

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of
Intellicall Operator Services,
Inc. for incorrect billing of 0+
calls from payphones.

DOCKET NO. 980779-TC
ORDER NO. PSC-98-1194-FOF-TC
ISSUED: September 8, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING PAYMENT INTO GENERAL REVENUE FUND

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

CASE BACKGROUND

Our staff routinely conducts evaluations of pay telephones for compliance with our rules. For these evaluations, our staff initiates 0+ direct dialed credit card calls and reviews billed rates for compliance with Rule 25-24.630(1)(a), Florida Administrative Code, and Order No. 24101, issued February 14, 1991, in Docket No. 860723-TP. Following such an evaluation, our staff determined that Intellicall Operator Services, Inc. (IOS) had billed \$2.30 for a two minute test call, which exceeded its tariffed rates for calls from payphones. Our staff found that IOS had improperly rated a service charge and the per-minute toll rates in violation of Rule 25-24.630(1)(a), Florida Administrative Code. On March 5, 1998, our staff informed IOS that IOS had billed calls in excess of its tariffed rates and requested additional information regarding this matter.

DOCUMENT NUMBER-DATE

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THE ABOVE INFORMATION IS UNCLASSIFIED

IOS responded to the inquiry on March 20, 1998, and April 28, 1998. IOS stated that the service charge and per-minute toll rates had, in fact, been improperly rated for the pay phone in question. IOS stated that an error had occurred when its employees input the Automatic Number Identification (ANI). IOS reported that it had overcharged customers \$154.84, because of 316 improperly rated calls placed during the period September 26, 1997, through March 27, 1998, from 41 individual phone numbers. Each call was over billed \$0.49.

On May 29, 1998, IOS was directed to remit the overcharges through credits or checks to the affected consumers. IOS was also directed to notify our staff regarding any unrefundable amounts. On June 15, 1998, IOS requested that it be allowed to make a voluntary payment in the amount of \$500.00 to the State of Florida General Revenue Fund, instead of making numerous individual refunds or reducing its rates. IOS's proposal is attached and incorporated in this Order as Attachment A.

DETERMINATION

Upon consideration, we find that IOS's proposal is appropriate in view of the amount to be refunded and the cost of the refund process. Therefore, we hereby accept IOS's proposal to pay \$500.00 to the State of Florida General Revenue Fund, instead of making individual refunds to customers.

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that Intellicall Operator Services, Inc.'s proposal to pay \$500.00 to the State of Florida General Revenue Fund is approved. It is further

ORDERED that Intellicall Operator Services, Inc. shall remit \$500.00 to the Florida Public Service Commission for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes, within 5 days of the date that this Order becomes final. It is further

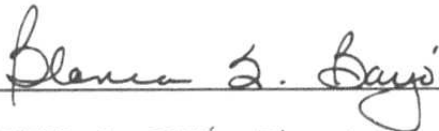
ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division

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of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 8th Day of September, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting ..

(S E A L)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 29, 1998.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

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Teleservices Inc.

ATTACHMENT E
DOCKET NO. 980779-TC
August 6, 1998

June 15, 1998

Mr. Rick Moses
Engineer Supervisor
Bureau of Service Evaluation
Florida Public Service Commission
2540 Stumard Oak Blvd.
Tallahassee, FL - 32399

Dear Mr. Moses:

With respect to the matter of refunds in the aggregate of \$154.84, Intellicall Operator Services, Inc. ("IOS"), suggests that in lieu of individual refunds for overcharges, that it be allowed to make a payment in the amount of \$500.00 to the General Fund. The cost of the refunding process far outweighs the amounts to be refunded and a rate reduction does not appear to a practical alternative.

Please advise if this suggestion meets with your approval. I understand that you will need to present it to the Commissioners for their approval before any further action is required on our part. Please call me at 972/529-1858 if there are questions or if further information is required.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Reid Presson, Jr.', written over a horizontal line.

B. Reid Presson, Jr.
Regulatory Consultant
Intellicall Operator Services, Inc.

CC: Greg Hall

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JUN 18 1998

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COMMUNICATIONS
SECTION