint would have charged me; and I
21 told them I refused to do that, and then they gave me
22 a credit.

23 **COMMISSIONER GARCIA:** Got you.

24 **WITNESS AVERETT:** A little bit later someone
25 called and said they would give me a credit. I had

1 asked to speak to a manager, and they wouldn't let me
2 talk to anyone then, because they said --

3 **COMMISSIONER GARCIA:** So you did this
4 basically directly yourself?

5 **WITNESS AVERETT:** Yes. They said someone
6 would call me and try to figure it out. Two weeks
7 later I get a telephone call, and they say that
8 they're going to pay the bill, or cancel it.

9 Now, I would like to know why slamming is
10 not against the law, why the CEOs of these companies
11 can send someone into my home to change my electronic
12 set-up at their will and take money out of my pocket
13 without authority.

14 I think the CEO is where the buck stops, and
15 they approve these programs and they pay these people
16 that do these things. They should be held
17 responsible. And I would like very much to hear from
18 some of you or some of your lawyers, some of the
19 representatives and senators in the state and in the
20 federal government about why. I have written them
21 letters, some of them, and asked them to please take
22 the lead in stopping this.

23 I stayed on the telephone on hold waiting to
24 talk to somebody for 10, 20 minutes at a time when I
25 was trying to get my service restored, and it just --

1 it's a nuisance that we don't -- shouldn't have to put
2 up with.

3 And if these CEOs know that the buck is
4 coming back to them, that they are going to have to
5 face criminal charges for coming into my home and
6 taking things out of my pocket, I think they'll pay a
7 little more attention and maybe do something about
8 stopping this.

9 I see no reason for all of this folderol of
10 Commissions and meetings and this kind of thing when
11 it could be stopped in that way; just call the
12 Attorney General and tell them, and they would go get
13 them. You might have to give them proof of what was
14 done, but that's okay. I think that they would stop
15 it if their head was on the block. Thank you.

16 **CHAIRMAN JOHNSON:** Thank you, ma'am. In
17 responding to your question, Ms. Averett, currently,
18 and I think the way that the -- you're asking for
19 criminal charges. You understand that we have some
20 authority to impose monetary sanctions, but as you can
21 see, we still have a problem. And your question goes
22 to more can we or should there be some criminal
23 sanctions.

24 **WITNESS AVERETT:** Absolutely. If you walk
25 into my house and go into my purse and take 50 cents,

1 you are stealing. That's criminal, and that's what
2 these CEOs are paying people to go out and do.

3 **CHAIRMAN JOHNSON:** Currently the way the
4 statutes are designed and the way that they're written
5 is that there is a statute that prohibits currently
6 the Attorney General from imposing criminal sanctions
7 for activities that were a part of a regulated
8 monopoly, a telecommunications company.

9 I've had several meetings with the -- well,
10 I had one meeting with the Attorney General, and our
11 staffs have been meeting, because now, you're right.
12 The markets are competitive. We don't just have one
13 company that you're dealing with, and consumers do
14 need more protection.

15 That's one of the issues that we're going to
16 be exploring in this case. Perhaps the monetary
17 sanctions just aren't good enough. Perhaps there
18 should be some sort of criminal sanctions involved.
19 That's the reason, I believe, that the AG is involved
20 in this case, to hear from the people and determine
21 the best way to protect the citizens.

22 It may require a statutory change, and there
23 may be some other things that we can do in the interim
24 working together to try to help solve this problem.
25 But your concern and your statement is well taken, and

1 we are looking into just that issue.

2 **WITNESS AVERETT:** Thank you very much.

3 **COMMISSIONER GARCIA:** Ma'am, let me ask you
4 a question. When -- you gave a date. And I'm sorry.
5 When exactly did this occur?

6 **WITNESS AVERETT:** It was back in May.

7 **COMMISSIONER GARCIA:** May of this year?

8 **WITNESS AVERETT:** Yes.

9 **COMMISSIONER GARCIA:** Okay. Could you
10 before you leave meet with one of our Staff in the
11 back of the room and just give them the details so
12 that we have that? You know, I think we've got most
13 of it on here, but just to make sure. All right?

14 **WITNESS AVERETT:** All right.

15 **COMMISSIONER GARCIA:** Thank you.

16 **MR. DURBIN:** Thank you.

17 **CHAIRMAN JOHNSON:** And Ms. Averett, and you
18 said that you received your full refund?

19 **WITNESS AVERETT:** Yes. They gave me a
20 credit. AT&T gave -- it was about \$15 and something
21 they gave -- they paid that part of it as far as my
22 bill shows that it was credited.

23 **CHAIRMAN JOHNSON:** Thank you.

24 **MR. BECK:** Luis Avila.

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LUIS AVILA

appeared as a witness and, swearing to tell the truth,
testified as follows:

DIRECT STATEMENT

WITNESS AVILA: Good morning. My name is
Luis Avila, and I reside at 9735 Fontainebleu
Boulevard, Apartment 303, Miami, Florida 33172-6716.
My phone number is area code (305)551-2228.

I am probably one of the lucky few that
circumstances, or by chance, I happened to find out
that I was slammed. And, hopefully, I will be more
informative than anything for the Commission.

On the 5th of September I called my long
distance company, which is Sprint, because I have
frequent flier bonus miles and I wanted to get -- I
had not received a card, a new one, and I wanted to
get the pin number so that I could make calls from
Europe. I was due to go to the United Kingdom the
next day.

I called them, and she said that I no longer
was with Sprint, and I was quite shocked. I had not
even received a bill. I normally check them. And the
lady informed me that I had been switched to some
strange company and gave me a number to call and that
she would call me in five minutes.

1 So I got off and I called that automatic
2 number that tells me who the long distance company is,
3 and, again, I received it was LCI International. And
4 so she called me back and she went ahead and switched
5 me right back and went ahead and gave me my pin
6 number.

7 And I called from Europe on several times,
8 and came back, and when I got my phone bill from --
9 there were two calls on there. One was seven-tenths
10 of a minute, for which I had been charged 18 cents for
11 less than a minute, and 3.3 minutes, for which I was
12 charged 83 cents; and there were brief calls I had
13 made to New York to the travel agent without -- again,
14 without me even knowing I had been switched. Luckily
15 it amounted to a \$1.01, so I haven't really had any
16 reason to get really angry at being slammed like this.

17 My concern is, is that how did I get -- how
18 are they going to justify this? Even after you pass
19 laws or change things or make it harder for them to
20 switch people, they're going to find ways around it.

21 I have a funny feeling that one morning
22 about 8:00 in the morning while I was still asleep I
23 was called, and I was -- in the midst of this
24 grogginess, I listened to the spiel, and the end
25 result was "Look, I'm not interested in whatever

1 you're selling, please leave me alone."

2 I get those quite often, believe me, from
3 all people. And I have a funny feeling what they do
4 is they somehow maybe go through a litany of questions
5 and get me to say, yes, I normally do, or whatever,
6 and use that as a -- you know, as some kind of verbal
7 authorization; and that's the only thing that I can
8 think of happened.

9 This has never happened to me before, and I
10 don't know of no one that's ever had this happen. But
11 my funny feeling is that later on they will find ways
12 of getting people to come along and somehow get them
13 to say something over the phone, then use that little
14 sound bite --

15 COMMISSIONER GARCIA: You're suggestion,
16 Mr. Avila, will be that we force it so that it always
17 has to be in writing?

18 WITNESS AVILA: Yes.

19 COMMISSIONER GARCIA: No type of verbal --

20 WITNESS AVILA: That's my opinion. Somehow
21 I have to have my signature, so if somebody decides to
22 come along and be fraudulent and say, look, here's
23 your signature, they can vouch -- somehow legally you
24 could go along and say, no, this is not his signature
25 and he was not here on this day.

1 **COMMISSIONER GARCIA:** And that way we'd also
2 have -- if they're committing fraud, we'd know right
3 away, also.

4 **WITNESS AVILA:** Exactly. Needless to say,
5 when I came back from my vacation --

6 **COMMISSIONER GARCIA:** What would you think
7 if we put a pin number to that so that we can make it
8 even more secure, that not only did they have to have
9 your signature, but they -- but each customer would
10 have an individual pin number so that you would have
11 to verify it so that they --

12 **WITNESS AVILA:** Most definitely. Just
13 something they can't get a hold of, like the personal
14 access code that's on the phone company that they use
15 for -- to access and change your local service;
16 something like that, yes.

17 **COMMISSIONER GARCIA:** I'd like Staff to look
18 into that, also. I'm trying to remember exactly who
19 it was that proposed it on Staff, but I remember a
20 while back someone on Staff had suggested that -- I
21 think it was Alan Taylor -- that we have an individual
22 security pin number associated with phone numbers so
23 that people would be able to -- only they and the
24 company they deal with would have that number so that
25 they would have some way of verifying that. Okay.

1 **WITNESS AVILA:** I think the advent of like
2 the Internet, this kind of stuff is going to happen
3 unless somehow the person in their own home, in their
4 own castle, can make it so that these people cannot
5 just find a way around something other than your own
6 signature, thumbprint, from doing this voluntary
7 change.

8 **COMMISSIONER DEASON:** I have one question.
9 Sir, are you aware of a process which is called a PIC
10 freeze which enables you to allow your local company
11 to not change unless they get specific authorization?

12 **WITNESS AVILA:** I was not aware of that
13 until this -- the woman from Sprint when she changed
14 would all this before I left for Europe informed me
15 that when I came back that I could call my local
16 company and have that done. And sure enough, when I
17 came back, I did.

18 **COMMISSIONER DEASON:** So you're using that
19 service now?

20 **WITNESS AVILA:** Yes, I went ahead and called
21 and I told them, "Look, do not change me from what I
22 have, and the only way you can do it is if you send me
23 a form that I signed at the bottom with your
24 letterhead."

25 **COMMISSIONER DEASON:** I'm glad you're aware

1 of that. We're finding through these hearings that
2 some customers, many customers are not aware of that;
3 and that's one of the initiatives we're trying to take
4 is to get that information out to customers so that
5 they can utilize that, and then hopefully they will
6 not be switched, because the local company would not
7 process it without them having the correct
8 authorization with that freeze in effect.

9 **WITNESS AVILA:** I think that's a good idea.

10 **COMMISSIONER GARCIA:** Mr. Avila, there may
11 be other questions. But I wanted to ask you how did
12 you solve the problem? It had only been a dollar or
13 something. Did the Sprint operator help you through
14 it or the --

15 **WITNESS AVILA:** She basically told me she
16 went ahead and changed me, took care of everything. I
17 received -- she gave me the phone number and
18 everything so that when I came back I had the cards
19 and everything. She basically helped me through the
20 whole process and even informed me of the process of
21 freezing my local service.

22 **COMMISSIONER GARCIA:** Thank you.

23 **CHAIRMAN JOHNSON:** Any other questions?

24 **MR. BECK:** Thank you.

25 **CHAIRMAN JOHNSON:** Thank you, sir. One

1 announcement. Is there anyone here in the audience
2 that will need the services of a translator?

3 Seeing none -- we do have a professional
4 translator who is available, but if we don't have any
5 need for her services, then we'll allow her to be
6 excused.

7 **COMMISSIONER GARCIA:** Commissioner Deason
8 suggested that maybe we should ask in Spanish.

9 (Whereupon Commissioner Garcia commenced a
10 dialogue in Spanish.)

11 **CHAIRMAN JOHNSON:** Thank you.

12 **MR. BECK:** Oscar Botero.

13 **CHAIRMAN JOHNSON:** We have one other
14 announcement, but you can come forward, sir.

15 **COMMISSIONER CLARK:** Yes. Madam Chairman,
16 we just got a fax and it is a fax relevant to this
17 proceeding. It is somebody in this area who was not
18 able to come to this hearing and may not be able to
19 come to the one in Broward County.

20 It outlines the detail of their company
21 being slammed, and I would suggest that we make it
22 part of record and we turn it over to the Staff and
23 the Attorney General to investigate.

24 Basically what happened was a woman had
25 heard an advertisement for 10 cents calling on short

1 long distance. She called from her business to
2 inquire about it, and the business was switched; and,
3 unfortunately, it was a business that was coming up on
4 their busy season. It was bow and arrow sales and
5 service, and the hunting season was coming up, and
6 they were not getting any calls because apparently
7 their number had been switched. So it's a fairly
8 egregious situation, and I would ask that we make it a
9 part of the record and turn it over to Staff.

10 **CHAIRMAN JOHNSON:** We'll do that and we'll
11 make sure that the Attorney General's Office and the
12 Public Counsel receive copies of the correspondence.

13 **COMMISSIONER CLARK:** Do we have exhibit
14 numbers yet, or is that even appropriate?

15 **CHAIRMAN JOHNSON:** Do you want to make it
16 part of the correspondence side of the record? We'll
17 put that in the correspondence side of the record.

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1 **OSCAR BOTERO**

2 appeared as a witness and, swearing to tell the truth,
3 testified as follows:

4 **DIRECT STATEMENT**

5 **WITNESS BOTERO:** My name is Oscar Botero,
6 B-O-T-E-R-O. My address is 20460 Southwest 125th
7 Avenue, Miami, Florida 33177. My phone number is
8 (305)254-1869.

9 On July of this year we received our regular
10 phone bills, and my wife was looking there, first of
11 all; check every month the prices we're having. They
12 find out that the company that we used for long
13 distance, Sprint, was switched to a company we never
14 heard of called. It's called BCI, standing for
15 Brittan Communications International Corporation. My
16 wife called that company and request who was authorize
17 them to get the services. Say, "Miss, we cannot give
18 you any information unless by your request in writing
19 by copy for a letter of agency."

20 **COMMISSIONER GARCIA:** So they asked you
21 to -- you had to send it in writing to get the
22 information from them?

23 **WITNESS BOTERO:** Yes. And also we did that.
24 Say it takes 24 hours to get information. Wait 24
25 hours. On the second day I called them directly and

1 saying I want to fax that to you, which they did to
2 us, and eventually they sent a letter to -- a copy of
3 that; said to register for long distance services that
4 we never fill it out.

5 **COMMISSIONER GARCIA:** Can we see that?

6 **WITNESS BOTERO:** We never fill it out, and
7 this doing in a store that we never do business. We
8 live in the south and this says is far to the north.
9 And, also, the names that are here on the paper
10 doesn't agree with our complete full names.

11 It appears my wife and my first name, Oscar
12 Layla. Layla is the name of my wife, and the
13 signature was also Oscar Layla.

14 **COMMISSIONER GARCIA:** And that isn't your
15 signature?

16 **WITNESS BOTERO:** No, sir. The first thing
17 that we did is we called back the company and say we
18 never fill it out, this is not our name, and how you
19 get that. Say, "Well, somebody did it and we switched
20 the phone to -- because you request it."

21 So I called, and I said, "Please cancel your
22 services; we are not interested in your services.
23 Besides that, your price is too high." Said, "What
24 will I need to do?" Well, at least give me the
25 Sprint -- which is the carrier I used to have -- the

1 Sprint price. Did that and they g-ve me a credit of
2 \$17.

3 In the process I was thinking I called
4 Sprint and say, "How do you allow to be switched from
5 the services that we're very happy with you? "Sir, we
6 have not -- forced to do that. Somebody request it,
7 and we have to switch it." I said, "Who is doing
8 this?" They said, "Your local carrier, which is
9 BellSouth."

10 I approached BellSouth also, say, "Why are
11 you doing this? There is any confirmation that the
12 name is exactly the same? That I've been using your
13 present services for a long time. Doesn't agree, the
14 others doesn't agree. The signature doesn't agree."
15 Said, "Sir, we have no power at all. Some companies
16 present to us a big list of phone numbers, and the
17 only thing that we do is switching the phone number
18 that they present in that paper."

19 So BellSouth cannot do anything. Sprint
20 cannot do anything. The power is located in the
21 company that I never care about, which is BCI. They
22 are forging my name, they are forging my signature,
23 and I believe my rights have been violated. I'm not a
24 lawyer, but I believe somebody is violating my rights.

25 COMMISSIONER GARCIA: Mr. Botero -- go

1 ahead.

2 **WITNESS BOTERO:** Then I approached the PSC,
3 which is -- they tell me about you have to fill it
4 out, a complaint, which I did. That's the copy that I
5 have. The number is written there. And they say the
6 first thing they have to do is freeze your phone,
7 which I did. I freeze my phone, which I never heard
8 about. And they start helping me and said, we are
9 going to pursue this.

10 And we receive a letter from the company
11 that I never picked, BCI and said, explaining to me
12 that they are going give me a full refund of \$90,
13 which is the total bill. Yesterday, by the way, that
14 was credited to me in total. So that's one thing that
15 I don't want to happen to somebody else.

16 I suggest to you that we're in this hearing.
17 In the meantime freeze all the phones for everybody,
18 because they are making more switches on other people
19 that -- without their authorization. Until you get a
20 law, which it seems to me that's very good, but at
21 least right now, until you get a consent, a written
22 consent, which is very good. That's case number one.

23 Case number two. Last week I received from
24 AT&T, which used to be my previous carrier two years
25 and a half ago, that -- I'm going to read this to you.

1 "You asked to us switch your AT&T, but we cannot.
2 Here is what to do. Presently you accepted our
3 invitation to switch your long distance services to
4 AT&T. However, your line has a protection on it, and
5 that keeps you from changing your long distance
6 carrier. So right now you are not getting the AT&T
7 quality and reliability you asked for. We need your
8 authorization to release this protection and confirm
9 your choice with AT&T."

10 We never called AT&T. We are fed up with
11 AT&T because they hike up prices without telling us,
12 and we never called them. We never filled out any
13 authorization or any authorization to that. So that's
14 my second complaint that I have. What can I do with
15 this, I don't know.

16 In the process, also, which is I don't know
17 if that concerns to you, when I was with AT&T two and
18 a half years ago, they give a phone call and a card
19 which you can use for credit card for phones, for
20 everything, which soon I switched from AT&T to Sprint,
21 another company.

22 Somebody from that company called me, and
23 they say one month after that I switch, say your AT&T
24 phone card cannot be used anymore. I said, "Please
25 cancel it." And that was the end of that story until

1 somebody told me, a friend of mine two months ago,
2 that request a credit information from all the
3 companies, which there are three, for everybody.

4 I received my credit information, and what
5 appears there is about seven or ten requests for
6 credit from the AT&T. Seems to me that's when
7 somebody requests last year several information why
8 your credit is damaged. I'm sure that somebody
9 promised that -- what AT&T is doing that to me. I
10 call AT&T. Said, "Sir, your AT&T cards is still
11 alive, but you cancel it. No, we never cancel it, and
12 every time that we send your request, some new
13 information to you, we have to do it to our request to
14 all the companies about your credit." So it's against
15 the wall.

16 I don't know if you can help me with that
17 problem, also.

18 **COMMISSIONER GARCIA:** What I would like is
19 for you to take that invitation to join AT&T and give
20 it to our Staff in the back of the room so they can
21 investigate that.

22 **WITNESS BOTERO:** I gave that already to
23 Carmencita Pena. She's going to investigate that.

24 **COMMISSIONER GARCIA:** Great.

25 **CHAIRMAN JOHNSON:** Did you also make her

1 aware of the credit problem, too?

2 **WITNESS BOTERO:** I don't know damage is in
3 my credit. I received a credit information last
4 month. I don't know what's my damage. I don't know
5 if Carmencita is going to look it up, because I have
6 no power to do so.

7 **CHAIRMAN JOHNSON:** And I think that is an
8 important issue that we can at least look into what
9 the company process is and the procedure for actually
10 continuing to look at your credit record, because
11 certainly consumers are concerned when they go in to
12 perhaps get a loan and there's been all those
13 requests. So that is another issue that we would like
14 to continue to pursue with you and provide you with
15 whatever information we can find out.

16 **WITNESS BOTERO:** Thank you.

17 **CHAIRMAN JOHNSON:** Thank you for testifying.

18 **MR. BECK:** C. R. Hertzburg.

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1 **C. R. HERTSBURG**

2 appeared as a witness and, swearing to tell the truth,
3 testified as follows:

4 **DIRECT STATEMENT**

5 **WITNESS HERTSBURG:** Good morning. And it's
6 about time that you people showed up to try and find
7 out why we're getting hurt like we are. My last phone
8 bill that I got --

9 **COMMISSIONER GARCIA:** Mr. Hertzburg, before
10 you plow right in, do me a favor and restate your
11 name, spell your last name, and give us your address.
12 We need it for the record.

13 **WITNESS HERTSBURG:** All right. My name is
14 Charles Hertzburg, H-E-R-T-Z-B-U-R-G, and I'm at -- my
15 mailing address -- I don't like anything sent to my
16 street address. I don't want it there. There's a
17 little slot in the door, and junk mail comes in there,
18 and I'm sick of throwing it in the garbage. So I have
19 a box number. It's Box No. 660236, Miami Springs,
20 Florida 33166-0236. The phone is (305)887-5329, and
21 I'll be getting some junk mail because of that anyway.

22 Anyway, as I said before, I got my last
23 phone bill last month from AT&T. I noticed a very
24 strange thing about that phone bill. There was a
25 charge of \$6.21 for the whole month of September, and

1 then I get a check from AT&T for \$6.20. So I said,
2 this is weird. I usually have a 75 to \$100 long
3 distance phone bill every month, period.

4 So I called the 800 number on the telephone
5 bill for this sort of thing, and I ran into a real
6 charming young man on the other end of the phone; and
7 he says, "Looking at your long distance record here, I
8 see I can save you some money." I said, "Oh, that's
9 interesting." I've been seeing this AT&T ads on
10 television about how you should sign up with this plan
11 and you're going to save a lot of money. I said,
12 well, that must be what he's talking about.

13 So I said, "Okay. Save me some money."
14 Now, already something had been going on with that
15 bill, because I never in my life got a long distance
16 phone call with a \$6 charge on there or anything else.

17 The other thing that bothered me was that
18 there's several months every morning between 9:00 and
19 11:00 my phone rang. You could set your clock by it
20 almost. I have an answering machine on my system, and
21 I also have caller ID. And the weird thing is that
22 after four rings, my answering machine picks up and
23 announces the name of the company and so forth; and
24 there's nothing on the caller ID. It says "no data
25 set." Okay. The minute that answering machine picked

1 up the phone, they hung up, over and over again,
2 months on end. Finally this happened. I suspect
3 there's a connection someplace.

4 What I don't understand is how did this
5 employee of AT&T possibly switch me to this other
6 company? Anyway this is kind of how I found out about
7 it in a roundabout way. I --

8 **COMMISSIONER GARCIA:** You that said -- I'm
9 sorry. Mr. Hertzburg, you said that this occurred
10 last week when you had this --

11 **WITNESS HERTZBURG:** The conversation with
12 the AT&T representative occurred about, I'd say, three
13 weeks ago.

14 **COMMISSIONER GARCIA:** All right. Have you
15 gotten the bad news yet? I mean, has something --

16 **WITNESS HERTZBURG:** No. What happened is I
17 was so enraged that somebody would do this to me for
18 no reason at all, no notice whatsoever, writing,
19 verbally, any way at all; they just did it.

20 **COMMISSIONER GARCIA:** Right.

21 **WITNESS HERTZBURG:** Stuck their hand in my
22 pocket and tried to rip me off. To me that's a felony
23 crime. Why isn't somebody doing anything about it? I
24 guess they don't know how to, do they? If somebody
25 would come into your house, like the other lady said,

1 and put their hand in your pocketbook, you would raise
2 hell about it and have them arrested.

3 **COMMISSIONER GARCIA:** I just -- I'm trying
4 to understand, though. Maybe I missed something.
5 When you said that you called up because you thought
6 it was weird that your bill was only \$6 --

7 **WITNESS HERTZBURG:** Yes.

8 **COMMISSIONER GARCIA:** -- and then you got a
9 check, also, for \$6 from AT&T. And my question is,
10 have you gotten the bill for the calls you did make?

11 **WITNESS HERTZBURG:** I suppose that --

12 **COMMISSIONER GARCIA:** You have yet to get
13 it --

14 **WITNESS HERTZBURG:** No, I didn't --

15 **COMMISSIONER GARCIA:** So you don't even know
16 who you were switched to?

17 **WITNESS HERTZBURG:** No -- well, yes, I do
18 now. As --

19 **COMMISSIONER GARCIA:** Okay. I'm sorry. I
20 got ahead of you.

21 **WITNESS HERTZBURG:** -- soon as I got this
22 information, I called the 800 service number at
23 BellSouth Telecommunications, a fellow named Jorge or
24 Hernandez, and I talked to him, and he said, "Oh, yes,
25 Mr. Hertzburg, you've been switched," which is another

1 way of saying slammed. And then I went -- the wires
2 between my phone and his phone started to glow red.

3 What I wanted to know specifically from him
4 is who authorized this switch, and he gave me the name
5 of the company. Now, write this down. S-U-P-R-A,
6 Supra Telecom Services. Their phone number is
7 443-3710. So I called these people on a workday
8 afternoon.

9 **COMMISSIONER GARCIA:** 305 area code?

10 **WITNESS HERTZBURG:** No -- well, yeah, it's
11 305 area code, but it's a local number.

12 **COMMISSIONER GARCIA:** Right.

13 **WITNESS HERTZBURG:** So I called these
14 people, and the phone answered, some nice young lady,
15 and I asked to speak to the man in charge. "Oh, well,
16 just a minute. I'll have to send you to somebody
17 else." So I waited and I waited. Finally somebody
18 else came on the phone. "Well, I'm sorry. I'm going
19 to have to give you to somebody else." So I waited
20 and I waited and I waited. And who do you think I
21 finally got? The janitor. And I hung up, and that
22 was my last attempt; but in the meantime, having
23 talked to the BellSouth people and venting my rage on
24 them, some of which they deserved. They shouldn't
25 have switched without letting me know. BellSouth

1 should never have done this without my permission.

2 **COMMISSIONER GARCIA:** You know, that's
3 another good point. Maybe we should also include that
4 as a possibility in the rule, that when a company
5 switches, BellSouth has to inform the -- I'm sorry
6 butting in Mr. Hertzburg. If --

7 **WITNESS HERTZBURG:** That's okay.

8 **COMMISSIONER GARCIA:** -- good ideas --

9 **WITNESS HERTZBURG:** Let's emphasize the
10 point while we've got it up here.

11 **COMMISSIONER GARCIA:** -- yeah -- are far and
12 few between sometimes. If we could have BellSouth
13 have a requirement whatever the -- not BellSouth --
14 let me step back. Whatever the local service provider
15 is should have to inform the user when they've been
16 switched, either through a special insert or some way
17 so that there's at least a flag that comes up. Since
18 they're a collection agency for that group, they
19 should at least inform the user.

20 **WITNESS HERTZBURG:** That was my question
21 was, how is it Supra Telecom Services simply
22 communicates to BellSouth, and BellSouth says, oh,
23 yeah, we'll switch him from you -- from us to you, no
24 problem. Isn't that something? It's getting to be a
25 pretty crazy world. That's because I live in it.

1 Anyway, I got this straightened out. I told
2 those guys over the smoking wire down at BellSouth to
3 get me off of that Supra telephone service now while
4 I'm on the phone, put it in the computer and get the
5 electrons flowing and let's get it done.

6 Then I found out that -- I called AT&T just
7 on a hunch because of this \$6 charge/check thing, and
8 I called them on a hunch. Same service number. I'm
9 not saying it's the same number, but an 800 number for
10 service, you know, when you have a bill problem or
11 something. And sure enough, I had been slammed at
12 AT&T, both places. Can you imagine that? I don't
13 know anything about this. How it happened, I don't
14 know. I still don't know.

15 The thing that really bothered me, I've been
16 with AT&T for years and years. I had no idea about
17 changing. I had a credit card with AT&T, a phone
18 card, credit card. That was cancelled when I was
19 slammed. I was running around without a credit --
20 Bell system credit card in my pocket. When I found
21 out about that, the wires between me and AT&T glowed
22 again, and they, both BellSouth and AT&T, quickly put
23 me back on their service and notified me of same.

24 And that's where I stand today. I never got
25 a bill from these scumbags called Supra Telecom

1 Services, and they're lucky I can't find their
2 address.

3 **COMMISSIONER GARCIA:** Let's do something,
4 because you may not have gotten a bill because they
5 may not have gotten around to it. You need to speak
6 with Mr. Durbin or any of our Staff to make sure that
7 you file a complaint so we can sort of preempt this,
8 because you may find that you're going to get it in
9 your next bill.

10 **WITNESS HERTZBURG:** The reason I am here is
11 to find out what I can do to harm these people, to
12 have them arrested. If I could have them -- find a
13 law that will arrest these bums and take them off the
14 street. If you pass a law that says you can't do
15 that, it's a felony crime, when they do it to me
16 again, I'll put them in jail.

17 **COMMISSIONER GARCIA:** We'll see -- if
18 they've done that to you, you open a file with
19 Mr. Durbin -- and clearly there's something that's
20 gone wrong, and he will ask for that information. If
21 you want him to go to jail, Mr. Gross specializes in
22 that. Mr. Gross is the man with the beard, right
23 there. He's with the Attorney General's Office. You
24 have something in common, so he may be of help.

25 **WITNESS HERTZBURG:** We've got two things in

1 common. Let's go get these guys, fellows. We don't
2 need this kind of scum on the earth. It's bad enough
3 as it is without people like this. This has gotten to
4 be a huge problem, hasn't it? It's in the papers.
5 It's on television. It's in magazines. It's all
6 over, how the scumbags out there, these unmitigated
7 crooks, are out there stealing from the public.

8 **COMMISSIONER GARCIA:** Let me just tell you,
9 though, we have rules to take care of problems right
10 now, and I think what Staff wants to do is to avoid
11 further problems; because as Commissioner Johnson's
12 introduction pointed out, it is basically out of
13 control, and that's why we're trying to write stronger
14 rules. But, nonetheless, part of what we're
15 considering is trying to work with the AG's Office to
16 allow them to investigate these things, because
17 they're -- in a more -- in a criminal scenario when
18 things of this nature go on.

19 **WITNESS HERTZBURG:** That's what we need. We
20 need somebody in there rooting for us, we the people.
21 This crowd here today is not very many people, but I
22 guarantee you out here in this county alone there must
23 be thousands that should be here today testifying and
24 being involved. But these are the ones that could
25 come.

1 That's about all I have to say about this
2 subject, thank God.

3 **MR. GROSS:** Mr. Hertzburg, I'm Michael
4 Gross. I'm here on behalf of the Attorney General's
5 Office, and I just wanted to assure you that there is
6 a joint effort that's being undertaken presently among
7 the Public Service Commission, the Office of Public
8 Counsel headed by Jack Shreve and Charlie Beck,
9 representing them here today; and we each have
10 different jurisdictions and different weapons to both
11 punish these entities and to regulate them more
12 stringently.

13 I want to assure you that we want to
14 mitigate this problem, and we -- the Attorney General
15 is very concerned about this problem and your problem.

16 **WITNESS HERTZBURG:** I'll make one suggestion
17 before I leave. If you can pass a law that makes this
18 a felony crime if they get caught, the CEO of this
19 company right here, the guy who owns it, who owns the
20 majority stock, if you take him and arrest him and
21 charge him and try him and he's guilty, you'll you put
22 him in jail.

23 **MR. GROSS:** We're going to take a look at
24 your --

25 **WITNESS HERTZBURG:** And not in the country

1 club up there in North Florida either. I mean, a good
2 jail, a real one like we've got here in town.

3 **MR. GROSS:** The Attorney General agrees with
4 you 100%.

5 **WITNESS HERTZBURG:** You have to teach these
6 people a lesson, and the only way you can do it is to
7 put them in jail. They'll get that message. I
8 guarantee you. Thank you.

9 **CHAIRMAN JOHNSON:** Thank you very much, sir,
10 for your testimony.

11 **MR. BECK:** Edward Zyne.

12 - - - - -

13 **EDWARD ZYNE**

14 appeared as a witness and, swearing to tell the truth,
15 testified as follows:

16 **DIRECT STATEMENT**

17 **WITNESS ZYNE:** Good morning. I'm Edward
18 Zyne, Z-Y-N-E, 5751 Southwest 89 Court.

19 **COMMISSIONER GARCIA:** Edward Zyne, Z-Y-N-E,
20 or M-E?

21 **WITNESS ZYNE:** "N" as in Nancy. Miami,
22 Florida, 33173. Phone is (305)279-1436.

23 Back when they allowed you to switch your
24 phone service -- I think it was in '84 -- I did it to
25 MCI, and I figured that's enough switching for me, and

1 I wasn't going to switch anymore. I just wanted to
2 make a point back then. I'm glad we have a choice.
3 And I didn't switch. I've been getting stuff for
4 years to switch, like checks from AT&T. Sign the back
5 of this and get 100 bucks, and, "Oh, by the way,
6 you'll be changed to AT&T."

7 I've never missed the small print. I was
8 very aware of any kind of action like this, and I made
9 sure I didn't switch. And I've always actively taken
10 part in my account. Because I was one of the early
11 people that was with MCI, you have this Friends and
12 Family and Fanfares and things you could get, special
13 discounts; and every month I would try to sign up for
14 those; and they made it available on the Internet to
15 do, so it's even quicker.

16 So I went on the Internet a few months ago
17 to get the next Fanfares things, and all of a sudden I
18 couldn't access it. Well, what's this? I called them
19 up. They said, "Oh, you're not an MCI customer
20 anymore." I said, "What?"

21 So I then had to call BellSouth, MCI again,
22 and this company they told me that was -- took my
23 service, which is called LCI. Of course, I've been
24 hearing -- you know, you're going to be hearing the
25 same things. Never heard of LCI.

1 So I had to call all these people up and go
2 through all of their set of rings that I had to jump
3 through just to get back where I was at. I mean,
4 this -- now a lot of time and effort; all these people
5 coming here, spending their time because of these
6 crooks out there.

7 All right. So I not only went through all
8 their hoops -- which included writing and telling
9 people on the phone. As a matter of fact, to get my
10 service back to MCI, it was more trouble than I could
11 believe. I'm saying, you know, all these
12 verifications and checking, why wasn't that in place
13 when you switched me away from MCI? It's incredible
14 how many people called me to double-check that I was
15 the way I was and that's what I wanted. But why
16 didn't that happen when I originally got switched? I
17 mean, then this would have never happened.

18 "Well, apparently maybe you signed some
19 sweepstake." No, I didn't sign -- I'm not an idiot.
20 You know, I look at all that stuff. I said, "I'll
21 tell you what. What do I have to do to get this proof
22 sent to me?" Proof was requested. Proof was never
23 sent to me that -- to show me how they did it. So to
24 this day I still don't know how they did it. You
25 know, I would have loved to have seen the forged

1 signature. I would have to see it. But no, I don't
2 even get that satisfaction.

3 So I found out during all that process
4 there's this freeze thing going. You know, great.
5 Freeze me, freeze my local, freeze anything you've got
6 on me. Just freeze it. I don't want this happening
7 again. Well, that's not enough, is it?

8 You know what happened? The same gentleman
9 that had the card, I got one of those, too. In fact,
10 I recall that my wife reminded me, oh, yeah, they
11 wanted you to clear that up. And all I could remember
12 was when I got that call -- and it was from AT&T --
13 they were trying to slam me. I'm thinking a big
14 company like that is participating in this really --
15 this really low end kind of business? I couldn't
16 believe it.

17 So I said -- when I got on the phone, all I
18 could remember me saying to that person was all
19 negative words. "No. No, I don't. No, no, no, no,"
20 and I repeated it many times, because I was afraid,
21 like that other gentleman, that maybe they use a part
22 of what you're saying as an affirmation that you
23 wanted it. So then I get the card later on for me to
24 fill out, and I thought, this is unbelievable.

25 You know, and of course I requested from

1 them "Show me. Show me where I said I wanted it."
2 Never got it from them either. By then I'm done
3 fighting, because, you know, to get it back -- I
4 didn't get money back. I got -- I paid the LCI bill.
5 It came as part of my BellSouth bill. Thank you very
6 much, BellSouth. And I also --

7 **COMMISSIONER GARCIA:** Let me ask you, was it
8 more expensive?

9 **WITNESS SYNE:** Oh, yeah. Oh yeah, because,
10 oh, the Fanfare was a nickel a call Sunday. Before
11 now they have it --

12 **COMMISSIONER GARCIA:** Now --
13 (Simultaneous conversation.)

14 **WITNESS SYNE:** -- now it's like everybody,
15 but back then only Fanfare people who signed up for it
16 a month in advance could get it. I'm calling
17 everybody on Sunday. But now I'm getting the bills
18 from LCI at the real going rate, not the nickel a
19 minute. So I've got a big bill for all those Sunday
20 calls.

21 So I got them to agree that -- they didn't
22 get me a rerate that you were discussing. They just
23 took up arbitrary a couple of days and just, you know,
24 cancelled those couple of days. So I had -- on my
25 bill it says "Customer something credit," you know,

1 not a rerate.

2 So this happened maybe in the July area, not
3 when you came up with the new system. So -- but I
4 was -- and the other thing was when I re-signed up
5 with MCI, no longer do -- am I recognized as a valid
6 customer since 1984. It now says "You've been a
7 valued customer since July 1997." Okay. I bet you
8 really believe I'm your good customer if I've only
9 been there a few months.

10 And not only that, I have things like
11 frequent flier miles from some -- that's gone, you
12 know. I don't have that. The special things that I
13 was allowed to get as Friends and Family, whatever,
14 that you can't -- when you become a member of MCI now,
15 they don't offer that. You can't get that.

16 **COMMISSIONER GARCIA:** Let me ask. And when
17 you talked to MCI, they weren't helpful in trying to
18 resolve that?

19 **WITNESS SYNE:** I had to talk to a lot of
20 people, and finally I had to talk -- and I had to wait
21 and find out. And then nothing happened, and then I
22 had to call back, and I said, "Look I'm going to hold
23 until you actually get somebody that can do
24 something." But he talked to me.

25 I said, I think this guy is going to approve

1 it. Well, can you find out if he's going to -- just
2 to get back to where I was at, you know; just to get
3 back these things that I was allowed to get, the
4 discounts I was allowed to get, because they don't
5 offer them anymore.

6 I says, "Look, I was with you guys from '84.
7 I never showed signs of jumping back and forth. I'm
8 not interested." I hate the calls. I think it's
9 aggravating. I think is that all they can do is
10 advertise all day and night and switch me, switch me?
11 It's idiotic.

12 COMMISSIONER GARCIA: Well, you'll see that
13 they go down now much more once you have that freeze.
14 But if you can speak to our Staff, maybe they could
15 try to be helpful.

16 WITNESS SYNE: Even with the freeze I'm
17 still getting the --

18 COMMISSIONER GARCIA: You are --

19 (Simultaneous conversation.)

20 WITNESS SYNE: -- AT&T tried to slam me.
21 They tried to slam me. So my four suggestions are
22 these: One; make it definitely a better way for me
23 definitely to get some written proof. I know that
24 you've already got that in place, but in my case it
25 didn't help. I never got written proof.

1 Two has to do with you're -- you've written
2 on this handout out there something about the customer
3 gets credited back. Well, that's a good thing,
4 because the customer is inconvenienced, obviously the
5 time; but also I think you should give the phone
6 company that should have gotten that money that money
7 they should have gotten. They should have been
8 earning that money. They were ripped off as well as
9 me. They should have been getting that business.

10 Three: The third one is very easy to
11 implement, I think. It's the -- you're telling us do
12 we know about the freeze. I'm only informed about the
13 freeze after the fact, after the horse is out of the
14 barn. Get it out there. Tell people they can request
15 a freeze. If not, like the other gentleman said, just
16 put the freeze on everybody. No matter if
17 everybody -- after the dust settles, figure it out for
18 themselves and enact a freeze, or just tell everybody
19 how to do it.

20 As a matter of fact, when they have these
21 news stories that cover these events, you know, they
22 say, oh, they're doing something about it; oh, this
23 guy was slammed; oh, there's going to be something
24 done; oh, they have more power now. They never
25 mention, oh, by the way, customers -- they could

1 simply say "By the way, if you don't want this
2 happening to you, just call up and request a freeze."

3 **COMMISSIONER GARCIA:** That's a very good
4 idea. Maybe, Commissioner Johnson, we can speak to
5 our public affairs Staff. I know that we're running
6 public service announcements, and maybe since we do
7 have a crisis situation going on in slamming, maybe
8 one of the public affairs commercials that we put out
9 is informing people that they have a right to get a
10 freeze and how they can -- how they can do it, because
11 at least that way we can act during this time.

12 **WITNESS SYNE:** It's kind of -- it helps to
13 know it after the fact, but when it -- it would be
14 much more effective if it was before. Then you
15 wouldn't have these things happen to you.

16 And the fourth thing is the thing that a
17 couple other people have already said. And make it
18 criminal. It is criminal. I mean, it doesn't take a
19 Commission and a group of people to figure it out.

20 If I personally went in and forged
21 somebody's signature, you would have me in jail. It
22 would be that simple. There would be no thinking
23 about it. No. You know, I mean, you already know
24 it's criminal, you know. So I know you probably --
25 and I think that's what they're -- I think that's what

1 they're counting on.

2 They hear the feet dragging sound. They
3 know that it's a big operation that somebody can come
4 after and get them. I think if all of a sudden you
5 flex a muscle and show them, look, enough, we're going
6 to make it criminal, you guys can't do this anymore;
7 put one guy in jail, and all of a sudden they'll wake
8 up and -- you know, and see that they can't do this
9 anymore.

10 And I just wish, you know, this would stop.
11 I don't know -- I wish it didn't take all of this work
12 and everybody's time. It seems obvious that they
13 shouldn't be allowed to do this. And that's about all
14 I have to say.

15 **CHAIRMAN JOHNSON:** You had asked, Mr. --

16 **WITNESS SYNE:** Mr. Zyne --

17 **CHAIRMAN JOHNSON:** -- you stated that they
18 did kind of arbitrarily pick a couple days and give
19 you a refund. Our rerating, it is in effect. So we
20 still need to look at your bill to determine and make
21 sure you got an adequate refund, and we can pursue
22 that for you so it won't take up all of your time, to
23 make sure that that refund was adequate.

24 On your other suggestions about more public
25 information and education, we are trying to do that.

1 But we do need to do more, and there's two issues
2 that -- I know Bev DeMello, she's over our consumer
3 affairs and education department. One of the things
4 that we're doing through her unit is providing people
5 with the information that, first, you can stop
6 telemarketers from calling you in the first place.

7 And that's something we need to let people
8 know, because oftentimes we hear from customers, you
9 know, they just don't want those calls at all. There
10 is a program in effect. You have to pay a small fee
11 to the Department of Agriculture, but there is a
12 program to stop those calls; because there is a cost
13 incurred in providing that service. And the PIC
14 freeze, getting out and ahead on that information,
15 we'll endeavor to do more of that.

16 Currently -- and I think Public Counsel
17 mentioned it earlier -- what we can do under our
18 regulatory authority is assess monetary fines, get
19 some of your money back and assess monetary fines for
20 the companies. We're trying to -- this process is
21 trying to strengthen those rules. And, again, we're
22 working closely -- I've met with the Attorney General
23 to determine what else we can do.

24 Your suggestions are excellent ones, and I
25 appreciate you coming out and sharing your comments

1 with us.

2 **WITNESS SYNE:** Thank you. The idea about
3 the monetary thing, I guess -- again, the company --
4 not that I need to champion MCI, that they need more
5 money -- but only to be fair, if they were -- had your
6 business and then all of a sudden they don't have your
7 business because LCI is taking it, not only should
8 they give the money back to me, I think MCI was also
9 robbed.

10 You know, even though they are a big
11 company, they deserve to get the money that it's
12 owed -- that they should have made. You know, that's
13 the way I'm looking at it. So you should doubly fine
14 these people that were at fault there.

15 And, again, one last repeat on that freeze
16 thing. Just think about it. You know, when you're
17 watching the news and the lady is talking about -- and
18 they come back to the news lady, if they only would
19 say one little thing that the person could come away
20 with, and say, "By the way, all you have to do is do
21 the freeze," that would -- they might just block out
22 the whole big, long spiel about the Commission
23 meeting, but if one little thing they could do to save
24 them the trouble, was just simply call up and do the
25 freeze, that would save us a world of trouble.

1 them what was happening, and meanwhile the bills
2 continued to come, and I started getting calls and
3 letters from Dun & Bradstreet in a couple of different
4 offices.

5 I'd like to read one of the faxes that I
6 sent to Dun & Bradstreet in reference to what they're
7 talking about, and I think this will pretty much tell
8 my case.

9 It says, "Number 1: I have an account with
10 BellSouth and AT&T under the name of Herbert Terman."

11 "Number 2: I own a small company
12 incorporated as TRN, Incorporated."

13 "Number 3: I have never given Integrated
14 Teleservices permission to change my billing from
15 AT&T, nor have I ever asked them to make a change in
16 billing from my personal name to the corporate name."

17 "Number 4: The name TRN, Incorporated is
18 not listed with either BellSouth or AT&T."

19 "5: When I received a billing from this
20 company and they advised me that I had changed the
21 account, when I disputed this, they said that they had
22 monitored the change, but they were unable to provide
23 me with anyone who could prove it."

24 "Number 6: On August 26 I wrote to the FCC
25 advising them about the problem and also called AT&T

1 and told them I do not agree with any change, and I
2 found out later that Southern Bell or BellSouth was
3 unaware of my calls to AT&T. After several days of
4 phone calls, I finally got my number unfrozen from
5 Integrated and frozen to AT&T."

6 "Number 7: I received the following dunning
7 notice from Dun & Bradstreet heading. When I called
8 D&B, I was told I was not dealing with D&B, but I was
9 dealing with Integrated collection people, that they
10 were sending me collection notices under the heading
11 of Dun & Bradstreet."

12 **COMMISSIONER GARCIA:** They were sending you
13 collection --

14 **WITNESS TERMAN:** Collection notices under
15 the head of Dun & Bradstreet using their phone number
16 s Dun & Bradstreet's phone number.

17 **COMMISSIONER GARCIA:** Ballpark, how much
18 money are we talking about?

19 **WITNESS TERMAN:** \$220 and some change.

20 **COMMISSIONER GARCIA:** Okay.

21 **WITNESS TERMAN:** Number 8: I asked
22 Dun & Bradstreet in this fax, "How does your company
23 allow seeming scams to be worked and let the operators
24 do things like this?"

25 "Number 9: This process is known as

1 slamming and is widespread."

2 "Number 10: I know that the law says that
3 somebody sends you merchandise that you did not order,
4 that you're not obligated to either return the
5 goods -- or that you are not obligated to either
6 return the goods or to pay for them. I believe that
7 this principle also applies to slamming."

8 "I'm 74 years old and have been in business
9 most of these years. D&B was looked at as a paragon a
10 company, but when you lend your name to things like
11 this, I believe that you are abetting fraud. I do not
12 think that you'd want that reputation."

13 "P.S. When people call me at home to
14 solicit for anything, I have a practice of advising
15 them to send it through the mail as I do not take
16 solicitations on the phone."

17 And I think that that example pretty much
18 explains my feeling in this. I don't understand how
19 the FCC told me and the phone company and their lawyer
20 told me the same thing; that I still have to pay the
21 bill.

22 This is -- this happened in August of '96.
23 This is now October the '97. I have yet to pay the
24 bill. The bill was not billed to Herbert Terman who
25 owns the telephone. It was billed to TRN,

1 Incorporated.

2 **COMMISSIONER GARCIA:** So let me ask you.
3 They separated the bill from your BellSouth bill; it
4 didn't --

5 (Simultaneous conversation.)

6 **WITNESS TERMAN:** This is billed by
7 Integrated Services.

8 **COMMISSIONER GARCIA:** And you've only spoken
9 to the FCC on this -- well, I mean, you --

10 **WITNESS TERMAN:** I've sent two faxes to the
11 FCC, and FCC has responded to them.

12 **COMMISSIONER GARCIA:** Mr. Terman, have you
13 spoken to our Staff at all?

14 **WITNESS TERMAN:** No.

15 **COMMISSIONER GARCIA:** Could we ask you to --
16 before you leave to speak with them and get to them
17 copies of those --

18 **WITNESS TERMAN:** Very happy.

19 **COMMISSIONER GARCIA:** Try to help you out
20 there. And let me ask you, as you -- I imagine that
21 if it's a collection agency, they're threatening to
22 affect your credit if you don't pay the 200 bucks.

23 **WITNESS TERMAN:** No, I don't pay the 200
24 bucks --

25 **COMMISSIONER GARCIA:** No, no. I understand,

1 but I just want to know so that we get a good
2 understanding on the record that this
3 Dun & Bradstreet, which is part of Integrated --

4 **WITNESS TERMAN:** No. Dun & Bradstreet is
5 not part of --

6 **COMMISSIONER GARCIA:** The Dun &
7 Bradstreet --

8 **WITNESS TERMAN:** The notice was sent under
9 Dun & Bradstreet's heading --

10 **COMMISSIONER GARCIA:** Right; from --

11 **WITNESS TERMAN:** The response to it was a
12 phone number, an 800 number, if I remember right. I
13 have a copy of it here. And when I called that
14 number, it turned out I'm talking to Integrated and
15 I'm not talking to Dun & Bradstreet. So I finally
16 called Dun & Bradstreet and I got a number from them
17 and I sent them this fax. I responded to them by
18 telephone several times about the same thing.

19 **COMMISSIONER GARCIA:** Right.

20 **WITNESS TERMAN:** I believe that when
21 somebody sends you merchandise, and I think this is
22 the law --

23 **COMMISSIONER GARCIA:** I wouldn't --

24 **WITNESS TERMAN:** -- somebody sends you
25 merchandise and you don't pay -- you didn't order it,

1 you don't have to pay for, you don't have to send it
2 back to them. And I don't think that this is any
3 indication of anything any different than that type of
4 thing. This is a fraud, and I felt that this company
5 was just a phony company to begin with. And I,
6 frankly, do not understand the FCC's attitude of
7 saying that they have a right to -- that I have to pay
8 the bill.

9 **COMMISSIONER GARCIA:** Speak to -- I'd
10 appreciate if you'd speak to our Staff before you
11 leave and let us take a whack at it.

12 **MR. MOSES:** Commissioners, I'd like to give
13 you a little more information on that company. You
14 have recently fined them \$100,000, and they are now
15 coming forward and surrendering their certificate, so
16 they no longer will be doing business in Florida, and
17 that will be scheduled to come before you, I think, at
18 the next agenda.

19 **WITNESS TERMAN:** Incidentally, I've not had
20 any bills from them since --

21 **COMMISSIONER GARCIA:** Before we vote on
22 that, we can try to solve Mr. Terman's problem. So
23 maybe Staff can put that --

24 **MR. MOSES:** I would be glad to contact their
25 attorneys.

1 **COMMISSIONER GARCIA:** So please be certain
2 to speak to them.

3 **MR. GROSS:** Mr. Terman, I have a question.
4 Did you ever confirm with Dun & Bradstreet that they
5 had approved or authorized the use of their letterhead
6 by Integrated Teleservices, or was Integrated doing
7 that without authorization from D&B?

8 **WITNESS TERMAN:** I don't know how they were
9 doing it, but I know that I directly -- this fax was
10 sent to Dun & Bradstreet. This fax was not sent to
11 Integrated Teleservices, and Dun & Bradstreet has
12 never responded to it.

13 **MR. GROSS:** Okay.

14 **WITNESS TERMAN:** I feel that a company of
15 their stature to allow their name to be used to
16 collect fraudulent bills is pretty sleazy.

17 **MR. GROSS:** Well, I agree. That's very
18 disconcerting. Thank you.

19 **WITNESS TERMAN:** You're welcome.

20 **CHAIRMAN JOHNSON:** Thank you, sir. Any
21 other questions? Thank you for your testimony.

22 Public Counsel, how many witnesses do we
23 have remaining?

24 **MR. BECK:** We have eight more witnesses --
25 or nine more witnesses.

1 **CHAIRMAN JOHNSON:** We need to take a very
2 short break, three minutes -- five minutes to give the
3 court reporter a few moments to rest her fingers.
4 We'll come right back on the record. I know a lot of
5 you have busy schedules today, but we do need to take
6 a five-minute break to just give her a brief
7 intermission. Thank you.

8 (Brief recess.)

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10 **CHAIRMAN JOHNSON:** Ladies and gentlemen,
11 we're going to go back on the record and continue the
12 customer testimony. Mr. Beck?

13 **MR. BECK:** Yvette Mikell.

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YVETTE MIKELL

appeared as a witness and, swearing to tell the truth,
testified as follows:

DIRECT STATEMENT

WITNESS MIKELL: Good morning. My name
is -- (inaudible) --

MR. BECK: Ms. Mikell, the court reporter
cannot hear you.

CHAIRMAN JOHNSON: Are these mikes working?
(Pause) They are working. I guess you'll just have
to get a little closer to them.

WITNESS MIKELL: My name is Yvette Mikell,
M-I-K-E-L-L. What I'm really here for -- my job, the
Urban League, but I'm also a past person of --
dealings with slamming. And I've given my work
address, 8500 Northwest 25th Avenue, Miami, Florida
33147.

The problem that we have at the Urban
League, we have gotten our phone lines -- the long
distance lines, service changed without authorization.
So Ms. Gaitor (phonetic) wrote a letter to BellSouth
and a copy to AT&T and asked for a freeze to be placed
on all of the numbers at the Urban League.

There was a charge of \$19.62 from a company
name Telec (phonetic). I don't know if that problem

1 has been resolved. That was -- the letter was dated
2 May 8th, 1977 -- 1997.

3 So recently on a past -- a recent phone bill
4 at the Urban League, there was a phone number changed
5 at the guard gate without authorization. The whole, I
6 think, service was changed, and we also got a refund
7 check from BellSouth from AT&T. We don't know what it
8 was for, but I'm trying to find out now why we
9 received a check.

10 My personal experience -- I don't remember
11 the name of the company. It's happened twice. My
12 granddaughter was underage at the time. She filled
13 out a form in a store saying that you can win a trip
14 for two on a boat. So that -- when she did that, my
15 long distance service was changed.

16 I called the company and I told them I never
17 filled out a form. So I'm not sure if they sent me a
18 copy, but they asked for my signature, which I did; I
19 sent it to them. Then that charge was dropped from my
20 home phone.

21 Next time I looked at the phone bill, since
22 it was a high bill, I looked through and found another
23 company that I didn't recognize for long distance
24 services. I called BellSouth, and they told me to
25 call AT&T. AT&T told me to call this company.

1 I did get someone on the phone, and I had to
2 hassle them to tell them I wasn't paying the bill.
3 The lady really didn't want to be bothered, but I told
4 her if they didn't change it, that I was going to
5 report them to the Public Service Commission. So
6 finally she agreed to do it on that next phone bill,
7 and I did get credit back for the service. That's it.

8 CHAIRMAN JOHNSON: Is it Mikell?

9 WITNESS MIKELL: Yes, M-I-K-E-L-L.

10 CHAIRMAN JOHNSON: Yes, ma'am. If you could
11 meet with some of our Staff members on both those
12 issues, but particularly the Urban League issue,
13 because it looks like that's still a continuing
14 problem, and to the extent there are refunds necessary
15 or whatever we can do to assist the Urban League, we'd
16 like to do that, and also on your personal issues,
17 too. You stated that they were resolved. Did you get
18 your full refund of --

19 WITNESS MIKELL: It was credited on my phone
20 bill.

21 CHAIRMAN JOHNSON: Okay. Thank you, ma'am.
22 Any other questions?

23 MR. BECK: Thank you. Peggy Taylor.
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PEGGY TAYLOR

appeared as a witness and, swearing to tell the truth,
testified as follows:

DIRECT STATEMENT

WITNESS TAYLOR: My name is Peggy Taylor.

My address is 1465 Northwest 203rd Street, Miami
33169. My telephone number is (305)652-8713.

In April I received my long distance
telephone bill. It was only 89 cents, and I knew that
I had made a lot of fax calls, but I didn't know what
had happened until I received my local bill. When I
received my local bill, I was -- it was a company that
I did not recognize, Home -- Long Distance --
Homeowner's Long Distance Service.

So I called them and asked them how did they
have my -- get my service, and they told me that I
authorized them to do so. So the lady -- looking in
the computer and telling me this, and I said to her,
send it to me, I would like to see it.

And I guess -- well, later I did receive it,
and I received this letter that I would like to show
to you. (Handing document to Commissioners.) Then
when I tried to get back with them, I was not able to
do so.

CHAIRMAN JOHNSON: Ma'am, this

1 authorization, this isn't your name, is it?

2 **WITNESS TAYLOR:** No. My name is Peggy W.
3 Taylor. That's the way it is on my telephone. The
4 only thing that's close related to me is the telephone
5 number. The number is 652-8917, I believe. Is
6 that --

7 **COMMISSIONER CLARK:** It says 13, 8913.

8 **WITNESS TAYLOR:** Okay. And mine is 8713.
9 Then I asked BellSouth to switch me back to my long
10 distance service, long distance carrier. The carrier,
11 I found out, was buying wholesale from another
12 carrier. And when BellSouth told me the name of my
13 carrier, I did not recognize that name either, because
14 I was doing business with One to One Communication.

15 So I called One to One, and was informed
16 that that was my long distance carrier, but I was not
17 informed that -- they would have to give it to me. I,
18 in turn, called BellSouth back and told BellSouth that
19 that was correct.

20 A few days later I got a letter from
21 Frontier thanking me for selecting them as my long
22 distance carrier, and they were charging me 25 cents a
23 minute, and that's what Home was charging me. I had
24 11 of those calls thinking I was paying 10 cents a
25 minute, and they were 25 cents a minute.

1 So then I called them, Home -- Frontier, and
2 said to them that I did not choose you as my long
3 distance carrier; and I was told they did not have me
4 under my number listed, the (305)652-8713. But they
5 sent me a bill for \$14 and some cents.

6 Back and forth with BellSouth and One to One
7 from April until probably May, I still was not able to
8 get my service corrected. I was paying -- I had to
9 pay three long distance carriers, and I only selected
10 one of those carriers.

11 BellSouth was charging me interest on the
12 money that I did not pay for the long distance calls,
13 and when I saw that on my bill, I decided that I would
14 go ahead and pay, because I had told BellSouth I will
15 send you your money, but I'm not going to pay the
16 25 cents a minute when I was paying 10 cents. But
17 then when I discovered that they were adding interest,
18 I decided to pay the bill, and I sent them money, what
19 they told me, and then on my -- before I paid the
20 bill, when they sent me what I was supposed to pay,
21 they had a note that disturbed me.

22 They had written on it that I had agreed to
23 pay them. But the way I interpreted it, it was like
24 they had contacted me and I said that I would -- but I
25 contacted them and said that I would -- and if I

1 didn't, that I would have to suffer the consequences.

2 So this is a letter that I would like to
3 read that I sent to BellSouth, and that was only
4 because of the note that I had received on the
5 telephone bill. I seem to be a little nervous.

6 **CHAIRMAN JOHNSON:** No, you're doing
7 wonderfully.

8 **WITNESS TAYLOR:** This is dated August
9 the 7th, 1997. "People; when I received my long
10 distance phone bill in April, it showed on it for four
11 calls. I knew more calls were made, so I made a call
12 to One to One Communications, my long distance service
13 provider, to find out why."

14 "I was informed that they had a record of
15 only for four calls. When I received my bill from
16 you, BellSouth, I saw that a company I didn't even
17 know was charging me 25 cents per minute for the calls
18 I had made."

19 "In checking my two bills, I saw One to One
20 was my service provider on 4/3/97 at 6:40 a.m. I made
21 a call at that time and I made another call that same
22 morning at 9:21 -- and 6:40 a.m. and Home was the
23 service provider, at 9:21 a.m. So Home switched me
24 between the call that I made at 6:40, and the call
25 that I made at 9:21 on that date of 4/3/97."

1 "I called the Homeowner Long Distance, and
2 was told that I had authorized them to make the
3 switch. I asked them to discontinue their service and
4 send me the authorization form. It was three or four
5 weeks before I heard from them. The application was
6 dated February 15th, 1997. It didn't have my name on
7 it nor my telephone number nor my address."

8 "I tried to call, but could not reach them.
9 Yet when the May bill came, Home was still the service
10 provider. I received two letters dated May 28th, 1997
11 and one application. A copy of the letter from Home
12 with its alleged application is enclosed as well as a
13 copy from Frontier thanking me for choosing them as my
14 long distance service provider."

15 "Frontier office sent me a booklet in which
16 a rate of 25 cents per minute was quoted. I called
17 them to let them know I didn't choose them. I was
18 told that they didn't have me listed under
19 (305)652-8713, but they sent me a bill, a copy of
20 which is enclosed."

21 "I called One to One again and talked with
22 Mr. Stevens. I asked him -- I sent him a fax in which
23 I authorized One to One to be my long distance service
24 provider. A copy of the fax is also enclosed. This
25 unauthorized switch has caused me unnecessarily in

1 interest, 15 cents more per minute of use, loss of
2 long distance service since my being charged by --
3 service and I'm being charged by three long distance
4 service providers."

5 "I was making calls confident that I was
6 paying 10 cents per minute. Because I have to pay
7 extra money for a company's mistake, further steps may
8 be taken by you and the provider that caused the
9 problems to collect from -- to collect from me fees I
10 didn't agree to pay. I choose to discontinue member
11 service calls for (305)652-4065."

12 "I have also thought one had to pay for
13 one's mistakes. Now I see I'm forced to pay for the
14 mistakes of others."

15 "Sincerely, Peggy W. Taylor."

16 Copies were sent to One to One, Frontier,
17 Home, Florida Public Service Commission, Division of
18 Consumers Affairs.

19 **CHAIRMAN JOHNSON:** What was the date of that
20 letter, ma'am?

21 **WITNESS TAYLOR:** My letter?

22 **CHAIRMAN JOHNSON:** Yes, ma'am.

23 **WITNESS TAYLOR:** August the 7th, and it's
24 just last week that I -- I made the two -- made the
25 telephone call without having to dial four other

1 numbers before. I went back and forth, back and forth
2 with BellSouth and my long distance carrier provider,
3 and nothing happened. It just -- it just seemed I
4 couldn't get back with them.

5 And so I think maybe a week ago I filled out
6 a form to switch to another carrier. I don't know
7 that's the reason that I'm getting -- being able to
8 make long distance calls or whether I finally got back
9 with One to One.

10 **CHAIRMAN JOHNSON:** Did you ever hear from
11 the Commission? You said you cc'd the Commission on
12 your August 7th letter. Did you ever hear back from
13 the Commission?

14 **WITNESS TAYLOR:** Yes, I did.

15 **CHAIRMAN JOHNSON:** And what did we state?

16 **WITNESS TAYLOR:** That the company was
17 supposed to credit me for what they charged me.
18 BellSouth told me that they were making adjustment,
19 and I received a statement from BellSouth stating that
20 it would be adjusted on two telephone bills. And the
21 bill before this last bill I received, I did not have
22 to pay any money to BellSouth. And I don't remember
23 what my last bill was. It was either five or \$12,
24 something like that. \$12, I think.

25 **CHAIRMAN JOHNSON:** So they did start doing

1 the adjustment?

2 **WITNESS TAYLOR:** Yes.

3 **CHAIRMAN JOHNSON:** Do you know why they said
4 they had to adjust it over two bills, or that was just
5 the process they said?

6 **WITNESS TAYLOR:** No, I don't know why.

7 **CHAIRMAN JOHNSON:** Do you feel that you've
8 gotten your full refund?

9 **WITNESS TAYLOR:** I don't know whether I got
10 the full refund or not. I was satisfied if I -- I
11 got, you know, just my 10 cents a minute, because I
12 made the calls, but I was expecting to be paying 10
13 cents. So I'm not concerned about, you know, getting
14 all the money back, because I did -- I did use the
15 service, but I want to pay for what I agreed to pay
16 for.

17 **CHAIRMAN JOHNSON:** Certainly.

18 **WITNESS TAYLOR:** And I don't like to be
19 intimidated for something that I did not agree to do,
20 and that's what BellSouth did to me when they put on
21 my bill that if I didn't -- I didn't send them that
22 hundred and something dollars, that action would be
23 taken by them and even the people that caused the
24 mistake.

25 And that was one of the reasons that I wrote

1 you, because I had a friend that refused to pay her
2 long distance bill, and I think it went over -- she
3 was without service for a year or so; and when she
4 received a bill it was like 300 and some dollars, and
5 she had to pay it because she did not report it to any
6 source. So she said to me, be sure that you -- she
7 gave me your name and she asked me to be sure to
8 report -- because I'm saying I'm not going to pay it,
9 that Home is going to continue -- we're going to come
10 up later with that bill, and then I'm going to have
11 all the interest added to it.

12 **CHAIRMAN JOHNSON:** Any other questions?
13 Ms. Taylor, if you still -- if you could get with our
14 Staff, because there are still probably some
15 outstanding issues. At least we need to follow up on
16 what those companies are doing and why you were
17 continuously switched from company to company and make
18 sure that --

19 **WITNESS TAYLOR:** And why I couldn't get back
20 to my regular -- I don't understand why I couldn't get
21 back with the -- it may be because Frontier was
22 actually my long distance provider, but another
23 company was buying wholesale through them; and since I
24 reported them -- I don't know. I think that maybe
25 that was their reason that I was not able to get back

1 without having to dial five numbers.

2 I had to dial five numbers. But we have two
3 telephones, so basically I just stopped using the line
4 number 2 for long distance, because we installed it
5 for the fax anyway. But we had to use five other
6 numbers to send out a fax. And when my husband used
7 his card, his bill was more than mine. I think he was
8 paying like 15 cents a minute, but when -- the numbers
9 he used, that was more than his regular cost. And my
10 carrier charged me 10 cents for, you know, using it.
11 But it was just -- you know, just having to dial extra
12 numbers unnecessarily.

13 **CHAIRMAN JOHNSON:** Okay. Ms. Taylor we have
14 two staff members seated in the back and they will be
15 able to further assist you. Appreciate your testimony
16 very much. Thank you.

17 **MR. BECK:** Thank you. Theresa Chen.
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THERESA CHEN

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2 appeared as a witness and, swearing to tell the truth,
3 testified as follows:

DIRECT STATEMENT

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5 **WITNESS CHEN:** My name is Theresa Chen,
6 T-H-E-R-E-S-A, last name, C-H-E-N, and my address is
7 6229 Northwest 181 Terrace, Miami, Florida 33015, and
8 my telephone number (305)362-9689.

9 Since this April 12 I make a call to my long
10 distance company, AT&T, trying to find out the True
11 Award, some question; and then I find out, they told
12 me I'm no longer with them; and I was shocked and
13 surprised. And they gave me the number to call, and I
14 did make a call and find out the long distance company
15 was LCI; and I never heard about that company before.

16 And then I tried to call back to AT&T. They
17 told me I have to call to my local company. That's
18 BellSouth's. And I did contact local company and they
19 told me because I did not freeze my account, so they
20 have no power to control. Any company can switch to
21 be my long distance occur carrier.

22 And I was asking then, I said, "How come I
23 never notice? I never aware the customer have to have
24 a freeze." And then they say, "This is the law." And
25 they say they've been sent those -- a paper to the --

1 with the bill; and I say I never received it. And I
2 told them, I say, "If someone is going to switch to a
3 long distance company, they should have my authorize
4 (sic), my signature, and nobody have a right to do so
5 without my authorize. And I told them from today,
6 from that date, April 12th, they should freeze my
7 account. No one should switch anymore.

8 And then I called several authorized agency
9 or something, because they are get number from them.
10 And then they -- I called the FCC, and I think they
11 refer me to call the PSC. So I finally got in contact
12 with the PSC, and I make a complaint. So I have a
13 file number.

14 And then on -- between this all, this April,
15 I've been making so many calls to straight these
16 things. And then finally on May -- the middle of the
17 May I receive a copy from LCI. That's the letter LCI
18 make to the PSC and addressed to the attention of
19 Mrs. Ruth W. Macan, Makaanan --

20 **CHAIRMAN JOHNSON:** Yes, we're familiar with
21 that one.

22 **WITNESS CHEN:** Yeah, this is a letter. This
23 is just a copy. And LCI did not write me any word of
24 apologize at all. Just a simple copy of the letter
25 they give to -- they sent it to the, you know, to PSC.

1 And that time my bill was overcharged over hundred
2 dollars, the long distance, so -- but I did get a
3 credit from that.

4 COMMISSIONER GARCIA: You got the hundred
5 dollars in credit?

6 WITNESS CHEN: Yeah, because the local
7 company told me you don't have to pay that amount
8 because they're investigate on that. And then that
9 was solved, the problem, I think it's about sometimes
10 in June.

11 Then I was very careful to watch my bill
12 every month, and on July 28 I received my bill that
13 was BellSouth's bill, and then I notice my long
14 distance company switched back to LCI again. And I
15 was very angry. And I make a call to my long distance
16 company, AT&T, and I was most shocked because they
17 told me, according to their computer and their record,
18 I am still with them, AT&T.

19 And then I called back to the local company,
20 BellSouth, and I'm shocked again because BellSouth
21 told me my long distance carrier is AT&T, and I don't
22 know how come the LCI bill me this. And that bill was
23 including on a local bill. I mean, you understand
24 what I'm saying, right? The bill come every month,
25 and that bill I have that where LCI is my long

1 distance carrier; that's on July 28.

2 And then on August 25th I received my --
3 another statement that's another month later. Still
4 my long distance carrier is LCI. So they've been
5 doing to me three times, and I already freeze my
6 account since April 12th, and how come this here
7 continue to happen?

8 COMMISSIONER GARCIA: Did you -- you said
9 you opened a file the first time. Did you report this
10 to the Commission the two other times that it
11 happened?

12 WITNESS CHEN: I also make a call the second
13 time when I receive this, and I called and they told
14 me I have to be in writing; and I did not do that. I
15 haven't -- because I was in family situation, I have
16 to go away. So I did not have the time to do that.
17 Then the next bill, next month bill, that was on
18 August 25th I received, and still is LCI.

19 So they've been charge me -- they've been
20 you, know, consider I'm their customer since April 1st
21 to April 12th -- April 16 or something. And then the
22 next time, the second time was since June 7th to
23 June 25th, and the third time was June 26 to July 24th
24 they've been charging me all this.

25 COMMISSIONER GARCIA: And your last bill,

1 were they off already in your September bill? They
2 were already off?

3 WITNESS CHEN: No.

4 COMMISSIONER GARCIA: They're still on the
5 September --

6 WITNESS CHEN: They're still on the
7 September. I'm still mixed up by everything, and
8 then -- yeah.

9 COMMISSIONER GARCIA: Okay. So you need to
10 speak to Staff again one more time. I think that
11 obviously you have an open file and they'll be able to
12 pull that out of our records.

13 MR. DURBIN: Ms. Pena has a copy of her
14 complaint.

15 WITNESS CHEN: The complaint was only the
16 first time. And I just don't understand since I
17 already freeze my account. I do --

18 COMMISSIONER GARCIA: Did you do it in
19 writing?

20 WITNESS CHEN: -- order -- what?

21 COMMISSIONER GARCIA: Did you do it in
22 writing when you -- you told us that you called
23 Southern Bell?

24 WITNESS CHEN: Yes.

25 COMMISSIONER GARCIA: And told them you

1 wanted --

2 **WITNESS CHEN:** Yes, and they did it also in
3 my account on their computer. On their file was
4 freeze on.

5 **COMMISSIONER GARCIA:** And you --

6 **WITNESS CHEN:** -- April 12th. They don't
7 know why this here continue happened.

8 **COMMISSIONER GARCIA:** We may need to check
9 with Southern Bell for you, and we may need you to
10 fill out a freeze card directly to Southern Bell, but
11 definitely get back, because we -- obviously there's
12 more than one complaint here to the same company, and
13 we'd like to register that since you only called us
14 once, and there's only one open file on this.

15 **WITNESS CHEN:** Yeah. And since this
16 happened --

17 **COMMISSIONER GARCIA:** And there's BellSouth
18 personnel in the back of the room and they'll be more
19 than happy to help you out.

20 **WITNESS CHEN:** Okay. Since this happened to
21 me three times and I was very angry, and I was very
22 angry and I was saying, why the customer has to do the
23 freeze to the account? Why? This is under my name.
24 I pay for the service. This is -- I pay for this
25 telephone line. Why I have to have my signature to

1 freeze my account? I just don't understand.

2 I think it should be opposite way. If
3 anyone wants to change my long distance carrier, they
4 should have my authorize. That time I should have my
5 signature. I don't know if I'm making myself clear.

6 COMMISSIONER GARCIA: It should be the other
7 way. We understand.

8 WITNESS CHEN: It should be the other way,
9 because it should be protect the customer. It's not
10 the customer way -- the consumer is right to any other
11 people.

12 And, also, I would suggest if this happened
13 to anyone in the whole United States, they should be,
14 you know, they -- first the customer should not pay
15 this amount. For example, if they overcharge us a
16 hundred -- no matter how much they charge, \$1 or
17 \$1,000, the customer have the right just waive that,
18 because it's the kind of punish to that company. So
19 then we're stopped for some -- everyone was looking
20 for the money, right?

21 Then the customer if, for example, if LCI
22 charged me -- LCI bill me this month, I will not pay
23 all the amount LCI charge me. And, second, each case
24 has to be fined. For example, can set up the month.
25 From \$1 to \$100 it should be fined, then \$1,000 a

1 case, and over \$101 to \$200, set up fine for \$2,000
2 for that company. Then they lose some money. Then
3 they will be more alert, won't do that again to the
4 customer.

5 And also the company, the long distance
6 company, and the local companies should do the
7 follow-up service. If the long distance company lose
8 that customer, they should make a call to the customer
9 and that way be make them more aware for the customer
10 to know what's going on, and also it's for the long
11 distance company, too. They could to find out why it
12 lose its customer. If for some reason the service is
13 not good enough, they will approve -- they will
14 improve it.

15 And also the local company, the local
16 company also has to make a follow-up, just like the
17 gentleman said before; should make a call to the
18 customer why, you know, the -- such a long distance
19 company is going to switch to your -- have you be
20 changed it to make the consumer more aware the long
21 distance company has been switched.

22 Thank you very much.

23 **CHAIRMAN JOHNSON:** Thank you. Any questions
24 for Ms. Chen? Thank you for your testimony. Again,
25 if you could meet with our Staff members to meet with

1 them about the continuing LCI showing up on the bill.

2 WITNESS CHEN: Thank you.

3 CHAIRMAN JOHNSON: Thank you.

4 MR. BECK: Faye Lorkhart-Smith. I'm having
5 trouble reading the middle name. (No response.)

6 John --

7 COMMISSIONER GARCIA: Mr. Beck, some of
8 these people have spoken to Staff, so it's very
9 possible that they've registered a claim -- complaint.
10 Certain people had to get to work, so they gave their
11 complaints directly to Staff.

12 MR. BECK: John Soler.

13 - - - - -

14 JOHN SOLER

15 appeared as a witness and, swearing to tell the truth,
16 testified as follows:

17 DIRECT STATEMENT

18 WITNESS SOLER: Good afternoon. My name is
19 John Soler. My address is 6580 West 13th Avenue,
20 Hialeah, Florida 33012. My phone number is area code
21 (305)825-4946.

22 I became aware that I had been slammed upon
23 receipt of a letter from AT&T offering me \$100 to
24 re-sign with them and also informing me that this
25 would include -- it's a "one rate plus" plan which

1 would include the local service, too. I contacted
2 AT&T and I told them I was not aware that any change
3 had taken place. They gave me a number to call.

4 I followed the instructions on the letter,
5 okay, as to what you do if I had not requested --
6 verbatim it says "If you didn't intend to switch from
7 AT&T, call 1-700-555-4141 to verify your long distance
8 service. If isn't AT&T, please call us at
9 1-800-348-4513."

10 I followed the instructions and I informed
11 them that I was not interested in their monetary
12 offer, all I wanted was my service back the way it
13 was.

14 I called and discovered that the company
15 that I had been transferred to was BCI Corporation. I
16 inquired how that had come about, and they told me
17 they had a written request from me for their service.
18 I requested that they send me a copy of that request,
19 and they did; and they sent me a form with my
20 signature, or what is supposed to be my signature but
21 bears no resemblance whatsoever to my signature.

22 And I inquired as to how this was
23 originated, because there was no number, no employee
24 name, so -- in fact this could not be traced to anyone
25 in particular. There was no serial number as to where

1 this document came from, no authorized signature of an
2 employee that submitted this. So they were unable to
3 track where this came from, and they maintain that it
4 was signed by me. I can assure you that this bears no
5 resemblance to my signature.

6 I contacted the Public Service Commission
7 and informed them of what had happened, and they were
8 helpful. They opened a case. To my chagrin, several
9 weeks later I received a letter from BellSouth
10 indicating that my local service had been switched to
11 AT&T. I had not requested that either.

12 So I contacted AT&T and to find out what
13 happened, and they tell me that on the date that I
14 called inquiring about, you know, how my AT&T service
15 had been changed, my long distance service, that it
16 originated -- it changed the local service.

17 Now I can tell you that I was specific about
18 the intent of my call to AT&T, and I clearly indicated
19 that I did not want any changes, that I did not want
20 to take advantage of their offer, that I simply wanted
21 my service back the way it was. And I thought I made
22 myself understood. Apparently I didn't.

23 COMMISSIONER GARCIA: Can I interrupt you?
24 You were with AT&T?

25 WITNESS SOLER: Right.

1 **COMMISSIONER GARCIA:** And they offered you
2 \$100 to come back.

3 **WITNESS SOLER:** Right.

4 **COMMISSIONER GARCIA:** You said, "I don't
5 want the hundred dollars, I just want what I had
6 before."

7 **WITNESS SOLER:** They offered me a hundred
8 dollars to come back to long distance and local
9 service --

10 **COMMISSIONER GARCIA:** Got you.

11 **WITNESS SOLER:** -- together. I refused
12 both.

13 **COMMISSIONER GARCIA:** Got you.

14 **WITNESS SOLER:** In fact, I --

15 **COMMISSIONER GARCIA:** You wanted just to
16 keep long -- you wanted just to keep them for your
17 long distance. And I assume when you say local, you
18 mean local long distance, which is --

19 **WITNESS SOLER:** Right.

20 **COMMISSIONER GARCIA:** Got you. And you
21 wanted to keep BellSouth in that case?

22 **WITNESS SOLER:** Absolutely. And if I may
23 show you the letter they sent me with check attached.
24 There's a copy of that bill. (Handing documents to
25 Commissioner Garcia.)

1 **COMMISSIONER GARCIA:** Speak into the mike
2 over there.

3 **WITNESS SOLER:** You see the copy of the
4 letter that gives me instructions as to what to do if
5 I did not intend to have my AT&T service changed. And
6 I did; I followed the instructions, and apparently by
7 following the instructions that they gave me, it
8 generated a change to the local service.

9 **COMMISSIONER GARCIA:** Got you.

10 **WITNESS SOLER:** Was incensed because here
11 is, you know, a company that I had done business with
12 for many, many, many years reducing themselves to the
13 level of this other company called BCI Corporation
14 that I've never heard of.

15 And if you need -- also here's the reference
16 to my so-called -- or is that the same thing? Yeah,
17 it's the same thing. (Indicating documents.)

18 **COMMISSIONER GARCIA:** Yeah, it's the same
19 thing.

20 (Simultaneous conversation.)

21 **COMMISSIONER GARCIA:** But obviously if this
22 doesn't have a reference -- and I'm speaking of the
23 authorization form --

24 **WITNESS SOLER:** The register form.

25 **COMMISSIONER GARCIA:** Yeah, the register for

1 long distance service. Obviously BCI had this, any
2 way you cut it. It may not have a reference to them,
3 but they're the ones that were holding this on file --

4 WITNESS SOLER: Right --

5 COMMISSIONER GARCIA: -- asserting that you
6 were changing.

7 WITNESS SOLER: -- but they couldn't trace
8 it. You know, I said, "Well, who authorized it? Who
9 turned it in?"

10 COMMISSIONER GARCIA: Well, at least this
11 time they got your number right and the address.
12 That's incredible.

13 Let me ask you another question. So you
14 think that by channeling your call back through AT&T,
15 it automatically triggered a change in your service?

16 WITNESS SOLER: Yeah. And I wrote them
17 about that and they sent me a reply stating that
18 apparently an error in communication took place when I
19 called that -- called them about that. I think I
20 included the letter in that.

21 So I wrote them back again, and I told them,
22 among other things, that I had responded as
23 instructed, okay, that my intention was not to change
24 the services or add any additional services, and I
25 stated that -- I clearly repeated that I did not want

1 any local service changed.

2 I don't know what else I could have done to
3 get the message cross across to them. So I'm not
4 satisfied with their response that an error in
5 communication was made, and I told them if that was
6 the case, I would strongly suggest that they
7 reevaluate their staff.

8 COMMISSIONER GARCIA: Mr. Soler, did they
9 bill you for -- obviously you wanted to keep AT&T.
10 Was it -- I mean, Southern Bell. Was it more
11 expensive, the service that they were providing, than
12 what you were receiving before?

13 WITNESS SOLER: I didn't even care to look,
14 because I refused to pay it, just as I have refused to
15 pay BCI. I was instructed to pay them at a rerated
16 price, and I refused to do it because I didn't want --
17 I didn't want them to have the opportunity to earn
18 money in what I thought was a fraudulent way,
19 fraudulent fashion, so I refused to pay.

20 Eventually BCI sent me a letter giving me
21 credit to cover whatever expenses I had. To this day
22 there remains a \$9.28 balance that they have not --
23 Southern Bell has not received, and now I'm paying
24 interest on that balance, or --

25 COMMISSIONER GARCIA: Could you --

1 **WITNESS SOLER:** -- I'm supposed to pay
2 interest, and I'm still not going to pay it.

3 **COMMISSIONER GARCIA:** Could you speak to
4 Staff about that interest? I know you opened a file,
5 but let's see if we can resolve that. Southern Bell
6 is also here. Let's deal with them directly. So you
7 show them that documentation and maybe there's a
8 chance that we can correct that for you.

9 **WITNESS SOLER:** Ironically, when I
10 questioned Southern Bell as to how, if I had a code on
11 my account to prevent something like this happening,
12 how could someone get that information, and she said,
13 the person I spoke with, said that they could not
14 prevent other companies from accessing that
15 information, that it was a law. Okay.

16 When I asked them why was I not informed
17 when the changes took place, I was told that the
18 Public Service Commission did not allow them to make
19 that information available to me.

20 **COMMISSIONER GARCIA:** All right. I would
21 probably -- it probably isn't that way, but
22 nonetheless, let's see if we can take care of that.
23 And let me ask you, how was the Commission? You dealt
24 with the Commission and you said that they were
25 helpful.

1 **WITNESS SOLER:** Yes, they did. They
2 responded promptly, and they did file a case and there
3 was communication established. And shortly after I
4 called the Public Service Commission I received the
5 refund from BCI.

6 I'm wondering, if you're looking for
7 suggestions -- first of all, I wonder -- the lack of
8 forethought when the telephone industry was
9 deregulated, did anyone ever stop to think that people
10 have a right to preserve their confidentiality and the
11 right to self-determination, and why is this -- is
12 anyone here surprised that something like this
13 happened if no thought was given to that matter?
14 Okay.

15 **COMMISSIONER CLARK:** Mr. Soler, I can tell
16 you thought was given to that matter, but we continue
17 to be confronted with more and more innovative ways
18 for people to get around it. And that's one of the
19 reasons we're back here, to find out how they're
20 getting around it so we can stop it.

21 **WITNESS SOLER:** But this is a basic
22 violation of my rights; okay? Even with a code to
23 prevent something like this from happening, they tell
24 me that these companies have access to all the
25 information that Southern Bell has, and I resent that,

1 because I have not given my permission to any of these
2 companies to have that information. And how could you
3 allow that to happen? Or if not you, whoever was
4 responsible.

5 **CHAIRMAN JOHNSON:** There's one issue I'm not
6 clear on. You said you have a PIC freeze? Or what do
7 you have? You said you have a code that could prevent
8 this from happening.

9 **WITNESS SOLER:** Yes. You can give a name
10 code, okay, with the local company. You can establish
11 a name code or a number code, so that before any
12 changes take place, they ask you what is your code;
13 but apparently they include that information when
14 other companies access their information from Southern
15 Bell. So basically it's an open window anyway, an
16 open door.

17 **CHAIRMAN JOHNSON:** Okay. Maybe that's
18 something that we should look into, or perhaps Staff
19 may have a response to that.

20 **WITNESS SOLER:** So they violated my security
21 code. They violated my privacy. They made changes
22 without -- I mean, they forged my signature. Okay.
23 And I'm not sure why it's not -- that's not considered
24 a criminal act.

25 **CHAIRMAN JOHNSON:** Well, certainly it sounds

1 like it's a violation of our rules. If they somehow
2 were able to get around the fact that you had this PIC
3 freeze and were still trying to --

4 **WITNESS SOLER:** No, no. It wasn't a PIC
5 freeze. There's a difference between a PIC freeze and
6 a code, and if you have a Southern Bell representative
7 here, I'm sure they will be able to explain to you
8 what I'm speaking about. All right.

9 **CHAIRMAN JOHNSON:** Okay.

10 **WITNESS SOLER:** Now, since then I've
11 instituted the PIC freeze, which I had no knowledge of
12 prior -- you know, it was after the fact again that I
13 was informed, oh, you need to do this. And I said,
14 why wasn't I informed of that option before the
15 changes took place; why did you not submit a letter or
16 a page with red ink saying, you know, this is for your
17 attention as a valued customer, blah, blah, blah; you
18 know, this is what you can do to protect yourself. I
19 was told that they were prevented from doing that by
20 the Public Service Commission.

21 **COMMISSIONER DEASON:** Let me ask a question.
22 When BellSouth told you they were prevented from doing
23 that, was that in response to the AT&T taking over
24 your local long distance, or was that in response to
25 the original slam concerning BCI?

1 **WITNESS SOLER:** It was in response to my
2 query about why was I not informed that I had an
3 option to put a PIC freeze on my account.

4 **COMMISSIONER DEASON:** And they told you that
5 we prevented them from --

6 **WITNESS SOLER:** That's right.

7 **COMMISSIONER DEASON:** -- telling you about a
8 PIC freeze.

9 **WITNESS SOLER:** Yeah, that they could not
10 divulge that information.

11 **COMMISSIONER GARCIA:** I'd like to ask Staff
12 to, if you could, find out about this company and how
13 many complaints we have against them. I don't see
14 them in the list of the companies that we fined for
15 the top ten offenders, but I think this is the third
16 time that they've mentioned this company here today.

17 **MR. MOSES:** Are you speaking of Brittan or
18 LCI, which I --

19 **COMMISSIONER GARCIA:** BCI.

20 **MR. MOSES:** -- believe is Brittan
21 Communications?

22 **COMMISSIONER GARCIA:** Brittan?

23 (Simultaneous conversation.)

24 **MR. MOSES:** Brittan Communications. From my
25 experience with that company, they were using a lot of

1 sweepstakes entries to do switching of LOAs, and their
2 LOA was not in accordance with the rule. And we're
3 working with the company, and they have modified it to
4 where it is in compliance, and we have haven't seen
5 very many complaints from them since that period, but
6 this happened prior to that time frame.

7 **WITNESS SOLER:** And that was what they have
8 used here. Did you see this? (Indicating)

9 (Simultaneous conversation.)

10 **COMMISSIONER GARCIA:** Mr. Soler, you've got
11 to get to the mike or we can't put it on.

12 **WITNESS SOLER:** They sent -- have an
13 attached entry.

14 **MR. MOSES:** Right. It's on the form that we
15 made them change.

16 **WITNESS SOLER:** And that wasn't even filled
17 out --

18 **MR. MOSES:** Right.

19 **WITNESS SOLER:** There was no way to trace
20 how that was originated.

21 **MR. MOSES:** As far as the forgery part, we
22 will address that, but I mean as far as the form
23 itself, we did make them change it.

24 **CHAIRMAN JOHNSON:** Why don't we continue to
25 research that issue and also the issue of the code and

1 how that actually operates, whether or not that
2 protects a customer from having a change, and actually
3 why it doesn't -- why did it not protect him.

4 **MR. MOSES:** I would be really interested for
5 the Bell representative to come over here and explain
6 that. It's almost like a PIN system.

7 (Simultaneous conversation.)

8 **CHAIRMAN JOHNSON:** Okay. Then we'll try to
9 get with the company to get a better understanding of
10 the codes that they're providing and how that provides
11 protection or why it does not provide protection. But
12 I wasn't real familiar with it either. When you first
13 started speaking, I thought you were saying a PIC
14 freeze, but obviously not.

15 **WITNESS SOLER:** No. You can request -- in
16 other words, because I had some problems in the past
17 unrelated to this, that some changes had been made to
18 my account. They said, "Well, if you have a code, no
19 one but yourself will be able to access this
20 information." So you choose the word "butterfly" or
21 whatever, and they ask you when you contact them, you
22 know, what is your name, what is your code --

23 **COMMISSIONER GARCIA:** Commissioner Johnson
24 may have gotten -- I think Staff should look into that
25 suggestion, because that is also sort of a

1 nonintrusive way that people can decide how the system
2 works.

3 But Commissioner Deason pointed something
4 out, which I guess it's good that all -- that since
5 we're in a public hearing, we can discuss it with the
6 other Commissioners -- but the very fact that Southern
7 Bell said they couldn't discuss -- that the Commission
8 prevented them, might also be in relation to when we
9 voted on the interLATA changes, and that we said that
10 the company couldn't approach the customer about that
11 change.

12 And I know we did that as an initial step.
13 No? Well, maybe we can --

14 **COMMISSIONER CLARK:** He's talking about
15 giving that information to other companies, aren't
16 you?

17 **WITNESS SOLER:** I'm talking about --

18 **COMMISSIONER CLARK:** Giving your
19 information --

20 **COMMISSIONER GARCIA:** No. No, he meant
21 revealing to him. He meant --

22 **COMMISSIONER CLARK:** No. He meant -- you
23 meant revealing information about your account to
24 another company?

25 **WITNESS SOLER:** No. When I asked them why

1 was I not informed, okay, in writing that this option
2 of, you know, instituting a PIC freeze was available
3 to me to prevent this --

4 **COMMISSIONER CLARK:** Oh, I see.

5 **WITNESS SOLER:** -- from happening, I was
6 told that they were not allowed to do that.

7 **COMMISSIONER GARCIA:** I would imagine if --
8 it's a logical progression from the rule that we
9 establish in our order about interLATA changes to
10 allow the market to be more competitive, one of the
11 things we did was not allow Southern Bell to even
12 remarket it when you called in to make a change.

13 In other words, if you were to call or they
14 received some notice from you that said "I want to
15 change my interLATA provider, Southern Bell -- and
16 correct me if I'm wrong -- who is not allowed to say,
17 why are you doing it, that we can do it better. And
18 it was in the hope of promoting competition -- but to
19 be quite honest, Commissioners, that's not -- his
20 complaint is not the first time I've received it,
21 because I've received it from a lot of people who were
22 accustomed to getting the 25 cents EAS and then the
23 other things that had been -- some of which have been
24 achieved through the Office of Public Counsel to get
25 the cheaper rates through the tri-county area, and

1 when they get switched, they lose that, and they're
2 not informed of it.

3 So a lot of customers have called
4 complaining. Maybe that's something -- that's another
5 issue for another time, but something we need to keep
6 our eye on.

7 **CHAIRMAN JOHNSON:** Mr. Soler, Again, if you
8 could meet with Staff, because you've raised some good
9 issues, and even on the point of -- I think
10 Commissioner Clark was referring to -- Southern
11 Bell -- you having this confidential code, but when
12 they -- they pass that -- but that information is made
13 available to all the other carriers, so it's not a
14 confidential code.

15 So perhaps we can research that issue. And,
16 secondarily, the issue of when you are changed, you
17 should be informed either before or after you've been
18 changed.

19 **WITNESS SOLER:** Yeah. I think that would be
20 a logical step from Southern Bell who is the central,
21 you know, billing unit.

22 I don't know if this is the right place to
23 bring this up, but also this issue of public phones,
24 okay?

25 **COMMISSIONER GARCIA:** Go ahead.

1 **WITNESS SOLER:** Are not functional, and if
2 you lose money on it, one particular company -- which
3 I don't have the information -- requested that I write
4 them, send them a request in writing. So I have to
5 invest 32 cents to recover my quarter.

6 **COMMISSIONER GARCIA:** Now they would argue
7 that it's 35 cents.

8 (Simultaneous conversation.)

9 **COMMISSIONER GARCIA:** It's almost closer to
10 breaking even. Can I suggest that when that happens,
11 when you have a problem with the phone that you lose
12 your quarter, obviously you can call the Commission on
13 our toll free number; and if I'm not mistaken, we
14 still can report service errors on these companies,
15 correct?

16 **MR. MOSES:** That's correct. You still
17 regulate the service aspects of the pay telephone
18 service. It's just the local coin rate that's been
19 deregulated, but it's supposed to be posted on the
20 base of the phone, also, if they have increased the
21 cost.

22 **WITNESS SOLER:** Well, I guess that's it.

23 **CHAIRMAN JOHNSON:** Thank you for your
24 testimony and suggestions as to how we can improve the
25 process. Any more questions of Mr. Soler?

1 **MR. BECK:** No. Thank you.

2 **CHAIRMAN JOHNSON:** Thank you, sir.

3 **MR. BECK:** Paul Borden.

4 - - - - -

5 **PAUL BORDEN**

6 appeared as a witness and, swearing to tell the truth,
7 testified as follows:

8 **DIRECT STATEMENT**

9 **WITNESS BORDEN:** My name is Paul Borden,
10 B-O-R-D-E-N, 10240 Southwest 138th Court, Miami 33186,
11 (305)382-7762.

12 In the fall of '94 I signed up with Excel
13 Long Distance Company and didn't have any problems.
14 As a matter of fact, I was very pleased with the
15 service. In about probably a little over a year
16 later, all of a sudden I opened up a bill and I had
17 AT&T.

18 At that time I happened to work at the
19 Herald, so I called the action line person and said,
20 "Okay; I've been slammed, what do I do," and I wound
21 up writing, I believe, the AG's office and the FCC,
22 and within a short period of time, it was pretty much
23 taken care of.

24 AT&T sent me a form later that said -- that
25 showed that supposedly that I had signed a request for

1 change of service. It was not my signature. I had no
2 idea where it had come from. That was one complaint.
3 And, quite frankly, about a month ago when I cleaned
4 out the files I might have gotten rid of that stuff.

5 But earlier this month my wife said that
6 both my son and daughter had said that our WATS
7 service wasn't working. Before I really had a chance
8 to check into it, on October 11th, a Saturday, I got a
9 letter in the mail from Excel saying that they
10 regretted losing me as a customer.

11 I called the 800 number immediately on
12 there, and they said, yes, as of October 8th your
13 service had been switched to AT&T; said it probably --
14 the order had probably gone in around October 4th or
15 5th. At that particular time we were on vacation, so
16 I know that I did not put in any change of order.

17 He told me to call BellSouth. I did call
18 BellSouth that very day and they said effective at
19 6:00 it would be switched back to Excel. I haven't
20 really checked into it very closely since then. They
21 also did inform me about the freeze process, so I
22 asked for that service.

23 The only thing I can think of on AT&T was
24 that in the middle of last month I did order AT&T
25 wireless, and I didn't know if somewhere in the fine

1 print it said this was changing your local service,
2 because both local long distance service and long
3 distance service both had been changed.

4 **CHAIRMAN JOHNSON:** Sir, were you refunded,
5 or will you be refunded for the difference in cost?

6 **WITNESS BORDEN:** It was so quick I don't
7 even think I made any calls. And the other --

8 **COMMISSIONER GARCIA:** You should really file
9 a complaint now real quick. I know it will take a
10 moment and you've patiently sat through, so if you
11 could speak Ms. Pena at the back of the room before
12 you leave so that we can make sure that you get that
13 straightened out.

14 **WITNESS BORDEN:** I have a letter here from
15 AT&T on the 13th that says -- welcoming to a plan
16 that's going to cost me more than what I'm paying now.
17 So I don't think I want that plan. But I did get this
18 in the mail just the other day, too.

19 I do think that the steps that you've
20 outlined to make it more difficult will probably help,
21 I would think. Although from some of the things that
22 some of the people have testified, I'm not sure that
23 they would work.

24 I don't think fines work, because -- unless
25 they're really huge, because when I mentioned this

1 problem around the office, one of the guys in the
2 office said, "Oh, yeah, my wife says we get changed
3 all the time. I don't care. I just -- whatever goes
4 along." So, I mean, obviously it must be beneficial
5 financially for these people to make these changes,
6 because there probably are a lot of people out there
7 that say "Oh, I don't know, I just got changed --

8 **COMMISSIONER GARCIA:** There's a lot of money
9 in this industry, a lot of money. And that's one of
10 the things that obviously we're taking into account,
11 that there's only, you know, 20 or 30 or 50 people
12 here doesn't mean that there's not 50,000 in Dade
13 County or more that have been affected by this.

14 **WITNESS BORDEN:** Exactly. And it is a good
15 point, too. I think there are so many contests and
16 things like this that are out there that when you sign
17 up for something that people just -- like the one
18 woman testified her daughter or whatever -- I was
19 afraid to even -- I got a refund check the first time
20 from AT&T. It was a small check. And I almost was
21 afraid to sign it, cash it because I thought I might
22 get switched back; but I looked it all over and it
23 didn't say anything. So I thought it was okay.

24 But I will check with them.

25 **CHAIRMAN JOHNSON:** Thank you for your

1 testimony.

2 MR. BECK: Mary Lou Doepker.

3

- - - - -

4

MARY LOU DOEPKER

5 appeared as a witness and, swearing to tell the truth,

6 testified as follows:

7

DIRECT STATEMENT

8

WITNESS DOEPKER: My name is Mary Lou

9 Doepker, D-O-E-P-K-E-R. I live at 9220 Southwest
10 164th Street. My telephone number is Area Code
11 (305)251-0700.

12

COMMISSIONER GARCIA: Ms. Doepker, could you
13 spell your last name again for me?

14

WITNESS DOEPKER: "D" like David, O-E, "P"
15 like Paul, K-E-R.

16

COMMISSIONER GARCIA: Thank you.

17

WITNESS DOEPKER: The first time I was
18 slammed I got a call from people saying that they were
19 Southern Bell and wouldn't I like to have -- just
20 receive one bill. And I thought, yeah, that would be
21 nice. I said, "Will I still be with AT&T?" They
22 said, "Sure, nothing will change. No, huh-uh."

23

So I started billing -- my long distance
24 rates went up astronomically. I called and said, "Cut
25 this out," and that was the end of that.

1 But now this time -- so, you know, they
2 said, "Well, you know if you want things to be better,
3 then you have to put in this PIC freeze with AT&T."
4 So I did. But it turns out that AT&T has three or
5 four companies that switch you if they feel like it,
6 and they charge you different amounts of money.

7 At first I was switched -- I received a bill
8 from AT&T June the 1st of '96, and I was paying
9 14.3 cents a minute for in-state calls. Out of state
10 I was paying 24.5 cents. International calls were
11 40 cents. On July the 1st I started paying 28 cents a
12 minute for in-state calls. By the way, these things
13 are not billed right away. There should be a
14 requirement that they bill you promptly. I was --

15 **COMMISSIONER GARCIA:** What do you mean by
16 not billed right away?

17 **WITNESS DOEPKER:** My bill for July was as
18 noted as being billed on September the 4th. Actually
19 you get it about September the 15th, and you're being
20 billed for something that you didn't -- it didn't --
21 it didn't register, you know, what's wrong here.

22 And then a couple of months later when I
23 finally -- then I was \$800 in debt to the phone
24 company for bills that had in July gone to 28 cents
25 for in-state calls. In August they went to 38 cents a

1 minute for in-state call; out-of-state, 24 and a half
2 to 35 and a half to 48.

3 COMMISSIONER GARCIA: And this is all within
4 AT&T?

5 WITNESS DOEPKER: Within AT&T, so they said.
6 And international calls that had been 40 cents were
7 suddenly \$1.35. And then I got a call billed from BA,
8 which I assume is British Antilles as it was a
9 collect. I had house guests at the time. \$8.30 for
10 one minute.

11 So I was way over my head, and I didn't know
12 what to do. I had called AT&T. I called Southern
13 Bell. They said it was with AT&T, that I had to pay
14 them because it was -- they had already paid the bills
15 and it was my responsibility to pay them. And I
16 thought, what am I going to do.

17 So I finally -- I called the PSC, and I
18 spoke to Ellen Klendall (phonetic) and she was very
19 helpful, and she said, "Well, you know, you say it's
20 in dispute and then you don't have to pay it
21 immediately."

22 So I paid some of the bill. Then I get a
23 call from this person named Julie who said -- she
24 inferred she was with the PSC and she wanted all the
25 information, so I faxed it to her. Actually, she was

1 from the United States Billing Service, USBI, and they
2 were the ones who were charging me this outrageous
3 amount of money. And on 12/23 she said --

4 COMMISSIONER GARCIA: I'm sorry. United
5 States Billing Service?

6 WITNESS DOEPKER: USBI, yes.

7 COMMISSIONER GARCIA: And they are what?

8 WITNESS DOEPKER: They're --

9 COMMISSIONER GARCIA: They're the ones that
10 bill you for AT&T? In other words, you're not getting
11 your AT&T bill within your Southern Bell bill?

12 WITNESS DOEPKER: No.

13 COMMISSIONER GARCIA: You get it separate?

14 WITNESS DOEPKER: Oh, it comes -- oh, no.

15 This comes with.

16 COMMISSIONER GARCIA: And I guess, then,
17 USBI is a subsidiary of AT&T?

18 WITNESS DOEPKER: Evidently they are, and --
19 they're a billing service. There ought to be some
20 sort of disclosure required when these people start
21 billing you, that we're charging you three times what
22 your normal rate would be just for the privilege of
23 billing you.

24 COMMISSIONER GARCIA: Does Staff have any
25 knowledge of the United States Billing Service?

1 **MR. MOSES:** Yes, sir. They're a billing and
2 collection agency. They're not affiliated with
3 AT&T --

4 **WITNESS DOEPKER:** It comes --

5 **MR. MOSES:** They were working on --

6 (Simultaneous conversation.)

7 **MR. MOSES:** -- what is happening to you is
8 an AT&T reseller is billing through them and
9 getting -- and I imagine that's what's happened to
10 you.

11 **COMMISSIONER GARCIA:** And haven't we stopped
12 that?

13 **MR. MOSES:** AT&T has ceased putting their
14 name on any bills that billed from them for their
15 resellers. They're putting the reseller's name on
16 them. But on USBI, they should have on their bill on
17 behalf of whatever reseller's name is.

18 **WITNESS DOEPKER:** Business Discount Plan.

19 **MR. MOSES:** Business Discount Plan is
20 another long distance company, and that's the company
21 that actually is providing your service as a reseller
22 of AT&T --

23 **WITNESS DOEPKER:** And when I call Southern
24 Bell, they say, "You're with AT&T, you're locked with
25 AT&T."

1 **MR. MOSES:** What they're doing is they're
2 kind of misleading you by saying you're still on the
3 AT&T network. Technically you are, because they're
4 reselling their services, but you have been switched
5 to their company, so they should be identifying
6 themselves as the provider service.

7 **WITNESS DOEPKER:** And if you want a copy of
8 the bill so you can find out what's going on, they
9 want a dollar a page.

10 **COMMISSIONER GARCIA:** Who wanted this?

11 **WITNESS DOEPKER:** Southern Bell. I called
12 Southern Bell and I said, "Look, I've got to find out
13 where I am. I'm getting \$800 phone bills. I don't
14 know how much I owe. I don't know how much has been
15 paid. I have been moved around."

16 **COMMISSIONER GARCIA:** And they wanted a
17 dollar a page --

18 **WITNESS DOEPKER:** Dollar a page --

19 **COMMISSIONER GARCIA:** -- for a copy of
20 why -- of your billing statement?

21 **WITNESS DOEPKER:** Yes. So on December 24th
22 last year this Julie calls and offers me 50% of the
23 bill, which at that time would have been \$320.23, for
24 a credit. And I said, "No, I know it's a whole lot
25 more than that because it more than doubled." And on

1 the 26th of December she calls and she says, well,
2 she's issuing a 50¢ credit and anything over that I'm
3 going to have to prove. So --

4 **COMMISSIONER GARCIA:** But this was all after
5 you had discussed it with the PSC Staff?

6 **WITNESS DOEPKER:** Yes.

7 **COMMISSIONER GARCIA:** So at least thus far
8 you weren't being billed or you weren't being assessed
9 an interest or anything on what you hadn't paid; it
10 was just sitting there on your bill, but you weren't
11 paying it, right?

12 **WITNESS DOEPKER:** I wasn't paying it.

13 **COMMISSIONER GARCIA:** But you weren't being
14 threatened that your phone service was going to be cut
15 off or anything like that, right?

16 **WITNESS DOEPKER:** I think I may have been
17 until I called Southern Bell and said, yes, this --

18 **COMMISSIONER GARCIA:** Right.

19 **WITNESS DOEPKER:** -- bill is in dispute,
20 because you have to --

21 **COMMISSIONER GARCIA:** But this is December
22 of last year?

23 **WITNESS DOEPKER:** Yes.

24 **COMMISSIONER GARCIA:** I'm sorry. I'm trying
25 to get you to jump ahead. I just want to find out

1 where we are now.

2 **WITNESS DOEPKER:** But you have to say
3 magical words to them, you know, like the bill is in
4 dispute. Well, I didn't know what I was supposed to
5 say.

6 **COMMISSIONER GARCIA:** Let me ask Staff. Do
7 we have to do that, or once the company -- once the
8 customer, I believe -- and correct me if I'm wrong --
9 the procedure is that Ms. --

10 **WITNESS DOEPKER:** Doepker.

11 **COMMISSIONER GARCIA:** Doepker would call --
12 first we require that they call the company, and then
13 if they don't feel they've gotten resolution, then
14 they have to call us. Once they call us, is it
15 automatically in dispute? Do we contact the company
16 and let them know that it's in dispute?

17 **CHAIRMAN JOHNSON:** As soon as she contacts
18 her local exchange company, at that point it's in
19 dispute. All she has to tell them is it is in dispute
20 and --

21 **COMMISSIONER GARCIA:** But they don't have --
22 she doesn't have to use magic words like --

23 **WITNESS DOEPKER:** You have to use those
24 words "It's in dispute." You can't say, "I called the
25 Public Service Commission," and then she says to me,

1 "Well, is it in dispute?" And I said, "well, I called
2 the Public Service Commission." I said, "I'm sorry.
3 I don't know if it's in dispute or not."

4 **MR. DURBIN:** Commissioners, what we will do
5 in consumer affairs, when a customer calls us with a
6 slamming complaint, we will advise them that they have
7 the option of going ahead and paying the bill, and
8 then if we find that the -- that her service was
9 slammed, we will require the company to rerate the
10 call.

11 If the customer is not willing to pay that
12 bill and wait for the credit, we advise them that they
13 do need to contact the local exchange carrier and make
14 sure that the LEC does not disconnect them or try to
15 take any collection action, and let them know that --

16 **COMMISSIONER CLARK:** Do you tell them to
17 call up your local exchange company and tell them the
18 bill is in dispute and that you're not going to pay
19 it?

20 **MR. DURBIN:** Yes.

21 **COMMISSIONER CLARK:** I think that perhaps we
22 should look at that. Maybe that's something we can
23 also bring up. I think that should be like a line in
24 whenever they talk to the customers. If you dispute
25 the bill, you need to call them up and tell them --

1 **COMMISSIONER GARCIA:** Well, I would even go
2 further. I would assume that since we already have
3 the contact from the customer and we already asked the
4 customer, because -- correct me if I'm wrong -- when a
5 customer calls us out of the blue and says, you know,
6 AT&T -- I may not use AT&T anymore. I think the
7 customers have used them enough.

8 Let's say we -- I call up and I say, "MCI
9 has ripped me off." The first thing, if I'm not
10 mistaken, that Staff does is tells them, have you
11 talked to MCI; correct?

12 Since we're already taking that step, I
13 think that we should go ahead and take an affirmative
14 action when the customer does call us back so we don't
15 play ping-pong with the customer. If that customer
16 calls us back and says, "I spoke to MCI and I'm not
17 satisfied," maybe at that point we should take the
18 action of sending out an automatic letter saying that
19 the issue is in dispute; because clearly it's in
20 dispute before us, not before Southern Bell, and we're
21 the ones that I guess to some degree -- I don't know
22 if the term is right -- are trying to arbitrate
23 between the customer and the service provider.

24 So maybe it's something we can look at by us
25 directly contacting the local company and letting them

1 know. And I guess it could be something relatively
2 automatic, and I believe that, if I'm not mistake,
3 that we already have a direct linkage with Southern
4 Bell and some of these companies.

5 **MR. DURBIN:** That's right. With any of the
6 major local exchange carriers in Florida, we can --
7 after we complete the call with the customer getting
8 the information on the slamming incident, we can
9 transfer them directly to the regulatory affairs
10 office and the LECs to get that information --

11 **COMMISSIONER GARCIA:** We do need to look at
12 that -- that's an internal procedure. So maybe we
13 need to look at that, because it is sort of like
14 ping-pong.

15 And I can understand how you feel that
16 you've done your part and you're being asked to start
17 it over again, and then there's no way you can know
18 who's who and how who's who is related to what. So --

19 **WITNESS DOEPKER:** And the bills should be
20 clearer. I mean, this business of you've spent 14
21 minutes on the phone, so you pay \$2.80 for that, and
22 at the end of the bill it says, well, this much is
23 subject to discounts and this is subject -- not
24 subject to discount. Well, this is nonsense. You
25 never know how much you're paying. And not being able

1 to get a copy of your bill unless you pay for it,
2 that's outrageous. So right now I honestly do not
3 know where I stand.

4 **COMMISSIONER GARCIA:** Well, we left your
5 story sometime in December where they had offered you
6 a 50% reduction, if I'm not mistaken. After that I
7 imagine you received a credit to some degree and you
8 were at half the 800, somewhere around --

9 **WITNESS DOEPKER:** Yes, 350 --

10 **COMMISSIONER GARCIA:** Okay. And what's
11 happened since then?

12 **WITNESS AVILA:** Since then I supposedly was
13 switched back to my original AT&T. Things were
14 supposed to be 14 cents a minute --

15 **COMMISSIONER GARCIA:** Right.

16 **WITNESS DOEPKER:** And it seemed to be going
17 pretty well until --

18 **COMMISSIONER GARCIA:** But what happened with
19 the money?

20 **WITNESS BORDEN:** Oh, the money. I had a new
21 job, so I didn't pursue it any further --

22 **COMMISSIONER GARCIA:** Okay. But did you --
23 So you paid your bill.

24 **WITNESS DOEPKER:** Oh, I'm in the process of
25 paying my bill. I'm paying it \$100 a month, and it's

1 just -- it still seems like I was never getting out
2 from under.

3 **COMMISSIONER GARCIA:** Could Staff give us --
4 look up her file and see what resolution we have on
5 that file -- because clearly she opened a case with
6 us -- just so we can see what happened? This
7 happened, what, ten months ago --

8 **WITNESS DOEPKER:** Yes.

9 **COMMISSIONER GARCIA:** -- or you contacted us
10 way before then, so we should have some kind -- we
11 should have closed that file at some point.

12 **WITNESS DOEPKER:** And then suddenly in June
13 I'm paying 25 cents a minute again, and I called and
14 said, I thought I was paying 14 cents a minute --

15 **COMMISSIONER GARCIA:** Who did you call?
16 AT&T?

17 **WITNESS DOEPKER:** Southern Bell, whatever
18 number is on the page that the -- you know, where the
19 calls are. And they said, well, blah, blah, blah. So
20 next time MC -- Sprint called me and said, "Look, you
21 know, 16 cents a minute no matter when you call," I
22 said, "Fine." If that changes --

23 **COMMISSIONER GARCIA:** But you didn't freeze
24 your PIC again? You removed your PIC freeze --

25 **WITNESS DOEPKER:** I removed my PIC. I

1 called AT&T and said, "I want out of this," and they
2 said fine.

3 **COMMISSIONER GARCIA:** Staff, correct me if
4 I'm wrong. I thought the PIC freeze was a general
5 thing, though. In other words, if you freeze your
6 PIC -- oh, I'm sorry; am I referring to it properly?
7 You ask for a freeze; it's not a freeze to a
8 particular company, it's simply a freeze that they
9 will not change it unless they receive written
10 authority to change it, correct?

11 **MR. MOSES:** It's done at the local exchange
12 level, and you will not get a change unless you give
13 written authority to the local exchange company to
14 have it changed.

15 **COMMISSIONER GARCIA:** But it isn't
16 necessarily an AT&T --

17 **MR. MOSES:** No, sir.

18 **COMMISSIONER GARCIA:** So -- just so for your
19 knowledge, you can call up and say, I want to keep --
20 you could not call up -- does the PIC -- it has to be
21 in writing. So you call up Southern Bell. In fact,
22 speak to them there and you'll save yourself the
23 trouble of a call, and they'll send you a form. You
24 can fill that out, and if you're happy with Sprint,
25 you'll keep Sprint until you're unhappy with Sprint

1 and then you'll have to write them again.

2 **CHAIRMAN JOHNSON:** Thank you. Mr. Durbin
3 will meet with you to further to pursue those issues
4 that you raised. Mr. Beck?

5 **MR. BECK:** Ken Nnandi. (No response.)
6 Barry Thompson and Mary Thompson.

7 **MARY THOMPSON**
8 appeared as a witness and, swearing to tell the truth,
9 testified as follows:

10 **DIRECT STATEMENT**

11 **WITNESS THOMPSON:** Mary Thompson, 1258
12 Northwest -- (inaudible) --

13 **CHAIRMAN JOHNSON:** Could we pull the
14 microphone down a bit and speak directly into it.

15 **WITNESS THOMPSON:** Mary Thompson, 1258
16 Northwest 61 Street, Apartment 4, Area Code
17 (305)836-7449.

18 I received a phone bill from Canada. I
19 don't know no one in Canada. I received later a bill
20 from Guyana, Africa. I don't know no one in Africa,
21 and these are some more bills from Virginia.

22 (Indicating) I have no affiliation with no one.

23 I called BellSouth about the calls, and they
24 were told me that I was billed by USBI. I said, "I
25 don't know that company." And they said, well, that's

1 my carrier. I said, no, I had -- AT&T was my carrier.
2 And I said, "Well, how did these people, you know,
3 come into my life."

4 I called USBI, and they told me that I had
5 to pay. I told them I wasn't going to pay them
6 anything because I don't know no one in Africa, Canada
7 or Virginia. I don't know these people, and I'm
8 not -- and I refuse to pay. And I was told that -- by
9 BellSouth that they have nothing to do with these
10 other companies. That's what she said -- they told me
11 at first; but yet it's still -- BellSouth lady was
12 telling me that they were giving me credit. Credit
13 for what? Why would they give me credit if they have
14 no affiliation with USBI, MCI, BCI, I and -- and I
15 refused to pay them. So they were -- told me I only
16 had to pay locally, and that's what I was doing.

17 Then I would be billed again with a four
18 hundred and thirty-seven hundred dollar bill. \$437.
19 I refused to pay again. I don't have any money to
20 give more.

21 I told -- I was asked by USBI did I know a
22 lady name Yvonne. I told her, yes. And she called
23 her last name. I said, "Yes, that's my sister." She
24 said, "Well, she went and filled out a form, you know,
25 a sweepstakes form." I said, "Well, that still has

1 nothing to do with my phone." And she said, "Well,
2 that's how they got USBI; you know, got in." I said,
3 "Well, that still don't have anything to do with me.
4 Why would we have to pay something for nothing?"

5 And I still refuse to pay them a dime. I
6 was threatened by -- for my service to be cut off.

7 **COMMISSIONER GARCIA:** Now, you've kept
8 paying your local bill --

9 **WITNESS THOMPSON:** I kept paying my local
10 bill.

11 **COMMISSIONER GARCIA:** What was that, more or
12 less; ballpark, your local bill? Thirty bucks or
13 something?

14 **WITNESS THOMPSON:** Yeah, like 40, \$35,
15 something like --

16 **COMMISSIONER GARCIA:** Okay.

17 **WITNESS THOMPSON:** And I called Southern
18 Bell again, and I explained again that I was told --
19 then they told me they would investigate my case. I
20 was told maybe someone used the code without using my
21 phone. I said, "Regardless, I still refuse to pay
22 those other companies."

23 Then one day I woke up; my directory
24 assistance was cut off. I had to call BellSouth. My
25 call waiting. And I asked why. They said because of

1 the long distance calls. I said, "What do they have
2 to do with you? You say you're not affiliated with
3 them, so they shouldn't have nothing to do --

4 **COMMISSIONER GARCIA:** Let me get this right.
5 They cut off all of your ancillary services --

6 **WITNESS THOMPSON:** Yes, they did.

7 **COMMISSIONER GARCIA:** Except your basic
8 phone service?

9 **WITNESS THOMPSON:** Right.

10 **COMMISSIONER GARCIA:** I didn't know they
11 could do that.

12 **WITNESS THOMPSON:** They did. So she said,
13 "Well, I'll cut you back on, I'll put you back on."
14 But why would you do it to begin with if you have
15 nothing to do with the long distance? And I feel like
16 BellSouth is a part of what's going on.

17 I told BellSouth, "You said that -- that you
18 have nothing to do with USBI or MCI." I said, "You
19 mean to tell me people could just come in and invade
20 my life like that where I have to give them something.
21 I have nothing to give no one."

22 My bill went up to \$1,000 plus. I called
23 USBI again. They still was charging me. I still
24 refused to pay again, and I told them I didn't
25 understand. I told them that I didn't understand what

1 they were trying to do to me. Why they would just
2 come into my life and just like terrorize and say,
3 well, I got to give them. And they said I still had
4 to pay.

5 And I called BellSouth back. They still
6 said they had nothing to do with the company. I asked
7 them why were they disconnecting, you know, just take
8 away my rights. I still say they -- that's when I
9 realized BellSouth was slamming along with the other
10 companies. I feel that they did, and they just
11 disrespected my rights.

12 They said that they was breaking the bill
13 down and they were investigating. Then BellSouth told
14 me they were -- I mean, breaking down my bill, too. I
15 said, "Well, why would you do that, because you're not
16 doing it for me, because I don't owe no one?" But if
17 they're not affiliated with this company, these other
18 companies, why would they say they're giving me
19 credit?

20 **COMMISSIONER GARCIA:** Let me tell you how it
21 works just so you get an understanding. What happens
22 is that BellSouth buys the right to collect that bill
23 from those companies. In other words, let's say that
24 I am USBI and I bill you \$1,000. BellSouth buys that
25 bill or pays that account directly to USBI and then

1 they collect it from you.

2 There's a discount involved there, and
3 that's where BellSouth makes its money. But it's not
4 that BellSouth is any of these other people, it's that
5 they already have a -- their money is out, too. So
6 they have an interest in collecting it from you, if
7 you can understand that.

8 **WITNESS THOMPSON:** Okay.

9 **COMMISSIONER GARCIA:** I mean, if I made
10 myself clear.

11 **WITNESS THOMPSON:** Yes, I understand that.
12 Thank you. And I said, "Well, how could I have
13 stopped these people from intruding in my life like
14 that?" And they say that, well, we have to pay a \$10
15 charge.

16 **COMMISSIONER GARCIA:** Who said this?
17 BellSouth?

18 **WITNESS THOMPSON:** BellSouth, right. And I
19 requested that they did. I called again, and I was
20 still told that about a \$10 charge. The lady said, "I
21 see your request." She said, "But they never put it
22 in." I mean, to stop these people just from coming in
23 like that. I still didn't understand her too much.
24 With that she said, "Well, I'm not going to charge you
25 since you already requested it and someone didn't ever

1 go through the process of clearing you." So she
2 dropped the charges with that.

3 COMMISSIONER GARCIA: So she dropped --
4 finally she dropped the \$10 --

5 WITNESS THOMPSON: Dropped the \$10 charge --

6 COMMISSIONER GARCIA: All right.

7 WITNESS THOMPSON: -- because she said she
8 seen where I had --

9 COMMISSIONER GARCIA: Do me a favor. When
10 did this start? You might have said it and I missed
11 it. When did you start getting these bills from
12 Guyana and Canada and --

13 WITNESS THOMPSON: Back in May '97.

14 COMMISSIONER GARCIA: So you're still
15 outstanding -- you're still --

16 WITNESS THOMPSON: They got me down now --
17 they cut my service off Monday morning. I still have
18 a dial tone on my phone --

19 COMMISSIONER GARCIA: Right, but you can't
20 call anyone.

21 WITNESS THOMPSON: Can't call no one.

22 COMMISSIONER GARCIA: You can only --
23 believe it or not, I think you can call Southern Bell
24 and I think you can call your emergency services, 911,
25 and that's about it, and that only lasts a little

1 while because they'll take that off pretty soon, too.

2 **WITNESS THOMPSON:** And now they're saying --

3 **COMMISSIONER GARCIA:** You've never called
4 the Commission on this, have you?

5 **WITNESS THOMPSON:** No.

6 **COMMISSIONER GARCIA:** Well, before you
7 leave, could you -- we'll put this in dispute again, I
8 guess, to make sure that BellSouth gets your service
9 back --

10 **WITNESS THOMPSON:** They said I had to pay so
11 much even to talk to them. That's what BellSouth told
12 me. I said, "Well, I can't afford that either."

13 **MR. MOSES:** Ms. Thompson, do you have your
14 bill with you by chance, a copy of one of your bills?

15 **COMMISSIONER GARCIA:** I think they've got a
16 bunch of them there.

17 **WITNESS THOMPSON:** We have quite a few.
18 They were --

19 **MR. MOSES:** The reason I'm asking that, USBI
20 is a billing and collection agency. They're not
21 really the provider of the service. They're billing
22 on behalf of another company, and we need to find out
23 who that other company is, that is the one that
24 actually slammed you.

25 **COMMISSIONER GARCIA:** But if that's the

1 case, we can today put that in dispute. The company
2 is here and our staff is here. Make sure we put that
3 in dispute so she gets her service back at home until
4 we figure out what's going on, unless the company has
5 an explanation for us that differs from yours.

6 **WITNESS THOMPSON:** I looked at the last
7 bill. They charged me \$232, and that's when they put
8 that with the local, even with the local --

9 **COMMISSIONER GARCIA:** Right.

10 **WITNESS THOMPSON:** And I was told --

11 **COMMISSIONER GARCIA:** And you've kept up
12 your local payments throughout this, right?

13 **WITNESS THOMPSON:** Yes. And I called on
14 Monday from someone else's home, and they said, "Well,
15 you haven't made a local payment since -- have a local
16 payment since August." I said, "Lady, you're lying."
17 I said, "I made one in September." And I'm still
18 under investigation, you know. I just don't know
19 really what to do.

20 And so I called again, and they cut my
21 service off, I guess, about 4:00 a.m. on Monday
22 morning, and I have to be to work like 4:00 in the
23 morning. That means I had to walk out my house to go
24 call a cab. I don't have a car. I have to catch a
25 cab to work every morning.

1 **COMMISSIONER GARCIA:** Do us a favor. Show
2 it to Staff in the back of the room, and let them look
3 at it, and the Southern Bell personnel are here also;
4 and let's see -- if that's the case, it's put in
5 dispute, and see if we can get your service back on
6 and figure out what exactly is going on with your
7 bill.

8 **WITNESS THOMPSON:** Yes. I would like to
9 know. And this morning I was up around maybe about
10 5:00 and I saw the news, and I was coming -- well,
11 really we were going to go to legal aid. And when I
12 saw this on television, I decided we would come here
13 first, and it's a blessing to be here and someone
14 cares about us.

15 One time I thought no one cared, and I saw
16 an article in the paper and I forgot to cut it out.
17 But this morning I seen the right thing to do was come
18 here. And I feel like we were -- the mental anguish I
19 went through with these people, I feel like they
20 needed -- someone needed to be charged. I feel
21 that -- I need to assume why would they just do this
22 to us and like I have to just give them money.

23 And Africa? I don't know -- but then
24 they're going to -- then I know other people, and I
25 told them on Monday, I said, "I know other people

1 going through the same thing. Why are you all doing
2 this?"

3 **COMMISSIONER GARCIA:** Let me just tell you,
4 if you know anybody that's going through the same --
5 and we're glad you stayed -- but there's a 1-800
6 number -- here it is -- on our blue sheet, on the
7 front page of that blue sheet that we've given out,
8 and for those listening on the Internet
9 1-800-342-3552, and you gave me --

10 **WITNESS THOMPSON:** On the blue paper?

11 **COMMISSIONER GARCIA:** Of the blue paper
12 right here, and all they have to do, your friends that
13 are going through this, is call us at that number.
14 Okay?

15 **WITNESS THOMPSON:** I feel that legal action
16 really should be taken.

17 **CHAIRMAN JOHNSON:** Thank you very much.

18 **UNIDENTIFIED SPEAKER:** Could you ask her if
19 she will verify with her sister that she didn't sign
20 up for --

21 **WITNESS THOMPSON:** My sister said she don't
22 know nothing about that.

23 **CHAIRMAN JOHNSON:** Ma'am, it will be helpful
24 for us if you'll testify at the microphone. And I'll
25 repeat the gentlemen's question. He wanted to know

1 whether your sister -- whether you had verified that
2 your sister actually signed what they said she signed.

3 **WITNESS THOMPSON:** She said, no, she didn't
4 sign anything, because -- sweepstakes like for winning
5 a car or a trip.

6 **COMMISSIONER GARCIA:** Carmen, could you,
7 when you get into this case, also order that the
8 company send you the --

9 **MS. PENA:** Yes, sir, I request that.

10 **COMMISSIONER GARCIA:** Okay. Good.

11 **CHAIRMAN JOHNSON:** Ma'am, one question, and
12 I appreciate your time and your patience in staying
13 here. One question: When you talked with the
14 company, BellSouth or any of the other companies, did
15 any of them ever -- or did they refer you to the PSC,
16 the Public Service Commission?

17 **WITNESS THOMPSON:** They said that the calls
18 were made from my home.

19 **CHAIRMAN JOHNSON:** No. Did they refer you
20 to us for help, to the Public Service Commission for
21 help?

22 **WITNESS THOMPSON:** No; the other one.

23 **CHAIRMAN JOHNSON:** The FCC?

24 **WITNESS THOMPSON:** Yes, the FCC, and told me
25 I had to pay so much money to get them.

1 **CHAIRMAN JOHNSON:** And were we --

2 **WITNESS THOMPSON:** And I asked where else
3 can I call. And on Monday I was with someone else for
4 so long on the phone with the lady from BellSouth, and
5 I told her to get her manager. She stayed on the
6 phone -- she held me on the phone so long until I had
7 to hang up. She didn't bring no manager to the phone.

8 **COMMISSIONER CLARK:** Ms. Thompson, I think
9 you can turn that over to our Staff. You don't need
10 to deal with them anymore. Our Staff will figure it
11 out and they'll let you know. I think you've gone
12 through enough trying to figure it out.

13 **WITNESS THOMPSON:** Yes, I have, because
14 month after month I think everything is okay. Here
15 come another bill. It was from 1,000 something. Now
16 they say I owe \$231 and --

17 **COMMISSIONER GARCIA:** And I think our Staff
18 has been very effective --

19 **WITNESS THOMPSON:** -- \$231 --

20 **COMMISSIONER GARCIA:** -- our Staff is very
21 effective. Although it's not in terms of --
22 international calls aren't necessarily our
23 jurisdiction, I find that when we do ask questions,
24 the companies are usually quite pleased to try to
25 solve questions from the Florida Commission as opposed

1 to having us refer them on. And so I think we can be
2 helpful even with the calls to Guyana and Canada.

3 **WITNESS THOMPSON:** But I must say some of
4 the people that work with BellSouth, some of them were
5 very nice to me and, really, you know, seemed like
6 they cared; but then there were some -- especially
7 like the lady I had Monday. She said, "Well, you
8 don't understand." I said, "I understand." She said,
9 "We gave you credit." I said, "You didn't give me no
10 credit, because I don't owe anything. If I owe
11 something, yes."

12 But I thank you all, also.

13 **CHAIRMAN JOHNSON:** Thank you.

14 **MR. BECK:** James Dunkel.

15 - - - - -

16 **JAMES DUNKEL**

17 appeared as a witness and, swearing to tell the truth,
18 testified as follows:

19 **DIRECT STATEMENT**

20 **WITNESS DUNKEL:** Good morning, everyone.
21 Name is James Dunkel, D-U-N-K-E-L. Address is 922
22 Southwest 7th Street, Miami, Florida 33130. Telephone
23 number, area code (305)-856-1311.

24 Now, the first moment I knew that I had been
25 slammed was when I opened up the phone bill on July

1 the 23rd, 1997. And I usually write down every time I
2 make a phone call, how long it is, and what number I
3 dialed.

4 And I noticed on the bill there -- the
5 billing period normally runs from about the 6th day of
6 the month to the 6th day of the next month where the
7 local bill date is on the 14th of the month. It used
8 to be that they coincided. Your long distance calls
9 would be during the period with your local billing,
10 but then that was changed a couple years back.

11 So I noticed when I opened up the bill that
12 I didn't see some of the calls there in the first days
13 of July right near the terminal -- or the end of the
14 period when it's normally billed, which I thought was
15 kind of unusual, because usually you'll -- up to the
16 5th at least.

17 And on examination of the bill a little
18 further, I noticed in there that there was a charge
19 for switching my long distance. And I said right
20 away, I didn't authorize any switch, why would this
21 be. So then I think it's stated on there that it was
22 LCI International.

23 So I immediately called up AT&T and wanted
24 to know what was the situation here, and they says,
25 "You're not with us anymore." And I says, "Okay well,

1 I want to be switched back right away. Okay. Well,
2 it will take about seven days, they told me.

3 So I in turn right after that call, I called
4 up Southern Bell -- this is in the evening hours
5 now -- and requested I be changed immediately back to
6 AT&T, and they said they could do that like in 24
7 hours. I says fine. And AT&T, when I was talking
8 with them told me that I could call a certain -- I
9 think it was a 700 number or whatever, and I could
10 verify when I was back on AT&T.

11 And I says, "Well, in the meantime, can I at
12 least dial up the five-digit access code to give with
13 AT&T if there are any calls I want to make until this
14 changes takes effect." They says, "Yeah, but it will
15 be a dollar and something cents every time you access
16 that number when you're not -- that's not your
17 dedicated carrier." I said, "Oh, wow. I didn't know
18 that."

19 So, anyway, this is on July the 23rd, and
20 the switchover, I found out later, was like the first
21 or second day of July.

22 So during that time period I had about four
23 hours' worth of calling on there, which I didn't want
24 to be paying another company for from what I -- the
25 company I authorized to do my long distance, AT&T, the

1 reason being -- they says -- well, when I called up
2 LCI, they says, well, they'll pay the difference
3 between what your rate before was and what their rate
4 is, so you don't have to incur any extra costs.

5 I says, "You don't understand. I'm a
6 retired AT&T employee, and I have a benefit, as a
7 retirement benefit, where they pay a set amount each
8 month and reimburse me for it." I says -- and I told
9 them that I don't expect to be paying them anything
10 because I would normally be reimbursed for my AT&T
11 calls. And I says -- when I called up LCI after I
12 called Southern Bell that same night, I said, "Who
13 authorized this change on here? Why am I changed?"

14 And they looked through the records, and
15 they said, "Well, we have a signed affidavit here, or
16 a signed statement, saying that Arnold Dunkel has
17 changed the phone service." I says, "When was that
18 dated?" "Oh, a short time ago." I says, "Well,
19 you've got a misunderstanding here. Mr. Dunkel is
20 dead. He died in 1990, September 1990. I don't think
21 you have his signature there. Please send me that
22 letter. I'd like to see it."

23 I said, "How long will it take before I can
24 receive this that letter?" They said, "It will be
25 about ten days." I says, "Okay." And ten days

1 passed, and it didn't come. So I called up LCI again.
2 "Oh, no, it takes at least three weeks." Okay. So I
3 wait three weeks. It still doesn't come. To this
4 day, I still haven't gotten that letter yet.

5 On July the 25th I called the Public Service
6 Commission and talked to Mr. Durbin, and I told him
7 the whole case, and he says, "Good. I'm going to
8 request this letter of agency from LCI." I says,
9 "Good. When you do, would you please send me a copy
10 of it?" And he said he would do that. And I never
11 received a copy from the PSC of that letter. Did you
12 ever send that out?

13 MR. DURBIN: I sure did.

14 WITNESS DUNKEL: When was it sent out?

15 COMMISSIONER GARCIA: Mr. Durbin, you're
16 going to need to get to a mike.

17 WITNESS DUNKEL: Because I've got
18 correspondence from him, but all I got from him was
19 telling me about this meeting today, and then I waited
20 and called back again, but he wasn't in. I got the
21 exact dates if you need that. But I called on the
22 25th, I think, of September and talked to Mrs. Stokes
23 there because Mr. Durbin wasn't there. She offered to
24 transfer me over -- transfer my call over to his
25 electronic mail, or --

1 **COMMISSIONER GARCIA:** Voice mail.

2 **WITNESS DUNKEL:** Voice mail. And I says,
3 "No, I'd rather not do that. I'd rather have you take
4 down the information and pass it on to him." You
5 know, so there wouldn't be any slip-up or whatever,
6 and I assumed that Mr. Durbin got that information.

7 And I got a letter the other day, just
8 another letter again here. At the time I told her
9 specifically, to be sure, that I still am waiting for
10 that letter of authorization, a copy of it, from your
11 office. And that's one thing.

12 And in a previous letter it said that they
13 would be glad to send me more information about this
14 hearing today. So that was the two items I asked for.
15 So I got more information about the hearing today, but
16 I still don't have that letter of authorization.

17 **MR. DURBIN:** My records indicate that I
18 closed the case on September 11th and had sent you
19 that letter. Now, I recall you asking for a copy of
20 it, and I would assume that I did put that in there
21 because I remember making a copy of. If it hasn't
22 gotten to you, I'll be more than glad to --

23 **COMMISSIONER GARCIA:** Mr. Durbin, we've got
24 it on file, that letter of authorization?

25 **MR. DURBIN:** Yes.

1 **COMMISSIONER GARCIA:** We do have it on file?

2 **MR. DURBIN:** It would have come with LCI's
3 response to the complaint, yes.

4 **COMMISSIONER GARCIA:** Okay. And how was it
5 resolved by our Staff? What was the resolution?

6 **MR. DURBIN:** Well, it was closed as a
7 justified slamming complaint, and LCI issued a credit
8 of \$25.47. I don't have all of the details because I
9 don't have that file here with me.

10 **WITNESS THOMPSON:** By talking with LCI on
11 the phone, they agreed to give me \$18, I think, and 82
12 cents' credit before they even put out the bill,
13 because I told them about my benefit with AT&T, that,
14 you know, I didn't expect to pay them anything because
15 I get reimbursed by AT&T for the calls I make with
16 them. So I'd never switch over to them.

17 And so it turned out on the bill when it
18 finally did come, that didn't show up as a charge on
19 that July bill. It comes around this time of the
20 month, the 23rd, 24th, and it didn't come at that time
21 because the calling long distance period goes from --
22 like I said earlier, from about the sixth day of the
23 month to the sixth day of the next month.

24 So what I get on the July bill it was just
25 AT&T charges from June the 6th or whatever to about

1 July the 6th, so that didn't even show up on the bill
2 as LCI at that time.

3 So on the August bill when I got back, it
4 showed up -- it was like \$7.49, the difference between
5 what he said, \$25 and change, plus the \$18. And I
6 talked to him about that earlier.

7 And then the September bill, which I got
8 about a month ago, that still didn't show up on there
9 yet. So I'm expecting a bill in the next couple days,
10 and hopefully it will be on that one. If it's not,
11 I'll need to get back to you again to expedite that,
12 get them to take that off of there. But that's where
13 we stand on that.

14 So obviously -- when I talked to the people
15 at LCI, they said -- I says, "How did you get the
16 signature?" He says, "We got it from a group called
17 Sponsor Rep," which I guess is an agency, I think,
18 that works for them securing names or whatever, and
19 then sells it to them probably.

20 COMMISSIONER GARCIA: The name of the
21 company is Sponsor Rep?

22 WITNESS DUNKEL: Sponsor Rep; that's what
23 the lady told me on the phone at LCI. I says, "You
24 know, how did you get this?"

25 COMMISSIONER GARCIA: Does Staff have any

1 knowledge of such a company?

2 MR. DURBIN: No, sir. I believe that they
3 are a company that operates one of these sweepstakes.

4 COMMISSIONER GARCIA: But they're not a long
5 distance company.

6 MR. DURBIN: No. They're a marketing
7 company.

8 COMMISSIONER GARCIA: Okay.

9 WITNESS DUNKEL: So I guess they just sell
10 that information to LCI. But, anyway, I was disturbed
11 at the time that they could change your service there
12 without them notifying you first.

13 Now, let me explain this to you. I had
14 gotten a letter the day before this thing on the 23rd
15 when I got the bill from Southern Bell from LCI, and
16 what's in the letter? It doesn't say "Welcome to the
17 company" yet. It says, Thank you for getting Home 800
18 service." And you got long distance plus inward WATS
19 type arrangement. And I'm thinking, my God.

20 I did receive another letter from LCI dated
21 early September here with like a calling card in there
22 plus welcoming you to the company. They're showing
23 all their rate schedules and stuff like that. Now,
24 that's supposed to be coming to you a short time after
25 you supposedly sign up on this, correct?

1 Here we're talking almost nine weeks before
2 I get the letter, which means you could be making a
3 lot of calls before you even know you're into in
4 another company.

5 **COMMISSIONER GARCIA:** Do you think it might
6 be a good idea that any switch that occurred, that
7 there be some lag time so that --

8 **WITNESS DUNKEL:** Absolutely. That was going
9 to be one of my suggestions. Let me give you some of
10 the suggestions I have come up with here.

11 My first one was that the local exchange
12 company, in this case BellSouth, should call you on
13 the phone or send you a letter stating that a change
14 has taken place, do you know about this or you don't
15 know about it. You know, in other words, verify it
16 with the customer.

17 And the other item I thought would be --
18 well, maybe to say this is too expensive to be doing
19 all that kind of work and it would run into money.
20 Well, then they could at least wait 30 days before
21 they executed this long distance carrier change so
22 that you would know this -- if you look at the bill
23 closely, of course, that that change has taken place;
24 and they could like put something in the message
25 column on your phone bill saying, you know, "your long

1 distance carrier has been changed," either in red ink
2 or big letters or something that would stand out more
3 than just ordinary print, and that way you would be
4 notified; and then you would say, oh, wait a minute, I
5 changed it. Fine. Let it go. No, I didn't change
6 it; get on the phone and say, hey, don't accept this
7 change because I didn't authorize it; before you get a
8 stack of calls before you know about it.

9 See, like in my case, the calls I made in
10 the early part of July don't show up until I get the
11 bill in late August. So you really -- if you don't
12 notice that Southern Bell put that charge on about
13 switching your carrier for \$1.49, you're not going to
14 notice you've got a different carrier until you've run
15 up a lot of bills.

16 So I got on the phone when I opened that
17 up -- and I usually look at every line in the bill
18 anyway -- and noticed that there was a charge in there
19 and what is it was for, and got really on the phone to
20 AT&T immediately, got on there to Southern Bell and
21 then got LCI. Okay.

22 Going on with some more of these suggested
23 changes, I think as far as the PIC freeze goes, I
24 didn't know about that before the fact, and if I did,
25 I might not have put it on not knowing it was that

1 easy to change your long distance carrier.

2 But what I'm saying is, I looked in the
3 front of the phone book there in the information
4 section and thought that something like that should be
5 in that part of phone book. Do you agree? It's not
6 against policy, is it, for them to put that in there?

7 COMMISSIONER DEASON: I'm not aware of that
8 being against any policy.

9 WITNESS DUNKEL: Okay. Maybe you could
10 propose that, that all the local exchange companies
11 would have that in the phone book there as an
12 information warning that you have that option.

13 COMMISSIONER GARCIA: Maybe we should go
14 further. I mean, I think we may want to do something
15 and speak -- ask the companies in the state to put out
16 information on the PIC freeze simply because we just
17 have such a huge increase of slamming, so that people
18 are aware of what's going on.

19 WITNESS DUNKEL: I think that needs to be
20 advertised a lot more. And once a person gets
21 involved in this thing, it has a bigger impact than
22 the fact of a telegram.

23 Okay. As another option I was thinking,
24 too, would be when a change is made on your long
25 distance carrier, for maybe the next five, six, seven

1 calls that you make on long distance, that an
2 announcement would come in there provided by the local
3 exchange company stating that your carrier has been
4 changed.

5 In other words, as a warning to you, you
6 know, before your number is answered when you're
7 making a call right in the beginning they could say,
8 your long distance carrier has been changed; who. You
9 know, that's not a big announcement, but it would be a
10 flag like letting you know something's happened. And
11 if you authorized it, fine. If you didn't, you said,
12 whoa, let me get on the phone here and --

13 COMMISSIONER GARCIA: Similar -- you would
14 mean similar to when you use a calling card when it
15 says, "Thank you for using --

16 WITNESS DUNKEL: Yeah.

17 COMMISSIONER GARCIA: -- AT&T or --

18 WITNESS DUNKEL: Exactly. I don't think
19 that would be too hard to institute.

20 COMMISSIONER GARCIA: I don't think we need
21 to have the local company do it. I think that the
22 long distance company should have that responsibility
23 if they've switched you over.

24 WITNESS DUNKEL: Okay. Okay. As long as
25 it's --

1 **COMMISSIONER GARCIA:** It's not a bad idea.

2 **WITNESS DUNKEL:** In other words --

3 **COMMISSIONER GARCIA:** Technically --

4 **WITNESS DUNKEL:** -- not just one avenue of
5 warning, but any way you can do it to let the customer
6 know. So if he misses one, he may get picked up by
7 the other red flags. Oh, wait, I didn't know about
8 this. Now I know about it, and now I can take action.
9 Or if they authorized it, and say, fine, okay; I know
10 that now it's in effect that I have the other company.
11 That was the point I wanted to make on that. That
12 pretty much takes care of what I have to say here.

13 So then they will be sending me a copy of
14 that LOA, because, you know, I thought maybe it was an
15 oversight the first time I asked for that LOA, and so
16 I called back, you know; and then I figured, well, the
17 second request I should get it. I don't know what
18 happened here. But I do have your letters that you
19 sent out, but it had information about this forum
20 today.

21 **MR. DURBIN:** I called the office and they're
22 going to fax it down to us right now.

23 **WITNESS DUNKEL:** Okay. That would be fine.

24 **CHAIRMAN JOHNSON:** Any other questions?

25 Thank you. Appreciate your testimony and suggestions.

1 **COMMISSIONER GARCIA:** And staying this long.

2 **MR. BECK:** Thank you Mr. Dunkel. Chairman.
3 that's the last person who has signed up.

4 **CHAIRMAN JOHNSON:** Are there any other
5 customers in the audience that did not sign up that
6 would like to testify today? Seeing none, I'd like to
7 thank you all. And I think the last one that
8 testified was the only one left in the room.

9 Again, we appreciate you staying and
10 testifying and being a part of this process. This
11 hearing is adjourned. Thank you.

12 (Thereupon, the hearing concluded at
13 1:45 p.m.)

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1 STATE OF FLORIDA)
2 COUNTY OF LEON)

CERTIFICATE OF REPORTER

3 I, H. RUTHE POTAMI, CSR, RPR Official
4 Commission Reporter,

5 DO HEREBY CERTIFY that the Workshop in
6 Docket No. 970882-TI was heard by the Florida Public
7 Service Commission at the time and place herein
8 stated; it is further

9 CERTIFIED that I stenographically reported
10 the said proceedings; that the same has been
11 transcribed under my direct supervision; and that this
12 transcript, consisting of 169 pages, constitutes a
13 true transcription of my notes of said proceedings.

14 DATED this 3rd day of November, 1997.

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Official Commission Reporter
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