

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation of GTE
Communications Corporation for
incorrect billing of intrastate
0+ calls made from pay
telephones and intrastate 0+
calls made in a call aggregator
context.

DOCKET NO. 991503-TI
ORDER NO. PSC-00-0229-PAA-TI
ISSUED: February 3, 2000

The following Commissioners participated in the disposition of
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER ACCEPTING OFFER TO REFUND FROM
GTE COMMUNICATIONS CORPORATION

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.

GTE Communications Corporation (GTE) is certificated to
operate as an interexchange telecommunications company in
Florida. During a routine service evaluation by this agency, it
was determined that GTE was apparently overcharging for 0+ calls
made from pay telephone stations. In addition, during our review
of the operator service provider rates listed in its tariff, it was
found that GTE apparently was not in compliance with the rate caps
implemented February 1, 1999. Based on this information, our staff

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sent a letter to GTE on May 25, 1999, requesting a written response addressing the apparent overcharges. On June 9, 1999, GTE responded stating that it failed to update its tariff and rate table to comply with the new rate caps. Therefore, overcharges had occurred from February 1, 1999 through May 31, 1999. On that basis, GTE proposed to offer a refund in the amount of \$61,636.40 on the 133,336 calls that were overcharged.

GTE submitted its tariff revisions which became effective June 1, 1999. The new rates comply with the rate caps as stated in Rule 25-24.630, Florida Administrative Code.

Based on the foregoing, we find it reasonable to accept GTE's offer to refund customers pursuant to Rule 25-4.114, Florida Administrative Code. The amount of the refunds is \$65,210.39 including interest of \$3,573.99 and GTE shall credit end users' bills plus interest. The credit shall appear on each customer's local telephone company statement between March 1, 2000, and April 30, 2000. Any remaining monies, including interest due, that GTE is unable to refund shall be remitted to the Commission by May 10, 2000, for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. At the end of the refund period, GTE shall submit a final report as required by Rule 25-4.114, Florida Administrative Code.

Under Section 364.285, Florida Statutes, we are authorized to impose upon any entity subject to our jurisdiction a penalty of not more than \$25,000, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or Order of this Commission, or any provision Chapter 364, Florida Statutes. GTE has corrected the problem identified and cooperated fully during staff's investigation. Moreover, GTE has agreed to refund those customers who were overcharged, including interest. Upon consideration, we find that GTE's conduct does not rise to the level that warrants an Order to show cause.

Therefore, based on the foregoing, it is

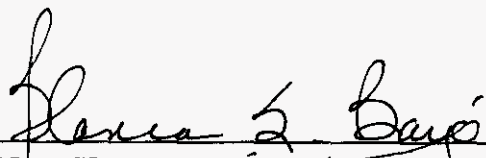
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ORDERED by the Florida Public Service Commission that GTE Communications Corporation's offer to refund is approved as set forth in the body of this Order. It is further

ORDERED that if no person whose interests are substantially affected by the proposed action files a protest within the 21 day protest period, this docket shall remain open pending the completion of the refund and receipt of the final report on the refund. After completion of the refund and receipt of the final refund report, this docket may be closed upon issuance of a Consummating Order. It is further

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

By ORDER of the Florida Public Service Commission this 3rd day of February, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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 that is available under Section 120.57, 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 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.

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 February 24, 2000.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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.