

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of ABA
Professional Association, Inc.
against BellSouth
Telecommunications, Inc.,
regarding billing for ISDN
service.

DOCKET NO. 000102-TL
ORDER NO. PSC-00-1789-AS-TL
ISSUED: September 29, 2000

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
E. LEON JACOBS, JR.
LILA A. JABER

ORDER APPROVING INFORMAL CONFERENCE AGREEMENT

BY THE COMMISSION:

On December 10, 1998, Manuel Lora, of ABA Professional Association, Inc., (ABA) filed a complaint with this Commission regarding problems he encountered with ISDN service provided by BellSouth Telecommunications, Inc. (BellSouth or BST). The complaint was logged as Consumer Activity Tracking System complaint number 237627R. ABA reported that it was informed by BellSouth that it would get better service through ISDN service than it had been receiving through analog service. ABA was also offered several new features with the ISDN service. The initial complaint alleged that the installation was not completed in a timely manner and that, at one point, ABA had no service for two days. Once service was installed, ABA contends it was of poor quality for the next two weeks. Additionally, after the installation took place, ABA was informed that it would be unable to receive all of the features of the analog service, due to incompatibility with the ISDN. ABA asserted that it should not be required to pay for the ISDN service, including installation and any ISDN-related charges, because the service was not what the company committed to provide.

While it appears that both ABA and BellSouth endeavored to get the ISDN service to work, ultimately it was not possible to do so to ABA's satisfaction. As a result of the complaint filed with us, BellSouth made a number of adjustments on the ABA accounts, and on January 14, 1999, the case was closed by our Division of Consumer

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Affairs (CAF). However, on January 15, 1999, ABA advised us that there were still outstanding amounts that had not been addressed. Accordingly, further adjustments were made by BellSouth. In a letter dated February 9, 1999, BellSouth advised ABA that BellSouth had credited ABA's accounts for the installation and monthly service of the ISDN services, as well as the installation charges associated with the reconnection of analog business lines. However, efforts to reach a resolution of the case were still unsuccessful.

On March 25, 1999, ABA requested an informal conference. Due to the complexity of the case, CAF referred the matter to our Division of Competitive Services (CMP) for review, in lieu of an Informal Conference. ABA agreed to that action, with the caveat that it was not waiving its right to an informal conference.

CMP staff further investigated the matter and came to the conclusion that no additional credits were due. CMP staff concluded that the entire amount charged for ISDN equipment, including shipping, had been credited. ABA was unsatisfied with those findings and continued to maintain that it was due credit amounts which had not been received. ABA argued that our staff only repeated what BellSouth said which, according to ABA, did not include all the facts. As a result of the dissatisfaction with our staff's findings, on July 30, 1999, ABA again requested an informal conference.

CAF again referred the matter to CMP, and a different CMP staff member was assigned to the case. Our staff obtained bills and other documentation from ABA and performed an independent analysis of the data provided. The bills obtained covered the period from July 1998 through January 1999. BellSouth provided the bills that ABA was unable to provide.

The new analysis indicated that ABA received sufficient credit to cover the ISDN charges, including related late charges and non-recurring charges. Accordingly, it appears that BellSouth had given ABA all appropriate credits and that no further amounts were due. However, ABA remained unsatisfied.

In an effort to bring this matter to a final resolution, our staff scheduled an informal conference with Mr. Lora and BellSouth. At the May 19, 2000, informal conference, the parties discussed their concerns and reached an agreement. That Settlement

ORDER NO. PSC-00-1789-AS-TL
DOCKET NO. 000102-TL
PAGE 3

Agreement, is appended to this Order as Attachment A and becomes a part thereof.

ABA and BellSouth both signed the Settlement Agreement which states that "By signing the following statement, the parties agree that a satisfactory resolution of the complaint has been reached and understand that the settlement is binding on both parties and that the parties waive any right to further review or action by the Commission." We believe that the Settlement Agreement is fair and that BellSouth has resolved ABA's billing issues. Accordingly, we approve the Settlement Agreement.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Settlement Agreement, appearing as Attachment A to this Order, is hereby approved. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 29th day of September, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

CLF

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

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

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.

STATE OF FLORIDA

Commissioners:
JOE GARCIA, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER



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

Public Service Commission

SETTLEMENT AGREEMENT

Customer: ABA (Mr. Manuel Lora)

FPSC Request Number: 237627R

By signing the following statement, the parties agree that a satisfactory resolution of the complaint has been reached and understand that the settlement is binding on both parties and that the parties waive any right to further review or action by the Commission.

1) BELL SOUTH AGREES TO APPOINT AN INDIVIDUAL CUSTOMER ACCOUNT MANAGER AS A SINGLE POINT OF CONTACT FOR MR. LORA'S BUSINESS ACCOUNTS.

2) BELL SOUTH AGREES TO CONFIRM THAT ITS DATABASES CORRECTLY REFLECT THE DATES ON WHICH MR. LORA AND HIS BUSINESSES BECAME CUSTOMERS OF BELL SOUTH.

3) MR. LORA AGREES TO SUBMIT ANY REMAINING BILLS OR DISPUTES REGARDING THE ISDN SERVICES THAT ARE THE SUBJECT OF THIS COMPLAINT TO BELL SOUTH REPRESENTATIVE EBENIA TELANPA AND WILL ABIDE BY HER RESOLUTION OF THOSE BILLS OR DISPUTES.

Manuel Lora, P.E.O. for ABA May 19, 2000
Customer Date

[Signature] for BellSouth May 19, 2000
Company TELECOMMUNICATIONS, INC. Date