

Talbott
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FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

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JAN 22 1998

MEMORANDUM

January 22, 1998

FPSC - Records/Reporting

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF LEGAL SERVICES (PELLEGRINI)
DIVISION OF COMMUNICATIONS (BIEGALSKI) *WB RTT*
DIVISION OF CONSUMER AFFAIRS (SMITH)

RE: DOCKET NO. **971486-TI** - INITIATION OF SHOW CAUSE
PROCEEDING AGAINST MCI TELECOMMUNICATIONS CORPORATION FOR
VIOLATION OF RULE 25-4.118, FLORIDA ADMINISTRATIVE CODE,
INTEREXCHANGE CARRIER SELECTION

AGENDA: 02/03/98 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:\PSC\CMU\WP\971486TI.RCM

CASE BACKGROUND

On April 25, 1983, the Commission granted MCI Telecommunications Corporation (MCI) Certificate Number 61 to provide intrastate interexchange telecommunications service.

In the last seven years, the Commission has accepted two settlement offers from MCI regarding unauthorized carrier changes (slamming). On May 20, 1991, in Order No. 24550, the Commission approved a \$25,000 settlement offer in Docket No. 910205-TI. (Attachment A, Pages 8-10) On March 8, 1996 in Order No. PSC-96-0336-AS-TI, the Commission approved a \$50,000 settlement offer in Docket No. 960186-TI. (Attachment B, Pages 11-13)

In addition, the Federal Communications Commission accepted an agreement from MCI to resolve notice of apparent liability for forfeiture for slamming in May of 1996. MCI agreed to make a voluntary contribution of \$30,000 to the United States Treasury and to add additional consumer protections against unauthorized long distance carrier conversions by using an independent third party to

DOCUMENT NUMBER-DATE

01211 JAN 22 98

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M E M O R A N D U M

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FPSC-RECORDS/REPORTING

DOCKET NO. 971486-TI
DATE: January 22, 1998

verify residential and small business customer orders. (Attachment C, Page 14)

From April 1, 1996, through January 13, 1998, the Commission's Division of Consumer Affairs closed 137 consumer complaints against MCI as slamming infractions in apparent violation of Rule 25-4.118, Florida Administrative Code. Additional complaints have been received and are pending resolution in the Division of Consumer Affairs.

According to MCI's responses to the consumer complaints, the company utilized various methods of obtaining new long distance customers. MCI uses in-house telemarketers, independent marketers, mass mailings and mass media. In light of the numerous complaints received from consumers, it is staff's opinion that MCI has apparently violated Commission rules, has not established sufficient safeguards to protect consumers from unauthorized carrier changes, and has not complied with the terms of its 1996 settlement agreement. Therefore, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission order MCI Telecommunications Corporation to show cause why it should not have Certificate Number 61 canceled or be fined \$50,000 per violation for a total of \$6,850,000 for failure to comply with Rule 25-4.118, Florida Administrative Code, Interexchange Carrier Selection?

RECOMMENDATION: Yes. The Commission should order MCI to show cause in writing within 20 days of the issuance date of the order why it should not have Certificate Number 61 canceled or be fined \$50,000 per violation for a total of \$6,850,000 for failure to comply with Rule 25-4.118, Florida Administrative Code. Any collected fine monies should be forwarded to the Office of the Comptroller for deposit in the state General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. (Biegalski)

STAFF ANALYSIS: Staff reviewed the numerous complaints received in the Division of Consumer Affairs regarding unauthorized carrier changes filed against MCI since Order No. PSC-96-0336-AS-TI became final on March 8, 1996. It appears as though MCI has been unable to determine how certain telephone numbers were switched to their service. Staff is concerned that adequate steps have not been taken

DOCKET NO. 971486-TI
DATE: January 22, 1998

by MCI to protect customers from slamming and to ensure compliance with the rules and orders of the Florida Public Service Commission.

The following are a few examples of the numerous consumer complaints against MCI:

On March 17, 1997, Mr. Glen Cooke contacted the Commission and stated his intralata service was switched without authorization. MCI's report stated it believed it obtained a valid letter of authorization (LOA) and submitted it to the Local Exchange Carrier (LEC) for processing. MCI was unable to obtain a copy of the LOA, therefore, staff is unable to determine if MCI obtained proper authorization to switch Mr. Cooke's service. (Attachment D, Pages 15-22)

On December 2, 1996, Mr. Platte contacted staff and stated his telephone service was switched without authorization. MCI states the switch occurred after a telemarketing call was placed to the Platte's residence. MCI's report stated it received third party verification. The verification was based on a social security number provided by a minor child given to the third party verifier, Dial America. Mr. Platte notified staff that not only was his long distance carrier switched without his authorization, but the telephone bill came in his daughter's name. Mr. Platte also informed staff that his daughter is not authorized to make any long distance service changes.

Rule 25-4.118(2), Florida Administrative Code, states in pertinent part:

A certified IXC that will be billing in its name may submit a PIC change request, other than a customer-initiated PIC change, directly or through another IXC, to a LEC only if it has certified to the LEC that at least one of the following actions has occurred prior to the PIC change request: (c) the customer's requested change is verified through a qualified, independent firm which is unaffiliated with any IXC. . .

Since Mr. Platte's daughter is not the customer of record for the telephone number, the proper authorization was not obtained. (Attachment E, Pages 23-26)

On March 17, 1997, Ms. Gayle Krieger contacted staff and stated her long distance telephone service was switched from Sprint to MCI without authorization. MCI's report stated that the switch occurred following a telemarketing call placed to Ms. Krieger's telephone number. Ms. Krieger stated she received a call from an MCI telemarketer stating MCI was reviewing its monitoring process

DOCKET NO. 971486-TI
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and TPV (third party verification) was being done to confirm the monitoring process. Ms. Krieger was assured by the telemarketer that her long distance service would not be switched. However, on March 13, 1997, Ms. Krieger's long distance service was switched to MCI. (Attachment F, Pages 27-32)

MCI has not satisfied staff that it is in compliance with the Commission's rules. Accordingly, by Section 364.285, Florida Statutes, the Commission is authorized to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each day a violation continues, or have its certificate canceled, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of chapter 364. Utilities are charged with knowledge of the Commission's rules and statutes. Additionally, "[i]t is a common maxim, familiar to all minds, that 'ignorance of the law' will not excuse any person, either civilly or criminally." Barlow v. United States, 32 U.S. 404, 411 (1833).

Staff believes that MCI's apparent conduct in switching PICs without customer authorization has been "willful" in the sense intended by Section 364.285, Florida Statutes. In Order No. 24306, issued April 1, 1991, in Docket No. 890216-TL titled In re: Investigation Into The Proper Application of Rule 25-14.003, Florida Administrative Code, Relating To Tax Savings Refund for 1988 and 1989 For GTE Florida, Inc., having found that the company had not intended to violate the rule, the Commission nevertheless found it appropriate to order it to show cause why it should not be fined, stating that "In our view, willful implies intent to do an act, and this is distinct from intent to violate a rule." Thus, any intentional act, such as MCI's conduct at issue here, would meet the standard for a "willful violation."

Therefore, based on the numerous complaints received by the Commission, the 137 complaints closed as slamming infractions, and the fact that this is the third time MCI has appeared before the Commission regarding slamming, staff believes that \$50,000 per slamming infraction is appropriate.

Accordingly, staff believes there is sufficient cause to order MCI to show cause in writing within 20 days of the effective date of the order why it should not have Certificate Number 61 canceled or be fined \$50,000 per infraction for a total of \$6,850,000 for its apparent violations of Rule 25-4.118, Florida Administrative Code.

DOCKET NO. 971486-TI
DATE: January 22, 1998

ISSUE 2: Should the Commission order MCI to show cause why it should not be restricted from obtaining new customers through any methods other than customer initiated preferred carrier change requests with third party verification for a period of one year from the effective resolution date of the show cause order?

RECOMMENDATION: Yes. The Commission should order MCI to show cause in writing within 20 days of the issuance date of the order why it should not be restricted from obtaining new customers through any methods other than customer initiated preferred carrier change requests as a temporary condition to its certification for a period of one year from the effective resolution date of the show cause order. (Biegalski)

STAFF ANALYSIS: The settlement offer accepted by the Commission in Order Number PSC-96-0336-AS-TI, states in pertinent part,

(2) MCI will commit to apply the third party verification procedures in subsection 2(c) of the Commission's Interexchange Carrier Selection Rule (25-4.118, F.A.C.) To residential and small business sales resulting from customer initiated calls to MCI's inbound sales and customer service centers, notwithstanding that the third party verification requirement does not apply to customer-initiated PIC changes.

The following are a few examples of consumer complaints where third party verification was not obtained:

On December 2, 1996, Mr. Charles Whitaker contacted staff and stated his long distance service was switched from AT&T without his authorization. MCI's report stated that the switch occurred following a call to MCI Customer Service. It appears as though MCI did not conduct any third party verification on this account. The account was established in the name of Britt Whitaker with a different address than Mr. Charles Whitaker. Upon further investigation, it was determined that numerous accounts were installed by Mr. Britt Whitaker using other individual's telephone numbers. (Attachment G, Pages 33-37)

On October 15, 1996, Ms. Rosemary Hanlon, Hanlon Acoustical Ceilings, Inc., notified staff that her telephone service was switched without authorization. MCI's report stated that the switch was a result of an inbound call to one of its customer service centers. MCI could not provide any documentation regarding the unauthorized switch in service. It appears that MCI did not conduct any third party verification on this account. (Attachment H, Pages 38-52)

DOCKET NO. 971486-TI
DATE: January 22, 1998

On May 1, 1996, Ms. McElmurry contacted staff and stated her long distance service was switched from AT&T without authorization. MCI's report stated that the switch occurred following a call to one of MCI's customer service centers. MCI also states that since this was an inbound call, there was no documentation at the time of installation. In this instance, it appears that MCI did not conduct any third party verification on this account. (Attachment I, Pages 53-58)

Staff believes that the numerous consumer complaints received in the Division of Consumer Affairs, the apparent violations of Order No. PSC 96-0336-AS-TI, and the pattern of failure to comply with Commission slamming rules constitute evidence of an apparent lack of managerial capability to provide satisfactory telecommunications service in Florida. Therefore, staff believes that restricting MCI to one method of obtaining new customers will be the incentive that has been lacking for MCI to implement additional safeguards to prevent future unauthorized carrier changes. In addition, staff believes it is appropriate to apply this marketing restriction as a temporary condition on its certification for a period of one year to allow MCI the opportunity to correct the inadequacies in the management of its customer accounts in Florida.

DOCKET NO. 971486-TI
DATE: January 8, 1998

ISSUE 3: Should this docket be closed?

RECOMMENDATION: If staff's recommendation in Issues 1 and 2 are approved, then MCI will have 20 days from the issuance of the Commission's show cause order to respond in writing why it should not have its certificate canceled or be fined in the amount proposed. If MCI timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If MCI does not respond to the Commission's Order to Show Cause, the facts alleged are deemed admitted and the fines should be assessed. If MCI fails to respond to the Order to Show Cause, and the fines are not received within five business days after the expiration of the show cause response period, MCI's certificate should be canceled and this docket closed administratively. (Pellegrini)

STAFF ANALYSIS: If staff's recommendation in Issues 1 and 2 are approved, then MCI will have 20 days from the issuance of the Commission's show cause order to respond in writing why it should not be fined in the amount proposed or have its certificate canceled. If MCI timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceeding. If MCI does not respond to the Commission's Order to Show Cause, the facts alleged are deemed admitted and the fines should be assessed. If MCI fails to respond to the Order to Show Cause, and the fines are not received within five business days after the expiration of the show cause response period, MCI's certificate should be canceled and this docket closed administratively.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into numerous)
complaints against MCI TELECOMMUNICATIONS) DOCKET NO. 910205-TI
CORPORATION for unauthorized connections) ORDER NO. 24550
ISSUED: 5/20/91

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON
BETTY EASLEY
GERALD L. GUNTER
MICHAEL MCK. WILSON

ORDER ACCEPTING SETTLEMENT OFFER

BY THE COMMISSION:

This docket was initiated in response to the number of complaints received by our Division of Consumer Affairs (Consumer Affairs) against MCI Telecommunications Corporation (MCI) regarding unauthorized connections. An authorized connection is the changing of a customer's presubscribed primary interexchange carrier (PIC) without proper authorization from the responsible party. Our Staff's investigation demonstrated that in 1990, MCI had 210 total complaints, of which approximately 150 were for unauthorized connections or marketing practices. In the first quarter of 1991, 96 complaints were received by Consumer Affairs, with 73 of those for unauthorized connections or marketing practices. By Order No. 24037, issued January 28, 1991, in the U.S sprint docket, we indicated that unauthorized connections and unfair marketing practices would not be tolerated in Florida. Additionally, by Order No. 24403, issued April 22, 1991, we directed that a rulemaking proceeding be opened to address the problems of unauthorized connections and improper marketing practices of the interexchange carriers (IXCs). We believe that we have sent a clear message to the IXCs.

On April 29, 1991, MCI filed an Offer of Settlement with the Commission. In that offer, MCI agreed to pay a fine of \$25,000 for the unauthorized connections investigated by our Staff. Additionally, the Company explained that a substantial number of complaints during the period of October 1990 through March 1991, resulted from order processing errors. Due to the submission of a tape to the local exchange companies, a significant number of customers were inadvertently changed to MCI. During the course of its investigation our Staff found that, upon detection of the

ORDER NO. 24550
DOCKET NO. 910205-TI
PAGE 2

error, MCI acted in a timely manner to return the affected customers to their chosen carrier.

Although MCI currently has verification procedures in effect, those procedures have not adequately reconciled the unauthorized connection problems. However, the Company asserts that it had no policy in place which encouraged or directed intentional unauthorized PIC changes. As a solution to the verification problem, the Company has committed to implement a nationwide independent third party verification process, subject to outside audit. The process will be fully implemented by June 1, 1991. MCI believes that this measure will protect customers against having their PIC changed without their authorization.

We believe that MCI's settlement offer is reasonable. The Company's management is aware of and is taking steps to address the problems that exist. Therefore, we accept MCI's offer, and hereby direct the Company to remit \$25,000 to the Florida Public Service Commission in settlement of the issues in this docket. Again, we caution MCI that unauthorized connections shall not be tolerated in the future.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that MCI Telecommunications Corporation shall remit \$25,000 to the Florida Public Service Commission forthwith in settlement of the issues in this docket. It is further

ORDERED that this docket be closed upon receipt of the \$25,000 settlement from MCI Telecommunications Corporation.

By ORDER of the Florida Public Service Commission, this 20th day of MAY, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

PAK

by Kay Hagan
Chief, Bureau of Records

ORDER NO. 24550
DOCKET NO. 910208-TI
PAGE 3

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Investigation of MCI) DOCKET NO. 960186-TI
Telecommunications Corporation) ORDER NO. PSC-96-0336-AS-TI
marketing practices.) ISSUED: March 8, 1996

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

ORDER APPROVING OFFER OF SETTLEMENT

BY THE COMMISSION:

Between January and September 1995, the Division of Consumer Affairs received 192 complaints against MCI Telecommunications Corporation (MCI) regarding unauthorized switching (slamming) of consumers' long distance service in apparent violation of Rule 25-4.118, Florida Administrative Code. Commission staff met with representatives of the company and asked them to analyze each of the complaints to determine the cause(s) and how they might be resolved.

On January 18, 1996, MCI submitted an analysis of slamming complaints. The majority of the complaints appeared to be due to marketing activities. After further discussions with staff, and in recognition of possible enforcement action, MCI filed a Motion to Consider and Accept an Offer of Settlement on February 6, 1996.

We note that the Commission previously accepted an offer of settlement from MCI regarding slamming complaints in Docket No. 910205-TI. In that docket the Commission conducted an investigation after receiving numerous complaints from customers. The settlement, involving a \$25,000 voluntary contribution, was approved by Order 24550, issued on May 20, 1991.

MCI's Offer of Settlement, filed on February 6, 1996, consists of the following terms:

1. MCI will contribute to the general revenue fund of the State of Florida \$50,000 with no admission of liability or wrongdoing.

ORDER NO. PSC-96-0336-AS-TI
DOCKET NO. 960186-TI
PAGE 2

This voluntary contribution of \$50,000 will be made no later than ten days following the issuance of a final order accepting the offer of settlement.

2. MCI will commit to apply the third party verification procedures in subsection 2(c) of the Commission's Interexchange Carrier Selection Rule (25-4.118, F.A.C.) to residential and small business sales resulting from customer initiated calls to MCI's inbound sales and customer service centers, notwithstanding that the third party verification requirement does not apply to customer-initiated PIC changes.

3. MCI will commit to apply the third party verification procedures in subsection 2(c) of the Commission's Interexchange Carrier Selection Rule to direct marketing and direct response residential and small business sales evidenced by an LOA, notwithstanding that the third party verification requirement does not apply when MCI has an LOA.

4. MCI commits to the continuance of its "Satisfaction Guaranteed" policy whereby MCI agrees to incur the PIC change charge to return any customer to their carrier of choice if, for any reason, the customer is not satisfied with MCI's service.

We concur with MCI that implementing the procedure of third party verification of residential and small business PIC changes prior to implementing the change, should greatly reduce the slamming complaints received by the Division of Consumer Affairs. Specifically, the third party verification process should reduce the complaints in the categories of fraud, direct marketing, inbound calls, ANI errors, and miscellaneous mistakes.

Upon consideration, we will approve MCI's Offer of Settlement. Therefore, it is

ORDERED by the Florida Public Service Commission that MCI Telecommunications Corporation's Offer of Settlement is hereby approved. It is further

ORDERED that this docket shall be closed once MCI remits the \$50,000 voluntary contribution as described in and in accordance with the terms set forth in the Offer of Settlement. The voluntary contribution shall be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes.

By ORDER of the Florida Public Service Commission, this 8th day of March, 1996.

ORDER NO. PSC-96-0336-AS-TI
DOCKET NO. 960186-TI
PAGE 3

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-904-413-6770.

(S E A L)

MMB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.



NEWS

Federal Communications Commission
1919 - M Street, N.W.
Washington, D. C. 20554

This is an official announcement of Commission action. Release of this text and of a Commission order constitutes official action. See MCI v. FCC, 918 F.2d 355 (D.C. Cir. 1994).

cc: Taylor R. Pruitt
Moses
News media information 202 / 418-0600
Fax-On-Demand 202 / 418-2830
Internet: <http://www.fcc.gov>
ftp.fcc.gov

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Report No. CC 96-14

COMMON CARRIER ACTION

June 21, 1996

COMMON CARRIER BUREAU ADOPTS CONSENT DECREE AGREEMENT WITH MCI RESOLVING NOTICE OF APPARENT LIABILITY FOR FORFEITURE FOR SLAMMING

The Common Carrier Bureau and MCI Telecommunications Corporation (MCI) have entered into a Consent Decree Agreement, which resolves a pending Notice of Apparent Liability for Forfeiture (NAL) issued against MCI for alleged violations of the Commission's slamming rules.

Under the terms of the agreement, MCI will make a voluntary contribution of \$30,000 to the United States Treasury. MCI will also add additional consumer protections against unauthorized long distance carrier conversions by using an independent third party to verify residential and small business customer orders. MCI's new policy is a customer-focused enhancement to current FCC requirements for carrier change confirmation.

"This agreement is a victory for consumers, for the FCC and for MCI," said John B. Muleta, Chief, Enforcement Division, Common Carrier Bureau. "It represents a better way to protect customers from errors and to ensure they are hooked up to the long distance carrier of their choice."

"The Bureau believes that expanded use of independent third party verification will help resolve the continuing problem of the unauthorized conversion of customers' telephone services," Mr. Muleta added.

The NAL, issued in January, involved consumer allegations that MCI relied upon forged letters of agency as authority to substitute itself as the consumers' primary interexchange carrier (PIC) or long distance carrier. The practice of changing a consumer's PIC without authorization is commonly known as "slamming."

Action by the Common Carrier Bureau May 24, 1996, by Order (DA 96-1010).

- FCC -

News Media contact: Mindy Ginsburg at (202) 418-1500.

Common Carrier Bureau contact: Colleen Heitkamp at (202) 418-0960.

Name COOKE, GLEN

Company MCI TELECOMMUNICATIONS CORPORATION

Request No. 1650291

Address 411 SW 11TH AVE

Attn. MARY KENNEDY 165029

By JRD Jim 10:10 AM Date 03/17/97

APT 1

Consumer's Telephone # (954) 527-0742

To CO Jim FAX Date 03/17/97

City/Zip FT. LAUDERDALE 33312 County BRO

Can Be Reached

Type S form Phone

Account Number

Note

Category

Company Contact

Limited Response N

Infraction LS-13Z

Customer says his intralata PIC was switched to MCI without his authorization.
Please provide proof of authorization and rerate calls.

Closed by JRD Date 07/24/97

Reply Received 1

3/31/97 Report received.

CONSUMER REQUEST

7/24/97 Closed with letter.

**FLORIDA PUBLIC
SERVICE
COMMISSION**

2500 SHIRAZ OAK BOULEVARD
TALLAHASSEE, FL 32399-0850
904-413-6100

PLEASE RETURN THIS FORM
WITH REPORT OF ACTION TO:

Richard Durbin

DUE: 04/01/97

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA



DIVISION OF CONSUMER AFFAIRS
BEVERLEE DEMELLO
DIRECTOR
(850) 413-6100
TOLL FREE 1-800-342-3552

Public Service Commission

July 29, 1997

Mr. Glen Cooke
Apartment #1
411 Southwest 11th Avenue
Ft. Lauderdale, FL 33312

Dear Mr. Cooke:

This is in response to your inquiry concerning the unauthorized switch of your long distance service to MCI Telecommunications Corporation (MCI).

Florida Public Service Commission (PSC) rules state that a customer's Primary Interexchange Carrier (PIC) may be changed only if one of the following conditions has been met:

- *The IXC has on hand a ballot or letter from the customer requesting such change; or*
- *The customer initiates a call to an automated 800 number and through a sequence of prompts, confirms the customer's requested change; or*
- *The customer's requested change is verified through a qualified, independent firm which is unaffiliated with any IXC; or*
- *The IXC has received a customer request to change his PIC and has responded within three days by mailing of an information package that includes a prepaid, returnable postcard and an additional 14 days have past before the IXC submits the PIC change to the LEC. The information package should contain any information required by Rule 25-4.118(3)."*

None of these conditions appear to have been met in this case.

ATTACHMENT D
DOCKET NO. 971486-TI
JANUARY 22, 1998

Mr. Glen Cooke
Page 2
July 29, 1997

It appears that MCI is in violation of Rule 25-4.118. Documentation provided to the PSC by MCI shows that the utility has rerated the calls for which you were billed and has issued credits to your account in the amount of \$12.17.

If you have any questions, please let me know. I can be reached toll-free at 1-800-342-3552 or at DDURBIN@PSC.STATE.FL.US.

Sincerely,



Dick Durbin
Regulatory Supervisor/Consultant
Division of Consumer Affairs

DD:ewe

ATTACHMENT
DOCKET NO. 971486-TI
JANUARY 22, 1998

15:15

MCI AGENCY RELATIONS

P.01

MCI AGENCY RELATIONS
PO BOX 4661
IOWA CITY, IOWA 52244-4661

PHONE #: 800-624-0533
FAX #: 800-854-7960

TO: *Richard Gustin*

FAX: *904 413 6362*

FROM: **Mary Kennedy/External Agency Escalations**

DATE: *March 7, 1997*

SUBJECT: *Cooke / 165029I*

PAGES: *5*

COMMENTS:

Name COOKE, GLEN
 Address 411 SW 11TH AVE
 City/zip APT 1 County BRD
 Account Number ET. LANDERDALE 33312
 Company Contact _____
 Company MCI Telecommunications Corporation
 Rate W/RY KENNEDY 165029
 Consumer's Telephone # (954)-527-0742
 On Air Standard _____
 Date _____
 Validated Signature M

Customer says his Intralata PIC was switched to MCI without his authorization.
 Please provide proof of authorization and rerate calls.

Request no. 1650291
 By BRD Date 10:10 AM Date 03/17/97
 To CO Title FAK Date 03/17/97
 Type S From Phone
 Out agency _____
 Infract. no. _____
 Closed by _____ Date 1/1
 Reply: Answered _____

CONSUMER REQUEST

**FLORIDA PUBLIC
 SERVICE
 COMMISSION**

2540 SEVENHARD OAK BOULEVARD
 TALLAHASSEE, FL 32399-6589
 904-437-6265

PLEASE RETURN THIS FORM
 WITH REPORT OF ACTION TO:

Richard Durbin _____

DATE: 04/01/97



MCI Telecommunications
Corporation
Mass Markets
P.O. Box 4661
Iowa City, IA 52244-4661

March 31, 1997

ATTN: MR. RICHARD DURBIN
FLORIDA PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE FL 32399 0880

RE: Request Number 1650291
Glen Cook

Dear Mr. Durbin:

This letter comes in response to Request Number 1650291 filed by Mr. Cook regarding service for telephone number 954-527-0742.

ISSUE:

Mr. Cook stated in his complaint his intralata service was switched to MCI without his authorization. It is requested MCI issue credits for switching fees and or differences in rates.

INVESTIGATION AND ACTION TAKEN:

MCI established account 4N717441 on ~~February~~ October 31, 1996, following a receipt of a signed Letter of Authorization (LOA). The account was established to service 954-527-0742 with Dial 1 and Intralata service. By virtue of the document, MCI understood it was in compliance with Florida Rule 25-6-118 and believed it had obtained a valid Letter of Authorization to submit the order to the local exchange carrier (LEC) to request to change 954-527-0742 to MCI. After submitting a request for a copy of the LOA it has been determined it is not obtainable.

In cases where a customer ultimately disputes the selection of MCI for their intralata service, we attempt to return the customer to the same position they were in prior to this situation. It is our practice to cancel the account and to issue credit for any conversion fee imposed by the LEC. In this case, Mr. Cooke's intralata service was canceled on November 5, 1996. MCI has paid the cost of the conversion fees by issuing an adjustment of \$2.98 to be credited on his Bell South invoice as reimbursement for the conversion fees he incurred.


As a tariffed long distance carrier, MCI is responsible for the reimbursement of it's rates. During the time that Mr. Cooke's intralata service was with MCI, records indicate that there was one invoice which intralata charges generated in the amount of \$117.60. As a courtesy, I rerated Mr. Cooke's intralata calls to the rates he received with Bell South. Total credit came to \$12.17. Mr. Cooke received a credit of \$5.22 on January 22, 1997, for his intralata calls; therefore, a I issued the difference of \$6.95 to Mr. Cooke's account.

MCI regrets any inconvenience this experience may have caused Mr. Cooke. It has never been our policy to establish service for someone who does not want MCI for their intralata long distance carrier. Attached is a copy of the letter sent to Mr. Cooke in response to his complaint. If I can be of further assistance in this matter, please contact me at 1-800-624-0533.

ATTACHMENT D
DOCKET NO. 971486-TI
JANUARY 22, 1998

Mr. Durbin
Page 2
March 31, 1997

Sincerely,



Mary Kennedy
MCI External Agency Escalations

Enclosure
cc:file



MCI Telecommunications
Corporation

Mass Markets
P.O. Box 4661
Iowa City, IA 52244-4661

March 31, 1997

MR. GLEN COOKE
411 SW 11TH AVE APT 1
FT. LAUDERDALE FL 33312

Dear Mr. Cooke:

This letter is in response to the complaint you filed with the Florida Public Service Commission stating your intralata service was switched to MCI without your authorization. Please accept our apology for any inconvenience you have experienced as a result of this matter.

MCI established your account 4N717441 on October 31, 1996, following a receipt of a signed Letter of Authorization (LOA.) The account was established to service 954-827-0743 with Dial 1 and Intralata service. By virtue of the document, MCI understood it was in compliance with Florida Rule 25-4-118 and believed it had obtained a valid Letter of Authorization to submit the order to the local exchange carrier (LEC) to request to change 954-827-0743 to MCI. After submitting a request for a copy of the LOA it has been determined it is not obtainable.

In cases where a customer ultimately disputes the selection of MCI for their intralata service, we attempt to return the customer to the same position they were in prior to this situation. It is our practice to cancel the account and to issue credit for any conversion fee imposed by the LEC. In this case, your intralata service was canceled on November 5, 1996. MCI has paid the cost of the conversion fees by issuing an adjustment of \$2.98 to be credited on your Bell South invoice as reimbursement for the conversion fees he incurred.

As a certified long distance carrier, MCI is responsible for the reimbursement of it's rates. During the time that your intralata service was with MCI, records indicate that there was one invoice which intralata charges generated in the amount of \$117.68. As a courtesy, I rerated your intralata calls to the rates you received with Bell South. Total credit came to \$12.17. You received a credit of \$5.22 on January 22, 1997, for your intralata calls; therefore, I issued the difference of \$6.95 to your account.

MCI regrets any inconvenience this experience may have caused you. It has never been our policy to establish service for someone who does not want MCI for their intralata long distance carrier. If I can be of further assistance in this matter, please contact me at 1-800-624-0533.

Sincerely,

Mary Kennedy
MCI External Agency Escalations
cc: Mr. Durbin, Florida Public Service Commission

Name PLATIE, LINDA (MR.)

Company MCI TELECOMMUNICATIONS CORPORATION

Request No. 1497821

Address 5611 VERBENA ROAD

Attn. MARY KENNEDY 1497821

By KES time 3:04 PM Date 12/02/96

Consumer's Telephone # (904)-768-7619

To CO time FAX Date 12/02/96

City/Zip JACKSONVILLE 32209 County DUV

Can Be Reached (904)-764-3325

Type S form Phone

Account Number _____

Note tele

Category _____

Company Contact _____

Limited Response N

Infraction 1s-13B

Closed by NEP Date 12/23/96

Reply Received T

Customer said that MCI contacted his minor daughter and issued her a calling card and switched his service without his permission. The bill shows his telephone number, but with his daughter's name as the owner of the service. As she is a minor child and her name is different from the customer of record, he is requesting a full refund. Please investigate, provide proof of authorization, contact customer and advise.

12/6/96 Customer called wanting an update on his status. I told him the company had not yet sent its report and that it had until 12/17/96.

12/13/96 Customer called and left a voice message. I tried to return his call, but both lines given have been disconnected.

12/16/96 I called customer on (904) 768-4575 and left a message on his voice mail.kes

12/16 report and letter to customer with explanation and full credit.

CONSUMER REQUEST

FLORIDA PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL. 32399-0850
904-413-6100

PLEASE RETURN THIS FORM
WITH REPORT OF ACTION TO:

Kate Smith

DUE: 12/17/96

ATTACHMENT E
DOCKET NO. 971486-T1
JANUARY 22, 1998

-23-



MCI Communications
Corporation
1431 Marrett
P.O. Box 4661
Owens Corning, IA 52244-4661

December 16, 1996

ATTN: KATE SMITH
FLORIDA PUBLIC SERVICE COMMISSION
2540 SEYMOUR OAK BOULEVARD
TALLAHASSEE FL 32399-0850

RE: Request Number 1497821
Mr. Platte

Dear Ms. Smith,

This letter comes in response to the complaint filed by Mr. Platte regarding his long distance service for telephone number, 904-768-7619.

ISSUE:

Mr. Platte states MCI contacted his minor daughter and issued her a calling card and switched his service without permission. It is requested MCI research this concern and credit switch fees and/or differences in rates.

INVESTIGATION RESULTS:

As the request of Mr. Platte, MCI investigated the claim of unauthorized installation of service. MCI records show MCI Account 40680937 was established following a telemarketing call placed to 904-768-7619 on September 16, 1996. Pursuant to Florida Public Service Commission Rule 25-4-118, MCI obtained third party verification of the request for the PIC change. MCI records show that third party verification was obtained through a third party vendor we work with, Dial America and obtaining a social security number of 590 24 7912. Thus, in conformance with Rule 25-4-118, Mr. Platte's service was established.

ACTION TAKEN:

In cases where the establishment of service is in question, MCI attempts to return the customer to the same position they were in prior to this situation. It is our practice to cancel the account and to issue credit for any conversion fee imposed by the local exchange carrier (LEC). I have issued an adjustment of \$2.89 to cover this cost and have sent the credit to Mr. Platte's local telephone company Bell South. Account 40680937 was canceled November 29, 1996.

Following receipt of a report where the authorization of service is in question, it is MCI's practice to identify the representative responsible for the conversion, to counsel the representative on an individual basis on the importance of following proper procedures, and to take appropriate disciplinary action if it is found proper procedures were not followed. Mr. Platte's complaint has been brought to the attention of the management team of the representative involved in this conversion so that it may be addressed.

MCI records indicate two invoices generated with MCI long distance charges, together totaling \$261.31. As a tariffed long distance carrier, MCI is entitled to reimbursement for the use of its system. In cases where the establishment of service is in question, it is MCI's practice to issue an adjustment for any difference between usage charges computed at MCI's rates where the non MCI rates are lower. Since Mr. Platte's daughter is a minor and did not have the authority to request the change in service, MCI has issued an adjustment in the amount of \$261.31 leaving a zero balance.

DEC-16-1996 10:42 AM
MCI - SERVICE RELATIONS
ATTACHMENT E
DOCKET NO. 971486-TI
JANUARY 22, 1998

Ms. Smith
Page 2
December 16, 1996

I attempted to contact Mr. Platte to inform him of the adjustment issued; however, both numbers provided were disconnected. Attached is a copy of the letter sent to Mr. Platte regarding his concern. MCI regrets any inconvenience this experience may have caused Mr. Platte. It has never been MCI's policy to establish service for someone who does not want MCI as their long distance carrier. If you would like additional assistance in this matter, please contact me at 1-800-624-0533.

Sincerely,



Mary Kennedy
MCI Agency Relations

Enclosure
cc:file

ATTACHMENT E
DOCKET NO. 971486-TI
JANUARY 22, 1998

MCI

MCI Telecommunications
Corporation

Mass Marretts
P.O. Box 4661
Iowa City, IA 52244-4661

December 16, 1996

MR. FLATTE
5611 VERBENA ROAD
JACKSONVILLE FL 32209

Dear Mr. Platte,

This letter comes in response to the complaint you filed with the Florida Public Service Commission stating MCI contacted your minor daughter and issued her a calling card and switched your service without authorization. Please accept our apology for any inconvenience you have experienced as a result of this matter.

At your request, MCI investigated your claim of unauthorized installation of service. MCI records show MCI Account 40680937 was established following a telemarketing call placed to 904-768-7619 on September 16, 1996. Pursuant to Florida Public Service Commission Rule 25-4-118, MCI obtained third party verification of the request for the change in service. MCI records show that third party verification was obtained through a third party vendor we work with, Dial America and obtaining a social security number of 59C 24 7912. Thus, in conformance with Rule 25-4-118, your service was established.

In cases where the establishment of service is in question, MCI attempts to return the customer to the same position they were in prior to this situation. It is our practice to cancel the account and to issue credit for any conversion fee imposed by the local exchange carrier. I have issued an adjustment of \$2.89 to cover this cost and have sent the credit to your local telephone company Bell South. Account 40680937 was canceled November 29, 1996.

Following receipt of a report where the authorization of service is in question, it is MCI's practice to identify the representative responsible for the conversion, to counsel the representative on an individual basis on the importance of following proper procedures, and to take appropriate disciplinary action if it is found proper procedures were not followed. Your complaint has been brought to the attention of the management team of the representative involved in this conversion so that it may be addressed.

MCI records indicate two invoices generated with MCI long distance charges, together totaling \$261.31. As a tariffed long distance carrier, MCI is entitled to reimbursement for the use of its system. In cases where the establishment of service is in question, it is MCI's practice to issue an adjustment for any difference between usage charges computed at MCI's rates where the non MCI rates are lower. Since your daughter is a minor and did not have the authority to request the change in service, MCI has issued an adjustment in the amount of \$261.31 leaving a zero balance.

MCI regrets any inconvenience this experience may have caused Mr. Platte. It has never been MCI's policy to establish service for someone who does not want MCI as their long distance carrier. If you would like additional assistance in this matter, please contact me at 1-800-624-0533.

Sincerely,



Mary Kennedy
MCI Agency Relations
cc: Ms. Smith, Florida Public Service Commission

TOTAL P.05

Name KRIEGER, GAYLE Company MCI TELECOMMUNICATIONS CORPORATION
Address 1402 23 ST. Attn. MARY KENNEDY 1650271
City/Zip NICEVILLE 32578 County OCA Consumer's Telephone # (904)-729-7063
Account Number _____ Can Be Reached _____ Note _____
Company Contact _____ Limited Response N

Request No. 1650271
By SRG Time 10:07 AM Date 03/17/97
To CO Time FAX Date 03/17/97
Type S form Phone
Category _____
Infraction LS-13B
Closed by SRG Date 03/28/97
Reply Received T

Customer says the following:

Her long distance service was switched without her knowledge.
The customers' PIC is SPRINT.

Please provide proof of authorization.

3/27/97 Report received.

3/27/97 report and letter to customer with credit.

CONSUMER REQUEST

**FLORIDA PUBLIC
SERVICE
COMMISSION**

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL. 32399-0850
904-413-6100

PLEASE RETURN THIS FORM
WITH REPORT OF ACTION TO:

Sam Gonzalez

DUE: 04/01/97

ATTACHMENT F
DOCKET NO. 971486-TI
JANUARY 22, 1998

State of Florida

Commissioners
JULIA L. JOHNSON, CHAIRMAN
SUSAN F. CLARK
J. TERRY DEASON
JOE GARCIA
DIANE K. KIESLING



DIVISION OF CONSUMER AFFAIRS
BEVERLEE DeMELLO
DIRECTOR
(904) 413-6100
TOLL FREE 1-800-342-3552

Public Service Commission

March 31, 1997

Ms. Gayle Krieger
1402 - 23rd Street
Niceville, FL 32578

RE: FPSC Inquiry #1650271

Dear Ms. Krieger:

This in response to your March 17 inquiry filed with the Florida Public Service Commission (PSC). I have attached a copy of the report received by the PSC from MCI Telecommunications Communications concerning your inquiry. It shows you having been issued a credit of \$10 by the company.

If you have any questions concerning the report, please contact me toll-free at 1-800-342-3552.

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel R. Gonzalez".

Samuel R. Gonzalez
Regulatory Specialist I
Division of Consumer Affairs

SRG:ewe

MAR-27-1997 15:52

MCI AGENCY RELATIONS

F.01

MCI AGENCY RELATIONS
PO BOX 4661
IOWA CITY, IOWA 52244-4661

PHONE #: 800-624-0533
FAX #: 800-854-7960

TO: *Sam Gonyea*

FAX: *904-413-6362*

FROM: Mary Kennedy/External Agency Escalations

DATE: *March 27, 1997*

SUBJECT: *Krieger / # 165027-F*

PAGES: *4*

COMMENTS:

ATTACHMENT F
DOCKET NO. 971486-TI
JANUARY 22, 1998

MAR-27-1997 15:52

MCI AGENCY RELATIONS

F.02

NAME KRIEGER, GAYLE
Address 1402 23 ST.
NICEVILLE 32578 County OCA
Account Number _____
Agency Contact _____

Company MCI TELECOMMUNICATIONS CORPORATION
Main MARY KENNEDY 1650271
Customer's Telephone # (904)-729-7063
Call Not Searched _____
Title _____
Mailed Response N

Request No. 1650271
By SRG Date 10:07 AM Date 03/17/97
To CO Date FAX Date 03/17/97
Type S Date Phone
Category _____
Refraction _____

Customer says the following:

Her long distance service was switched without her knowledge.
The customers' PIC is SPRINT.

Please provide proof of authorization.

Closed by _____ Date 1/1
Reply Received _____

CONSUMER REQUEST

FLORIDA PUBLIC SERVICE COMMISSION

2500 SHEPARD OAK BOULEVARD
TALLAHASSEE, FL 32309-8800
904-413-6100

PLEASE RETURN THIS FORM WITH REPORT OF ACTION TO:

San Gonzalez

DUE: 04/01/97

FD30272009 WPC 1001

3-17-97 10:11:01 48-11-0

-30-

MAR-27-1997 15:53

MCI AGENCY RELATIONS

F.03



MCI Telecommunications
Corporation
Mess Markets
P.O. Box 4661
Iowa City, IA 52244-4661

March 27, 1997

ATTN. SAM GONZALEZ
FLORIDA PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE FL 32399-0800

Dear Mr. Gonzalez:

This letter comes in response to the complaint filed by Ms. Krieger, regarding telephone number 904-729-7063.

ISSUE:

Ms. Krieger stated in her complaint her service was switched without her authorization. It is requested MCI investigate this concern.

INVESTIGATION AND ACTION TAKEN:

MCI established account 4A000042 on March 4, 1997, as a result of a telemarketing call placed to Ms. Krieger's telephone number 904-729-7063. On March 13, 1997, Ms. Krieger contacted MCI explaining her service was switched without authorization. She indicated she received a call from an MCI telemarketer who stated "MCI was reviewing it's monitoring process and TPV was being done to confirm the monitoring process." The representative assured her the long distance service would not be switched. Unfortunately, this was not the case. MCI canceled Ms. Krieger's account on March 13, 1997 at her request and issued a credit of \$10.00.

MCI neither condones or tolerates the unethical sales tactics described by Ms. Krieger. We have identified the representative involved and have taken the appropriate corrective action to prevent similar situations from this representative.

In response to Ms. Krieger's complaint, I have requested her name and telephone number be removed from MCI's telemarketing lists. This will prevent future MCI telemarketing calls to her telephone number, 904-729-7063. Should she move, change names, disconnect or reconnect her local telephone service, she must again contact the long distance company to request to be placed on the Do Not Call List.

We regret any inconvenience this experience may have caused Ms. Krieger. Enclosed is a copy of the letter of response provided to Ms. Krieger. If I can be of further assistance in this matter, please contact me at 1-800-624-0533.

Sincerely,


Mary Kennedy
MCI External Agency Escalations

Enclosures
cc:file

MAR-27-1997 15:53

MCI AGENCY RELATIONS

F.04



MCI Telecommunications
Corporation

Mass Markets
P.O. Box 4661
Iowa City, IA 52244-4661

March 27, 1997

MS. GAYLE KRIEGER
1402 23 ST
NICEVILLE FL 32578

Dear Ms. Krieger:

This letter comes in response to the complaint you filed with the Florida Public Service Commission stating your service was switched to MCI without your authorization. Please accept our apology for any inconvenience you experienced as a result of this incident.

MCI established account your account 4A050842 on March 4, 1997, as a result of a telemarketing call placed to your telephone number 904-729-7063. On March 13, 1997, you contacted MCI explaining your service was switched without your authorization. You indicated you received a call from an MCI telemarketer who stated "MCI was reviewing its monitoring process and TPV was being done to confirm the monitoring process." The representative assured you the long distance service would not be switched. Unfortunately, this was not the case. MCI canceled your account on March 13, 1997 at your request and issued a credit of \$10.00 to your account.

MCI neither condones or tolerates the unethical sales tactics you described. We have identified the representative involved and have taken the appropriate corrective action to prevent similar situations from this representative.

In response to Ms. Krieger's complaint, I have requested your name and telephone number be removed from MCI's telemarketing lists. This will prevent future MCI telemarketing calls to your telephone number, 904-729-7063. Should you move, change names, disconnect or reconnect your local telephone service, you must again contact the long distance company to request to be placed on the Do Not Call List.

Be assured it has never been our policy to establish service for someone who does not want MCI as their long distance carrier. We regret any inconvenience this experience may have caused you. If I can be of further assistance in this matter, please contact me at 1-800-624-0533.

Sincerely,

A handwritten signature in cursive script that reads "Mary Kennedy".

Mary Kennedy
MCI External Agency Escalations

cc: Ms. Sam Gonzalez, Florida Public Service Commission

Name WHITAKER, CHARLES

Company MCI TELECOMMUNICATIONS CORPORATION

Request No. 1497851

Address 5135 SOUTH NICKOLS STREET

Attn. MARY KENNEDY 1497851

By SAS Time 3:43 PM Date 12/02/96

Consumer's Telephone # (813)-839-4/47

To CO Time FAX Date 12/02/96

City/Zip TAMPA 33611 County HILL

Can Be Reached (813)-839-4447

Type S Form Phone

Account Number _____

Note 800 call in

Category _____

Company Contact _____

Limited Response N

Infraction LS-13G

Closed by NEP Date 12/31/96

Reply Received T

Mr. Whitaker says that his long distance service was switched from AT&T without authorization, and says that a Britt Whitaker 352/628-0447 in Crystal River or Homosassa had provided his (Charles) name as a frequent caller. However, Mr. Whitaker says that Britt Whitaker's name is on his October and November bills. He says the October bill was \$169.30 and November bill was \$59.33, and MCI says that the outstanding balance will be turned over to a collection agency. He objects to the unauthorized switch, and wants the problem investigated. (PLEASE INVESTIGATE AND PROVIDE A DETAILED WRITTEN REPORT INCLUDING LOA/TAPE AND APPLICABLE CREDITS FOR THE SWITCHING FEES AND LONG DISTANCE CALLS AFTER YOUR CONTACT WITH THE CUSTOMER.)

12/16 report and letter to customer with explanation and credit.

12-18 GTE's report received

CONSUMER REQUEST

FLORIDA PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL. 32399-0850
904-413-6100

PLEASE RETURN THIS FORM
WITH REPORT OF ACTION TO:

Shirley Stokes

DUE: 12/17/96

ATTACHMENT G
DOCKET NO. 971486-TI
JANUARY 22, 1998

-33-



GTE Telephone
Operations

One Tampa City Center
201 N. Franklin Street
P.O. Box 110
Tampa, FL 33601-0110

December 18, 1996

Ms. Shirley Stokes
Consumer Affairs Analyst
Division of Consumer Affairs
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Charles Whitaker
Case Number 149933I

Dear Ms. Stokes:

The following information is provided in response to Mr. Whitaker's FPSC inquiry of December 3, 1996.

On August 22, the presubscribed carrier was changed from AT&T (CIC 288) to MCI (CIC 222) via carrier initiated request. At that time the \$4.14 change charge was applied.

On October 29, the carrier was changed from MCI (CIC 222) back to AT&T (CIC 288) at no charge per customer request.

The November 10 bill reflected a credit of \$27.27 toll charges and the change charge incurred in August.

On December 11, Ms. Miller, Executive Assistant, recoured the MCI charges from November 10 bill totaling \$59.33.

A PIC restriction form was mailed to the customer which when returned will prevent carrier changes in the future without the customer's written authorization. Mr. Whitaker appears to be satisfied with action taken.

We trust this provides you with the information you require to resolve this matter.

Sincerely,

Debby B. Kampert
Regulatory Administrator-Regulatory Affairs

DBK:aaf

Consumer-CCC/Carrier Billing

REC-16-1998 10:58

MCI BOND RELATION

3.02

MCI Telecommunications
Corporation

N 311 MARKET
P.O. Box 4661
Iowa City, IA 52244-4661



December 16, 1996

ATTN: SHIRLEY STOKES
FLORIDA PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE FL 32399-0850

RE: Request Number 1497851
Charles Whitaker

Dear Ms. Stokes,

This letter comes in response to the complaint filed by Mr. Whitaker in regard to concerns with the long distance service for telephone number, 813-839-4447.

ISSUE:

Mr. Whitaker states his long distance service was switched from AT&T to MCI without his authorization. He is requesting MCI investigate and provide information regarding the switching of their long distance and issue pertinent credits.

INVESTIGATION RESULTS:

At the request of Mr. Whitaker, MCI investigated the claim of unauthorized installation of service. MCI records show MCI Account 404468034 was initially established following a call placed to MCI Customer Service. When a customer requests an account be established, we act in good faith and establish an account under the number they represent as their.

The account was established in the name of Britt Whitaker, with the address of 11420 W. Oakview Dr., Homosassa FL 34448. Added to the account was Dial 1, MCI Calling Card and MCI's Friends and Family program. One calling card was sent to the address the account was established with. No calling card fraud was detected on the account, however, it was found that several accounts were harassed by Mr. Britt Whitaker using other individuals telephone numbers. The account was canceled on October 21, 1996.

ACTION TAKEN:

In cases where the establishment of service is in question, MCI attempts to return the customer to the same position they were in prior to this situation. It is our practice to cancel the account and to issue credit for any conversion fee imposed by the local exchange carrier (LEC). I have issued an adjustment of \$8.28 to cover this cost and have sent the credit to Mr. Whitaker's local telephone company GTL.

MCI records indicate there was 6-raw invoices which generated with MCI long distance charges totaling \$235.01. As a tariffed long distance carrier, MCI is entitled to reimbursement for the use of its system. In cases where the establishment of service is in question, it is MCI's practice to issue an adjustment for any difference between usage charges computed at MCI's rates where the non MCI rates are lower. In this case, MCI has made an adjustment in the amount of \$235.01, for the total amount of the charges Mr. Whitaker incurred. MCI believes the establishment of the Account 404468034 to be the result of Subscription Fraud.

DEC-16-1996 14:56

MCI AGENCY RELATIONS

F.04

Ms. Stokes

Page 2

December 16, 1996

I attempted to contact Mr. Whitaker and was forwarded to his answering machine where I left a message informing him how the service was installed and of the adjustment made to the account. Attached is a copy of the letter sent to Mr. Whitaker in response to his concerns. MCI regrets any inconvenience this experience may have caused Mr. Whitaker. It has never been MCI's policy to establish service for someone who does not want MCI as their long distance carrier. If you would like additional assistance in this matter, please contact me at 1-800-624-0533.

Sincerely,



Mary Kennedy
MCI Agency Relations

Enclosure
cc:file



Telecommunications
Corporation
Mass Markets
P.O. Box 4661
Iowa City, IA 52244-4661

December 16, 1996

MR. CHARLES WHITAKER
5135 SOUTH NICKOLS STREET
TAMPA FL 33611

Dear Mr. Whitaker,

This letter comes in response to the complaint you filed with the Florida Public Service Commission stating your long distance service was switched from AT&T to MCI without your authorization. Please accept our apology for any inconvenience you have experienced as a result of this incident.

At your request, MCI investigated the claim of unauthorized installation of service. MCI records show MCI Account 40468034 was initially established following a call placed to MCI Customer Service. When a customer requests an account be established, we act in good faith and establish an account under the number they represent as theirs.

The account was established in the name of Britt Whitaker with Dial 1, MCI Calling Card and MCI's Friends and Family program. One calling card was sent to the address the account was established with. No calling card fraud was detected on the account, however, MCI believes the establishment of the account to be the result of Subscription Fraud. The account was canceled on October 21, 1996.

In cases where the establishment of service is in question, MCI attempts to return the customer to the same position they were in prior to this situation. It is our practice to cancel the account and to issue credit for any conversion fee imposed by the local exchange carrier. I have issued an adjustment of \$8.28 to cover this cost and have sent the credit to your local telephone company GTE.

MCI records indicate there was three invoices which generated with MCI long distance charges totaling \$235.01. As a tariffed long distance carrier, MCI is entitled to reimbursement for the use of its system. In cases where the establishment of service is in question, it is MCI's practice to issue an adjustment for any difference between usage charges computed at MCI's rates where the non MCI rates are lower. In this case, MCI has made an adjustment in the amount of \$235.01, for the total amount of the charges you incurred. MCI believes the establishment of account 40468034 to be the result of Subscription Fraud.

MCI regrets any inconvenience this experience may have caused you. It has never been MCI's policy to establish service for someone who does not want MCI as their long distance carrier. If you would like additional assistance in this matter, please contact me at 1-800-624-0533.

Sincerely,

Mary Kennedy
MCI Agency Relations

cc: Ms. Shirley Stokes, Florida Public Service Commission

Name HANLON, ROSEMARY
Address HANLON ACOUSTICAL CEILINGS, INC.
12603 CORRAL ROAD
City/Zip TAMPA 33624 County HILL
Account Number _____
Company Contact _____

Company MCI TELECOMMUNICATIONS CORPORATION
Attn. MARY KENNEDY - 1435321
Consumer's Telephone # (813)-855-3913
Can Be Reached _____
Note 800 call in
Limited Response N

Request No. 1435321
By CRP time 11:42 AM Date 10/15/96
To CO time FAX Date 10/16/96
Type S form FAX
Category _____
Infraction 1s-13G
Closed by NEP Date 12/30/96
Reply Received T

Please respond accordingly (attached is customer's correspondence.)

10/31 report and letter to customer with explanation and credit.

CONSUMER REQUEST

FLORIDA PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL. 32399-0850
904-413-6100

PLEASE RETURN THIS FORM
WITH REPORT OF ACTION TO:

Carmen Pena

DUE: 10/31/96

ATTACHMENT H
DOCKET NO. 971486-T1
JANUARY 22, 1998

-38-

ATTACHMENT H
DOCKET NO. 971486-TI
JANUARY 22, 1998

FL PUBLIC SERVICE COMM--> 918008547960

*** Transmit Conf. Report ***

Oct 16 '96 9:18

FL PUBLIC SERVICE COMM--> 918008547960	
No.	0002
Mode	NORMAL
Time	1'44"
Pages	4 Page(s)
Result	O K

ATTACHMENT H
DOCKET NO. 971486-TI
JANUARY 22, 1998

Hanlon Acoustical Ceilings, Inc.

12603 Corral Road
TAMPA, FLORIDA 33624
(813) 855-3913
Clearwater/St. Petersburg
(813) 895-3417

September 16, 1996

President
SmartMinutes
P.O. Box 85053
Louisville, KY 40285-5053

Re: Acct # 26831008

Dear Mr. President:

Enclosed is a check in the amount of \$64.95, the total amount due your company.

Your company decided to be my long distance carrier without our permission or authorization from anyone at this company. We were not aware of the situation until we got a letter, see copy attached, from your collection department. Not only did your Company make yourselves my long distance carrier, you also sent the bills to a wrong address and to make matters worse you are now threatening my credit rating. I also discovered your company changed my personal line 813-855-3220 to your company without my permission. I only became aware of the change when the bill arrived. I immediately changed back to AT&T. This switch cost me over \$40.00 as I had a 40% discount program with AT&T, which I did not get with your company.

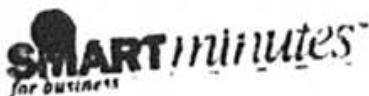
Now! Mr. President, we do not now nor never did want service from your company. Kindly advise your people to cease making threatening calls. If our credit is in any way harmed by your company you shall be held liable.

Sincerely,


Rosemary Hanlon

cc State Public Utilities Dept.

143532I



JULY 24, 1998

HANLON ACOUSTICAL CEILING
12602 CIRRAK RD

TAMPA

FL 33626-0000

Re: Account #26831008

You are now in default of your SmartMinutes account. You have a right to correct this default by sending the balance of \$42.75 immediately or call 1-800-685-5175 to make acceptable arrangements.

Your payment should be mailed to the following address. Please be sure to write your customer number on your check to ensure proper posting.

SmartMinutes
P.O. Box 85053
Louisville, KY. 40285-5053

If you do not correct your default, further collection action will be taken. Your immediate attention is necessary to resolve this situation today.

Sincerely,

SmartMinutes
Collection Department

to
02/23/98

ATTACHMENT H
DOCKET NO. 971486-TI
JANUARY 22, 1998



MCI AGENCY RELATIONS
PO BOX 4661
IOWA CITY, IOWA 52244-4661

PHONE #: 800-624-0533
FAX #: 800-854-7960

TO: Carmen Pena

FAX: 904-413-6362

FROM: Mary Kennedy / MCI Agency Relations

DATE: 10/28/96

SUBJECT: Hanlon Acoustical/ #143532I

PAGES: 6

COMMENTS:

ATTACHMENT H
DOCKET NO. 971486-TI
JANUARY 22, 1998

Please respond accordingly (attached is customer's correspondence.)

NAME HAN ON, ROSEMARY
Address HAN ON ACOUSTICAL CEILING'S, INC.
12603 CORRAL ROAD
117719 TAMPA 33624 County HILL

Company NCL Telecommunications Corporation
Attn. MARY KENNEDY 1435321
Consumer's Telephone # (813) 855-3913
Can Be Reached _____
Rate _____
Unlisted Expense N
Company Contact _____

Request No. 1435321
By CRP time 11:42 AM sent 10/15/96
to CO via Fax sent 10/16/96
Type B from FAX
Category _____
Instruction _____
Closed by _____ date 1/1
Reply received _____

FLORIDA PUBLIC
SERVICE
COMMISSION

2540 SEMINOLE OAK BOULEVARD
TALLAHASSEE, FL 32399-0609
904-413-6100

PLEASE RETURN THIS FORM
WITH REPORT OF ACTION TO:

Carmen Pena
DUE 10/31/96



Telecommunications
Corporation
Mass Markets
P.O. Box 4661
Iowa City, IA 52244-4661

October 31, 1996

ATTN: CARMEN PENA
FLORIDA PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE FL 32399-0850

RE: Request Number 143532I
Hanlon Acoustical Ceilings

Dear Ms. Pena,

This letter comes in response to the complaint filed by Ms. Rosemary Hanlon in regards to concerns with the long distance service for telephone number, 813-855-3913 and 813-855-3220.

ISSUE:

Ms. Hanlon stated her service was switched from AT&T to SmartMinutes without her authorization. It is requested MCI research Ms. Hanlon's concern and credit switch fees and or differences in rates.

INVESTIGATION RESULTS:

At the request of Ms. Hanlon, MCI investigated the claim of unauthorized installation of service to SmartMinutes. MCI records show SmartMinutes Account 4P742544 was established as a result of a inbound call to one of our customer service centers. When a prospective customer calls MCI and requests service, it is MCI's policy to act in good faith and establish an account under the name and telephone number given. Due to the fact that this was an inbound call, there was no formal documentation at the time of installation.

ACTION TAKEN:

In cases where the establishment of service is in question, MCI attempts to return the customer to the same position they were in prior to this situation. It is our practice to cancel the account and to issue credit for any conversion fee imposed by the local exchange carrier(LEC). I have sent Ms. Hanlon \$9.00 in certificates to cover this cost. Ms. Hanlon may send the certificates in with her local phone bill with no obligation to MCI. I did speak with GTE and verified Mrs. Hanlon has been switched to the carrier of her choice. This account 4P742544 was canceled July 29, 1996.

Following receipt of a report where the authorization of service is in question, it is MCI's practice to identify the representative responsible for the conversion, to counsel the representative on an individual basis on the importance of following proper procedures, and to take appropriate disciplinary action if it is found proper procedures were not followed. Ms. Hanlon's complaint has been brought to the attention of the management team of the representative involved in this conversion so that it may be addressed.


Ms. Pena
Page 2
October 31, 1996

As a tariffed long distance carrier, MCI is entitled to reimbursement for the use of its system. In cases where the establishment of service is in question, it is MCI's practice to issue an adjustment for any difference between usage charges computed at MCI's rates where the non MCI rates are lower. Ms. Hanlon was charged \$64.95, I sent her certificates in the amount of \$26.00. This is equivalent to the 40% discount she received with AT&T.

I spoke with Ms. Hanlon and explained to her how the service was established. She indicated that her residential telephone number 813-855-3220 was switched as well. However, I was not able to locate an account. Ms. Hanlon stated she would send me a copy of her invoice so I may research and issue any adjustments if necessary.

Attached is a copy of the letter sent to Ms. Hanlon in regards to this situation. MCI regrets any inconvenience this experience may have caused Ms. Hanlon. It has never been MCI's policy to establish service for someone who does not want MCI as their long distance carrier. If you would like additional assistance in this matter, please contact me at 1-800-624-0533.

Sincerely,



Mary Kennedy
MCI Commission Specialist

Enclosure
cc:file



October 31, 1996

HANLON ACOUSTICAL CEILINGS INC.
ATTN: ROSEMARY HANLON
12603 CORRAL ROAD
TAMPA FL 33624

Dear Ms. Hanlon:

This letter comes in response to the complaint you filed with the Florida Public Service stating your long distance service was switched to SmartMinutes without your authorization. Please accept our apology for any inconvenience you have experienced as a result of this incident.

At your request, MCI investigated the claim of unauthorized installation of service to SmartMinutes. MCI records show SmartMinutes Account 4P742544 was established as a result of a inbound call to one of our customer service centers. When a prospective customer calls MCI and requests service, it is MCI's policy to act in good faith and establish an account under the name and telephone number given. Due to the fact that this was an inbound call, there was no formal documentation at the time of installation.

In cases where the establishment of service is in question, MCI attempts to return the customer to the same position they were in prior to this situation. It is our practice to cancel the account and to issue credit for any conversion fee imposed by your local telephone company. I have enclosed \$9.00 in certificates to cover this cost. You may send the certificates in with your local phone bill with no obligation to MCI. I did speak with GTE and verified your service has been switched to the carrier of your choice. This account 4P742544 was canceled July 29, 1996.

Following receipt of a report where the authorization of service is in question, it is MCI's practice to identify the representative responsible for the conversion, to counsel the representative on an individual basis on the importance of following proper procedures, and to take appropriate disciplinary action if it is found proper procedures were not followed. Ms. Hanlon's complaint has been brought to the attention of the management team of the representative involved in this conversion so that it may be addressed.

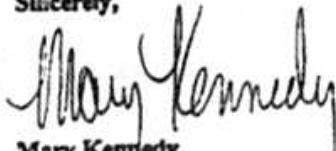
Ms. Hanlon
Page 2
October 31, 1996

As a tariffed long distance carrier, MCI is entitled to reimbursement for the use of its system. In cases where the establishment of service is in question, it is MCI's practice to issue an adjustment for any difference between usage charges computed at MCI's rates where the non MCI rates are lower. You received \$64.95 in charges, I have enclosed certificates in the amount of \$26.00. This is equivalent to the 40% discount you received with AT&T.

I appreciated the opportunity to speak with you regarding this concern. You indicated that your residential telephone number 813-855-3220 was switched as well. However, I was not able to locate an account. You may fax me a copy of your invoice for the telephone number 813-855-3220 so I may research. My fax number is 800-854-7960.

MCI regrets any inconvenience this experience may have caused you. It has never been MCI's policy to establish service for someone who does not want MCI as their long distance carrier. If you would like additional assistance in this matter, please contact me at 1-800-624-0533.

Sincerely,



Mary Kennedy
MCI Commission Specialist

Enclosure
cc: Ms. Carmen Pena

Hanlon, Rosemary
143532I

FACSIMILE COVER SHEET

Hanlon Association Callings
12803 Corral Road
Tampa, FL 33626
(813)885-3913
(813)885-1088

SEND TO	From
CARMEN PENNA	ROSE MARY HANLON
Attention	Date
	OCT. 14TH. 1996
Fax Number	Phone Number
1800-511-0809	

- Urgent
 Reply ASAP
 Please Comment
 Please Review
 For your information

Total pages, including cover sheet

COMMENTS

COPY OF EAST DUE NOTICE DATED AUG. 7TH. 1996. NOTE WRONG ADDRESS. THIS WAS
 THE FIRST CORRESPONDANCE RECEIVED FROM SMART MINUTES MAKING US AWARE OF THEM
 BEING OUR LONG DISTANCE CARRIER. WHEN I ASKED FOR BREAKDOWN OF CHARGES
 IT CAME FROM MCI TELECOMMUNICATIONS, 9666 OLIVE BLVD. STE. 200 ST. LOUIS
 MO 63132
 ALSO ON ONE OF THE BILLS IT STATES IF ANY PROBLEMS CALL 1.800-444-3003 OR WRITE
 CUSTOMER SERVICE P.O. BOX 271620 HOUSTON, TX 77272-1620

Rosemary Hanlon

MCI Telecomm
in Iowa City, Ia
1-800-624-0533
Mary Kennedy
Called @ 11:40 am.
Make complaints
to them
-for Mrs. Kennedy-

TI
731

Called @ 11:35 am
10/15/96
1 (916) 567-4424
Kathy Gates
about
"Smart Minutes"
Recorded message
said to call

ATTACHMENT H
DOCKET NO. 971486-TI
JANUARY 22, 1998

SMARTminutes™
for business

**NOTICE
OF
CANCELLATION**

HANLON ACOULTSICAL CEILING*
12803 CIRRAK RD
TAMPA FL 33628

THE PAST DUE
AMOUNT MUST BE
RECEIVED IN OUR
OFFICE NO LATER
THAN THE DUE
DATE OR YOUR
SERVICE, INCLUDING
ANY 800 NUMBERS,
WILL BE CANCELLED.

IF YOU HAVE ANY
QUESTIONS, PLEASE
CALL CUSTOMER
FINANCIAL SERVICES
AT

1-800-685-5176

RETAIN THE TOP PORTION OF
THIS NOTICE FOR YOUR RECORDS

CANCELLATION FOR NON-PAYMENT
IS ALLOWED BY RELEVANT TARIFF
SECTIONS FILED WITH THE FEDERAL
COMMUNICATIONS COMMISSION.

Telecom USA
or Teleconnect

TEAR OFF THE BOTTOM PORTION OF THIS NOTICE
AND RETURN IT WITH YOUR PAYMENT TODAY!

DO NOT WRITE ON THIS SIDE - MAKE ADDRESS CORRECTIONS
ON THE OPPOSITE SIDE OF THIS PORTION OF YOUR NOTICE

REMIT TO:

TELECONNECT
P.O. BOX 88108
LOUISVILLE, KY 40288-8108

PAST DUE AMOUNT \$42.75
DATE DUE: AUGUST 07, 1998

01-00028831008E
HANLON ACOULTSICAL CEILING*
12803 CIRRAK RD
TAMPA FL 33628

01 00028831008 000004275 072276 5

ATTACHMENT H
DOCKET NO. 971486-T1
JANUARY 22, 1998

SMART *minutes*
for business

JULY 24, 1998

HANLON ACOUSTICAL CEILING
12603 CIRRAK RD

TAMPA FL 33626-0000

Re: Account #26831008

You are now in default of your SmartMinutes account. You have a right to correct this default by sending the balance of \$42.75 immediately or call 1-800-685-5176 to make acceptable arrangements.

Your payment should be mailed to the following address. Please be sure to write your customer number on your check to ensure proper posting.

SmartMinutes
P.O. Box 85053
Louisville, KY. 40285-5053

If you do not correct your default, further collection action will be taken. Your immediate attention is necessary to resolve this situation today.

Sincerely,

SmartMinutes
Collection Department

top
20
7/24

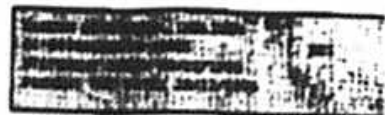
ATTACHMENT H
DOCKET NO. 971486-TI
JANUARY 22, 1998



Hanlon Acoustical
Attn: Rosemary Hanlon
12603 Corral Rd.
Tampa, FL 33626

ATTACHMENT H
DOCKET NO. 971486-T1
JANUARY 22, 1998

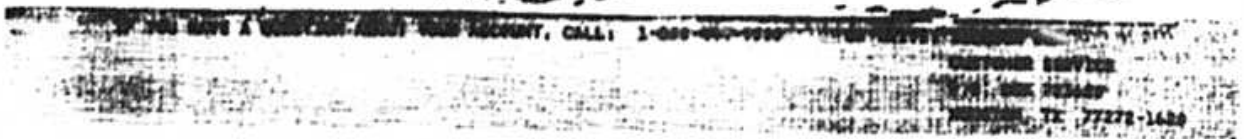
SMARTminutes
for business



**SMARTMINUTES
ACCOUNT STATEMENT**

			PAGE 1 OF 2
BALANCE FROM LAST STATEMENT	54.69		
PAYMENTS AND CREDITS THRU 09/21/1996	.00		
BALANCE REMAINING 09/21/1996	54.69	DUE UPON RECEIPT	
LONG DISTANCE CHARGES	.00		
OTHER CHARGES	.00		
TAXES AND OTHER GOV'T REQ CHARGES	.00		
CURRENT CHARGES	.00		
TOTAL DUE 10/12/1996	54.69		

01-80026831008-89401
MANLON ACOUTSICAL CEILING
12683 CORRAL RD
TAMPA FL 33626-4403



WE APPRECIATE YOUR CONTINUED BUSINESS

Name MCELMURRY, MICHAEL

Company MCI TELECOMMUNICATIONS CORPORATION

Request No. 1240651

Address CRYSTAL MCELMURRY

Attn. SUSAN DELAFIELD 124065

By DBM Time 2:10 PM Date 05/01/96

7001 9TH STREET S.

Consumer's Telephone # (813)-865-0365

To CO. Time FAX Date 05/01/96

City/Zip SAINT PETERSBURG 33705 County PIH

Can Be Reached _____

Type S form Phone

Account Number _____

Note _____

Category _____

Company Contact _____

Limited Response Y

Infraction LS-13Z

Closed by NEP Date 05/23/96

Reply Received T

Customer's PIC is AT&T. When she recieved her bill she found her long distance service had been changed to MCI on April 13. She says this was done without her permission. Appropriate documentation requested to establish authorization. Appropriate credits requested for switching fees and or differences in rates. Please respond by date indicated. Contact customer and provide her a copy of your report to the PSC.

5/15 Report and letter to customer.
File closed.

CONSUMER REQUEST

FLORIDA PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL. 32399-0850
904-413-6100

PLEASE RETURN THIS FORM
WITH REPORT OF ACTION TO:

Doug Martin

DUE: 05/15/96

ATTACHMENT I
DOCKET NO. 971486-TI
JANUARY 22, 1998

-53-

ATTACHMENT I
DOCKET NO.
JANUARY 22,

FROM: MCI CEDAR RAPIDS IA

TO:

FPS

MAY 15, 1996

1:31PM

P.01

MCI CONSUMER RELATIONS
323 3RD STREET S.E.
CEDAR RAPIDS, IA 52401

PHONE: 1-800-661-2849
FAX: 1-800-333-4189

TO: Doug Martin
FAX #: 904-413-6362
DATE: 5-9/96

FROM: MARY KENNEDY, COMMISSION SPECIALIST
TOTAL PAGES: 6

C O M M E N T S :

Doug,

Response to claim # 1241657
Michael W. Elmore

MARY

ATTACHMENT I
DOCKET NO. 971486-TI
JANUARY 22, 1998

FROM: MCI CEDS P:DS IA

TO:

FR:

MAY 15, 1996

11:32AM

P.02

MCI Telecommunications
Corporation

Consumer Markets Division
323 Third Street SE
Des Moines, IA 50319

MCI 15, 1996

ATTN DOUG MARTIN
FLORIDA PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE FL 32399-0850

RE: Request Number 1240651
Mrs. Michael McElmurry

Dear Mr. Martin,

This letter comes in response to the complaint filed by Mrs. Michael McElmurry in regard to concerns with the long distance service for telephone number, 813-865-0365.

ISSUE:

Mrs. McElmurry stated her service was switched from AT&T to MCI without her authorization. It is requested MCI research Mrs. McElmurry's concern and credit switch fees and or differences in rates.

INVESTIGATION RESULTS:

At the request of Mrs. McElmurry, MCI investigated the claim of unauthorized installation of service. MCI records show MCI Account 4Y113574 was established as a result of a inbound call to one of our customer service centers. When a prospective customer calls MCI and requests service, it is MCI's policy to act in good faith and establish an account under the name and telephone number given. Due to the fact that this was an inbound call, there was no formal documentation at the time of installation.

ACTION TAKEN:

In cases where the establishment of service is in question, MCI attempts to return the customer to the same position they were in prior to this situation. It is our practice to cancel the account and to issue credit for any conversion fee imposed by the local exchange carrier(LEC). I have issued an adjustment of \$8.28 to cover this cost and have sent the credit to Mrs. McElmurry's local phone company GTE. I did speak with GTE and verified Mrs. McElmurry has been switched to the carrier of her choice. This account 4Y113574 was cancelled May 9, 1996.

Following receipt of a report where the authorization of service is in question, it is MCI's practice to identify the representative responsible for the conversion, to counsel the representative on an individual basis on the importance of following proper procedures, and to take appropriate disciplinary action if it is found proper procedures were not followed. Mrs. McElmurry's complaint has been brought to the attention of the management team of the representative involved in this conversion so that it may be addressed.

As a tariffed long distance carrier, MCI is entitled to reimbursement for the use of its system. In cases where the establishment of service is in question, it is MCI's practice to issue an adjustment for any difference between usage charges computed at MCI's rates where the non MCI rates are lower. At this time, no adjustment has been made as MCI records indicate no invoices generated with MCI charges.

ATTACHMENT I
DOCKET NO. 971486-TI
JANUARY 22, 1998

FROM: MCI CEDAR RAPIDS IA

TO:

FPS

MAY 15, 1998

1:02PM

P.02

Mr. Doug Martin
Page 2
May 15, 1998

I contacted Mrs. McElmurry and I explained to her how the service was established and of the adjustments made to the account. Additionally, I informed Mrs. McElmurry I would monitor the account for any invoices that may generate charges and issue a 20% adjustment if necessary. Attached is a copy of the letter sent to Mrs. McElmurry in regard to this situation. MCI regrets any inconvenience this experience may have caused Mrs. McElmurry. It has never been MCI's policy to establish service for someone who does not want MCI as their long distance carrier. If you would like additional assistance in this matter, please contact me at 1-800-661-2849.

Sincerely,



Mary Kennedy
MCI Commission Specialist

Enclosure
cc:file

ATTACHMENT I
DOCKET NO. 971486-TI
JANUARY 22, 1998

FROM: MCI CEDAR RAPIDS IA

TO:

FPSG

MAY 15, 1996

1:13PM

P.04



MCI Telecommunications
Corporation

Consumer Markets Division
323 Third Street SE
Cedar Rapids, IA 52401

May 15, 1996

MRS. MICHAEL MCELMURRY
7001 9TH ST S
SAINT PETERSBURG FL 33705

Dear Mrs. McElmurry,

This letter comes in response to the complaint you filed with the Florida Public Service Commission, in regard to concerns with the long distance service for telephone number, 813-865-0365.

You stated your service was switched from AT&T to MCI without your authorization. It was requested MCI research your concern and credit for switching fees and/or differences in rates.

At your request, MCI investigated the claim of unauthorized installation of service. MCI records show MCI Account 4Y113574 was established as a result of a inbound call to one of our customer service centers. When a prospective customer calls MCI and requests service, it is MCI's policy to act in good faith and establish an account under the name and telephone number given. Due to the fact that this was an inbound call, there was no formal documentation at the time of installation.

In cases where the establishment of service is in question, MCI attempts to return the customer to the same position they were in prior to this situation. It is our practice to cancel the account and to issue credit for any conversion fee imposed by the local exchange carrier(LEC). I have issued an adjustment of \$8.28 to cover this cost and have sent the credit to your local phone company GTE. I did speak with GTE and verified your service was switched to the carrier of your choice. This account 4Y113574 was cancelled May 9, 1996.

Following receipt of a report where the authorization of service is in question, it is MCI's practice to identify the representative responsible for the conversion, to counsel the representative on an individual basis on the importance of following proper procedures, and to take appropriate disciplinary action if it is found proper procedures were not followed. Mrs. McElmurry's complaint has been brought to the attention of the management team of the representative involved in this conversion so that it may be addressed.

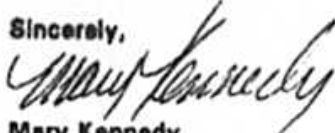
As a tariffed long distance carrier, MCI is entitled to reimbursement for the use of its system. In cases where the establishment of service is in question, it is MCI's practice to issue an adjustment for any difference between usage charges computed at MCI's rates where the non MCI rates are lower. At this time, no adjustment has been made as MCI records indicate no invoices generated with MCI charges.

ATTACHMENT 1
DOCKET NO. 971486-TI
JANUARY 22, 1998

Mrs. McElmurry
Page 2
May 15, 1996

I appreciate speaking with you regarding your concern. As I stated in our conversation I will be monitoring the account for charges that may generate on your May invoice and issue a 20% adjustment. MCI regrets any inconvenience this experience may have caused you. It has never been MCI's policy to establish service for someone who does not want MCI as their long distance carrier. If you would like additional assistance in this matter, please contact me at 1-800-661-2849.

Sincerely,



Mary Kennedy
MCI Commission Specialist

cc:Doug Martin, Florida Public Service Commission

RUTLEDGE, ECENIA, UNDERWOOD, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

STEPHEN A. ECENIA
KENNETH A. HOFFMAN
THOMAS W. KONRAD
MICHAEL G. MAIDA
J. STEPHEN MENTON
R. DAVID PRESCOTT
HAROLD F. X. PURNELL
GARY R. RUTLEDGE
R. MICHAEL UNDERWOOD
WILLIAM B. WILLINGHAM

POST OFFICE BOX 551, 32302-0551
215 SOUTH MONROE STREET, SUITE 420
TALLAHASSEE, FLORIDA 32301-1841

TELEPHONE (850) 681-6788
TELECOPIER (850) 681-6515

January 26, 1998

RECEIVED

JAN 27 1998

GOVERNMENTAL CONSULTANTS

FPSC - Records Reporting
AMY J. YOUNG

Ms. Blanca Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

RE: Florida PSC Docket Nos. 970097-TI; ~~971486-TI~~; 971487-TI; 971482-TI; 971480-TI,
971527-TX and 971493-TI

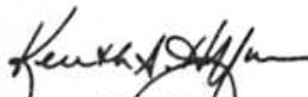
Dear Ms. Bayo:

The undersigned represents Preferred Carrier Services, Inc. ("PCS"). PCS is interested in the above-referenced dockets. Please provide copies of all notices, CASRs, orders, staff recommendations, pleadings and other documents filed, served or issued in the above-referenced dockets to the following:

Kenneth A. Hoffman, Esq.
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(850) 681-6788 (phone)
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Thank you for your assistance in this matter.

Sincerely,


Kenneth A. Hoffman

KAH/rl

cc: Jeffrey Walker, Esq.

added 1/28/98
KH