



March 23, 2009

Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 090084
Joint Petition for the declaratory statement regarding limitations on third party billing imposed by the Telecommunications Consumer Protection Act and for order prohibiting telecommunications companies from billing for services other than those authorized within the Act, by Attorney General and Office of Public Counsel

Dear Ms. Cole:

Enclosed for filing in the above referenced matter is Enhanced Services Billing, Inc's Comments to the Joint Petition filed by the Attorney General and OPC. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this filing, please contact me at (210) 949-7152.

Sincerely,

/s/ Andrea P. Kruchinski

Andrea P. Kruchinski

Enclosures

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: March 23, 2009
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COMMENTS
OF ENHANCED SERVICES BILLING, INC.

Enhanced Services Billing, Inc. ("ESBI") respectfully submits the following comments on The Joint Petition of Public Counsel and Attorney General for Declaratory Statement and for Order Limiting Third Party Billing by Florida Telecommunications Companies Verizon, Embarq, and AT&T, et. al. As a third-party billing aggregator, ESBI would be substantially affected by the proposed limitation of restricting "entities for whom telecommunications companies...may perform third party billing services" and limiting the "services that may be the subject of such third party billing arrangements." These comments address specific concerns laid out by the Public Counsel and Attorney General in their Joint Petition.

I. Adoption of Verizon Florida, LLC, Embarq Florida, Inc., and AT&T Florida's Motion to Dismiss or Deny Joint Petition

ESBI adopts the arguments set forth in the above listed Local Exchange Carriers ("LECs") Motions to Dismiss or Deny Joint Petition. ESBI agrees that the threshold for a Declaratory Statement has not been met because Petitioner seeks a determination regarding past conduct and requests a ruling on that conduct. Further, there is a failure to state a claim because nowhere in the Telecommunications Consumer Protection Act does it say telecommunications companies are limited to the types of services they may include on local telephone bills. On the other hand, the Petitioner should deny the Joint

Petition because third party billing offers many benefits to customers, there are stringent consumer protections in place, and many of the services the Petition is requesting to limit have long been billed through the local telephone bill. ESBI, having read the arguments of AT&T, Verizon, and Embarq, wishes to incorporate them into its comments.

II. ESBI has numerous consumer protections in place

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 has implemented a Best Practices Program. The basis for the entire Program is an express authorization requirement. The objective is to eliminate cramming before it occurs and proactively address issues when they arise. The Program consists of due diligence, monthly performance monitoring, and testing of express authorization.

The due diligence process is a 100 step process where ESBI does a complete comprehensive review of documents, information, and research before records are submitted to 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.

The benefits of the program are to create a proactive approach instead of a reactive response and to increase and improve consumer protection. This process is put in place not only to protect the consumer, but protect ESBI and ESBI's customers. ESBI's customers know they will have to comply with this process or risk losing the ability to bill for their various services, which could ultimately cost them their business.

III. Material Impact on ESBI Customers and Florida Consumers

ESBI customers are typically smaller companies without the resources to intervene in this type of 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.

This Petition will have a substantial impact on ESBI's customers because it will adversely affect their ability to provide valuable services to consumers in Florida. By prohibiting telecommunications companies from performing third party billing for

services other than the telecommunications services and information services specified within the Telecommunications Consumer Protection Act, these service providers will lose a substantial part of their business. With decreased revenue, the service providers will cease to exist. If these service providers cease to exist, then competition for those products and services will decrease and prices will increase for Florida consumers. This will deprive Florida consumers of services they desire. If customers desire services such as voicemail, internet access, etc. then they should be able to have access to them at competitive prices.

IV. Conclusion

ESBI respectfully requests that the Commission not enter a declaratory statement that would limit third party billing or issue an order that would prohibit the billing of services not expressly authorized by the Telecommunications Consumer Protection Act.

Respectfully Submitted,

Enhanced Services Billing, Inc.

By: /s/Andrea P. Kruchinski

CERTIFICATE OF SERVICE

Docket No. 090084

I HEREBY CERTIFY that a true and correct copy of the Enhanced Service Billing, Inc.'s Comments has been sent via electronic mail on March 23, 2009 to the following:

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