



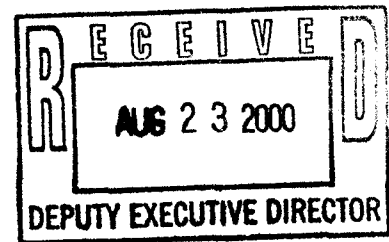
# Public Service Commission

## -M-E-M-O-R-A-N-D-U-M-

**DATE:** August 23, 2000  
**TO:** Mary Bane, Deputy Executive Director/Technical  
**FROM:** C. Lee Fordham, Division of Legal Services *CLF* *for JFB*  
 Jeff Bates, Division of Regulatory Oversight  
**RE:** Dockets Nos. ~~000630-TI~~, 000631-TI, and 000632-TI *Item 20*

There has, apparently, been a resolution to this inquiry. We need to await the filing of new tariff's by the company before we administratively close these dockets. Accordingly, we are requesting that Dockets 000630, 000631, and 000632 be deferred to the 9/26/00 Agenda."

CLF/anc



*Recommend  
Approved.  
MJB*

*OK.  
WBB*

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FPSC-RECORDS/REPORTING

*8/25/00*

**Ruth McHargue**

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**From:** Karl Plenge [Karl@gotdt.com]  
**Sent:** Monday, July 10, 2000 12:55 PM  
**To:** 'contact@psc.state.fl.us'  
**Subject:** Docket number 000630-TI

I would like to submit input to the show cause proceeding against NOS et al, which is on the agenda for tomorrow.

I have read on the PSC web site much of the history of your interaction with NOS regarding this proceeding, specifically that they have instructed their telemarketers to change their procedures, and that they have reworded some of their marketing materials. The flavor that I got from what I read was that NOS portrayed the misrepresentation of their rates as isolated misdeeds by wayward employees which took place without the knowledge or approval of anyone in responsible positions within the management of NOS.

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RECORDS AND REPORTING

I strongly disagree. Without going into all the details of our history with Affinity Network (one of the names NOS operates under), I would like to present a few of our experiences which I believe indicate otherwise.

Being suspicious of an offer that was significantly better than any other we had received, I made an effort to ask "the hard questions" to determine whether the offer was being misrepresented or not. I went so far as to draw up a spreadsheet of our annual usage patterns which showed what we had paid over the previous 12 months, and also showing what we would pay at 7.9 cents per minute, the rate that was being represented to us. I faxed this spreadsheet, showing this rate of 7.9 cents per minute for an entire year, with an associated estimate of our annual savings which came to over \$20,000, to Ms. Janice Waterman, who represented herself as a manager in the West Palm Beach office. I asked Ms. Waterman if this was an accurate portrayal of what we should expect to save using their services, and she indicated that it was.

I also questioned her in detail on the various taxes and other surcharges which currently appeared on our bill from Cable and Wireless, and which ones would continue to appear on our bills from ANI. I found her to be very knowledgeable regarding these charges and telecommunications in general. I find it very unlikely that she was unaware of what was about to happen to us.

When our first bill arrived where our rates had skyrocketed, I made numerous attempts to call Ms. Waterman to find out what the problem was and to attempt to have it resolved. I believe that we spoke initially on at least one occasion, but following this, I left numerous messages for her which were not returned.

Additionally, when I attempted to deal with the corporate office to resolve the problem, I was told that they had recalculated our bill and come up with a credit which they could apply to future billings. When I said that the

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credit was not adequate, the cycle was repeated several times, each time with a slightly higher credit, but none of the representatives I spoke with could ever tell me how our monthly billing of approximately \$5,000, which was supposed to drop to less than \$4,000, had doubled to approximately \$10,000. It was just a mystery! No one could tell me how this happened, nor offer me a credit which came close to bringing the bill back down to even what it had been previously. There was also strong pressure to stay on with ANI and give them a few months to prove themselves...which, of course, would have meant rolling up even more months of elevated charges.

As you know, our complaint was closed because ANI offered us a financial settlement. I agree with the assessment of your investigators that they are offering those who complain a settlement, rather than correcting the underlying problem. I believe that the intent of this is to delay correcting the problem as long as possible, while they continue to collect escalated rates from those who do not realize what has been done to them. I urge you to take the strongest possible measures against NOS and their affiliated dba's, and to require them to rebate to customers the difference between what they have paid, and the rates that were initially represented to them. For every customer such as us who has filed a complaint, I believe there are many who still have not discovered the problem, or who have felt that filing a complaint was useless. A search of the Internet using such keywords as NOS and ANI will reveal that many people have had similar experiences, and some went over a year before discovering that they were being overcharged. One of these sent me an email indicating that NOS had attempted to have their ISP shut down if the web page detailing their practices was not removed.

A footnote to this is that when we attempted to switch to another carrier, ANI attempted to hold our 800 numbers hostage and not release them until our bill was paid in full, rendering us unable to do business unless we complied. We were able to circumvent this using a procedure the FCC has in place, but we only stumbled onto this by luck, and I believe it is likely that many who are unaware of this procedure have probably "knuckled under" to this tactic. I hope that a part of any agreement you reach with NOS is that they will discontinue this practice.

Thank you for allowing me to have a voice in this proceeding.

Respectfully submitted,

Karl Plenge  
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Lake City, FL  
(904) 752-1093