

STATE OF FLORIDA  
PUBLIC SERVICE COMMISSION  
DIVISION OF CONSUMER AFFAIRS

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IN RE:

CAPITAL SERVICES OF SOUTH  
FLORIDA, INC.

vs.

CASE NO. 980520-TD

INTERMEDIA COMMUNICATIONS, INC.

COMPLAINT

CAPITAL SERVICES OF SOUTH FLORIDA, INC. makes this complaint against INTERMEDIA COMMUNICATIONS, INC. pursuant to Rule 25-22.032, Florida Administrative Code.

COMMISSION DOCKET NUMBER

1. No docket number has yet been assigned to this complaint.

THE COMPLAINANT

2. The complainant is CAPITAL SERVICES OF SOUTH FLORIDA, INC. (hereafter referred to as "Capital Services"). Its address is 8200 N.W. 27th Street, Suite 108, Miami, Florida 33122. However, pleadings, orders, and documents in connection with this matter, should be directed to Capital Services attorneys: Katz, Kutter, Haigler, Alderman, Bryan Yon, P.A., 106 East College Avenue, Tallahassee, Florida, 32301 (fax (850) 222-0103), to the attention of the undersigned.

PERSON AGAINST WHOM COMPLAINT IS LODGED

3. The person complained against is INTERMEDIA COMMUNICATIONS, INC., (hereafter referred to as "Intermedia")

DOCUMENT NUMBER-DATE

04223 APR 13 88

FPSC-RECORDS/REPORTING

Its address is 3625 Queen Palm Drive, Tampa, Florida 33619 (fax (813) 744-2469).

#### NATURE OF THE COMPLAINT

4. Intermedia is a regulated telephone carrier within the jurisdiction of the Florida Public Service Commission.

5. On or about November 12, 1997, Intermedia entered into a contract with Capital Services to provide Capital Services with telecommunications services. A true copy of the contract is attached as exhibit 1.

6. Since inception of the contract, Intermedia has repeatedly failed:

(a) To properly credit Capital Services' account with amounts which Capital Services has paid for telecommunications services provided by Intermedia;

(b) To bill Capital Services correctly; that is, to bill only for services actually provided to Capital Services; and

(c) To provide reasonable connectivity and other services under the contract;  
all in violation of § 364.03, Florida Statutes.

7. On or about April 8, 1998, in violation of Rule 25-4.113 (f), (g), and Rule 25-24.490, Florida Administrative Code, Intermedia threatened to suspend or discontinue service to Capital Services if Capital Services did not deliver the sum of \$1,044,104.31 to Intermedia on or before 10:00 a.m. on April 9, 1998. A true copy of that communication is attached as exhibit 2. Intermedia further in fact suspended service to Capital Services on April 9, 1998, in violation of said rules.

8. Capital Services disputes the amount demanded by Intermedia, and advised Intermedia of the dispute (a dispute which exists because of Intermedia's grossly erroneous billing procedures) before Intermedia threatened to and in fact did interrupt service to Capital Services.

9. On information and belief, Intermedia disputes the matters stated in paragraph 6, above, and the allegations of paragraph 7, above, to the extent that paragraph 7 alleges a violation of the rules there cited.

WHEREFORE, Capital Services asks that the Commission take cognizance of this complaint, determine a reasonable estimate of amounts owed pending resolution of the dispute, determine the correct amount of the disputed billings, compel Intermedia to accept as payment in full the amount so ascertained by the Commission regarding the disputed billings, fine or otherwise

discipline Intermedia for its violation of the foregoing rules and statutes, prevent Intermedia from continuing to interrupt service to Capital Services on account of the disputed billings during the pendency of this complaint as required by Rule 25-22.032 (10), Florida Administrative Code, and grant such other relief as may be within the Commission's powers.

Dated April 13, 1998.



**DANIEL C. BROWN**

Florida Bar No.: 191049

**BILL BRYANT**

Florida Bar No.: 179270

**KATZ, KUTTER, HAIGLER, ALDERMAN,  
BRYANT & YON, P.A.**

Highpoint Center, Suite 1200

106 East College Avenue

Tallahassee, Florida 32301

(850) 224-9634

ATTORNEYS FOR CAPITAL SERVICES OF  
SOUTH FLORIDA, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by fascimile and United States Mail to DAVID T. KNIGHT, Hill, Ward & Henderson, 101 East Kennedy Boulevard, Suite 3700, Tampa, Florida 33602, fax: (813) 221-2900 and PAT KURLIN, General Counsel of Intermedia Communications, Inc., 3625 Queen Palm Drive, Tampa, Florida 33619, fax: (813) 829-2312, this 13th day of April, 1998.

  
DANIEL C. BROWN

STATE OF FLORIDA

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



DIVISION OF RECORDS & REPORTING  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770

**Public Service Commission**

**NOTICE OF COMPLAINT**

**TO**

**INTERMEDIA COMMUNICATIONS, INC.**

Docket No. 980520-TI - Complaint by Capital Services of South Florida, Inc. against Intermedia Communications, Inc. regarding failure to comply with contract for telecommunications services.

You are hereby notified that the above complaint, a copy of which is attached, has been filed with this Commission.

As required by the Commission's Rules of Practice and Procedure, you are directed to respond to this complaint by the close of business on **May 5, 1998** and to serve a copy of your response on the complainant.

By **DIRECTION** of The Florida Public Service Commission, this 15th day of April, 1998.

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn  
Chief, Bureau of Records

KF/mas  
cc: Daniel C. Brown/Katz Law Firm  
Office of Public Counsel  
Division of Legal Services  
Division of Consumer Affairs  
Division of Communications