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Sent: Friday, March 13, 2009 2:42 PM
To: Filings@psc.state.fl.us
Cc: Kelli Petronis Cubeta; Andrea Kruchinski; Sylvia Castillo
Subject: Motion to Intervene
Attachments: Florida PSC - ESBI Motion to Intervene - 03.13.09.pdf

To whom it may concern:

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Docket No: 090084 – Joint Petition of Public Counsel and Attorney General for Declaratory Statement and for Order Limiting Third Party Billing by Florida Telecommunications companies Verizon, Embarq, AT&T, et. al.

Petition for Leave to intervene being filed on behalf of Enhanced Services Billing, Inc.

Pages in attached document: 5

The attached document is ESBI's Petition for Leave to Intervene concerning Docket No. 090084. The petition states the arguments for why ESBI should be allowed to intervene in the above listed declaratory statement. ESBI feels it has a substantial interest in the matters being raised in this proceeding because it is a third-party billing aggregator.

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BEFORE THE PUBLIC SERVICE COMMISSION

In re: Joint Petition of Public Counsel and Attorney General for Declaratory Statement and for Order Limiting Third Party Billing by Florida Telecommunications Companies, Verizon, Embarq, AT&T, et. al	Docket No. 090084 Filed: February 17, 2009
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**PETITION FOR LEAVE TO INTERVENE
OF ENHANCED SERVICES BILLING, INC.**

Enhanced Services Billing, Inc. ("ESBI") pursuant to Rule 25-22.039 of the Florida Administrative Code, hereby respectfully moves the Florida Public Services Commission for leave to intervene in the above-captioned proceeding (the "Joint Petition"). In support of its application, ESBI states as follows:

1. ESBI is a third-party billing aggregator with corporate headquarters located at 7411 John Smith Drive, San Antonio, Texas 78229. As a third-party billing aggregator, ESBI has a substantial and material interest in the matters raised in this proceeding. Third-party billing aggregators such as ESBI increase competition and broaden the spectrum of services for Florida consumers by providing Florida consumers with access to hundreds of providers of valuable services such as long distance, operator services, and enhanced-types of services such as internet access.
2. ESBI has agreements with the service providers as well as with the local telephone companies (also known as local exchange carriers ("LECs")). The service provider (ESBI's customer) forwards charges for its services to ESBI, and ESBI in turn forwards those charges to the appropriate LEC to be included in the LECs' bill to the consumer. This process provides for an

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efficient and convenient way for the consumer to pay for multiple services through one bill.

3. The Joint Petition attempts to prohibit telecommunications companies from billing for enhanced-types of services such as internet access and music downloads which thousands of Florida consumers use on a monthly basis. Undoubtedly, the Joint Petition will adversely affect ESBI as well as its customers' ability to provide valuable services to consumers in Florida.
4. ESBI is certain that if the products and services consumers have access to are severely limited as proposed by the Joint Petition, then competition will decrease and prices will increase for Florida consumers. At the same time, ESBI recognizes the shared concern among all involved parties, including the service providers, LECs, ESBI, the Commission, the Attorney General, and the Public Counsel, to prevent consumers from being billed for unauthorized charges. Based on this long-standing, fundamental concern, ESBI has led the industry by implementing a number of consumer protection measures which occur both before and after the time ESBI forwards charges to the LEC for billing.
5. ESBI completes a rigorous due diligence process of all potential customers and the services they intend to offer to end users (local consumers) before any charges are forwarded to the LECs. ESBI "pre-screens" each service provider before it accepts them as customers by performing background and criminal checks of all the officers of potential service-provider customers and hiring a company to perform an on-site inspection of the facility where the services

will be provided. ESBI also orders a Dun & Bradstreet report and requires articles of incorporation and other corporate documents for additional information about the service providers' business. ESBI then performs additional research about the service providers' sign-up process and the service itself. Once the company has been thoroughly researched, ESBI will randomly select 30 bill numbers and request documentation that shows the end users authorized those charges. ESBI will not forward any of the first set of charges to the LEC for billing unless the service provider provides written documentation that all 30 randomly selected charges were in fact authorized. Once the customer is allowed to start billing, ESBI monitors the number of consumer, regulatory, and LEC inquiries associated with each customer and if the number of inquiries exceeds any of ESBI's preset thresholds, then ESBI repeats the "30 random charges" confirmation process to identify any performance issues. If a service provider is determined to be performing poorly, ESBI requires that service provider to submit an action plan to improve their performance. If the service provider fails to show improvement, ESBI has the option to either suspend or terminate the service provider.

6. ESBI customers are typically smaller companies without the resources to intervene in this proceeding on their own. As such, they rely on ESBI to represent their interests on important industry issues such as those under consideration in this proceeding. There are no other parties to this proceeding who can adequately address the concerns of ESBI or provide the unique perspective of its customers. Denial of ESBI's petition would deprive the

Commission of additional industry insight in this matter and result in a less than complete record.

7. Based on the foregoing, ESBI's substantial interests will be affected through this proceeding. ESBI looks forward to addressing the issues raised in this proceeding. The proposed intervention by ESBI will not unduly broaden the issues involved in this proceeding or prejudice the other parties.
8. The name and address of the individual to receive documents and communications regarding this proceeding is:

Andrea Kruchinski
Enhanced Services Billing, Inc.
7411 John Smith Drive, Suite 1500
San Antonio, Texas 78229

WHEREFORE, Enhanced Services Billing, Inc. respectfully requests that the Commission grant its Petition for Leave to Intervene in this proceeding.

Respectfully submitted,

Enhanced Services Billing, Inc.

By: s/Andrea P. Kruchinski

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Enhanced Service Billing, Inc.'s Petition For Leave to Intervene has been furnished by U.S. Mail on this 13th day of March, 2009, to the following:

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