



JACK SHREVE  
PUBLIC COUNSEL

STATE OF FLORIDA  
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, Florida 32399-1400  
904-488-9330

ORIGINAL  
FILE COPY

August 13, 1991

Steve Tribble, Director  
Division of Records and Reporting  
Florida Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32399-0850

Re: Docket No. 910060-TL

Dear Mr. Tribble:

Enclosed for filing in the above-captioned proceeding on behalf of the Citizens of the State of Florida are the original and 12 copies of Citizens' Supplemental Comments to be filed in this docket.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

ACK

AFA \_\_\_\_\_

APP 1

CAF \_\_\_\_\_

CMU \_\_\_\_\_

CTR \_\_\_\_\_

ENG \_\_\_\_\_

LEG \_\_\_\_\_

LIN 6

OPC \_\_\_\_\_

RCH 1

SEC 1

WAS \_\_\_\_\_

OTH \_\_\_\_\_

Enclosure

Sincerely,

*Darlene Driscoll*

Darlene Driscoll

RECEIVED & FILED

TB

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

08166 AUG 13 1991

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

*In Re:* Petition of the Attorney )  
General and Public Counsel )  
to adopt rules governing 900 )  
services. )  
\_\_\_\_\_ /

DOCKET NO. 910060-TP

FILED: August 13, 1991

***CITIZENS' SUPPLEMENTAL COMMENTS***

Come now the Citizens of the State of Florida by and through JACK SHREVE, Public Counsel, to supplement their comments filed in the above referenced proceeding, and say as follows:

That there is confusion in the state regarding whether local phone service stands as security for 900/976 billing cannot be denied. The *Palm Beach Post* is a daily newspaper of general circulation in the state of Florida; it enjoys a good reputation for accurate reporting of matters of interest to residents of Florida. Yet even this excellent newspaper apparently labors under a common misapprehension. A July 21, 1991 article in the *Post*<sup>1</sup> which refers to the Florida Public Service Commission provides

Proposed regulations *would forbid cutting off local phone service* because of a disputed 900 charge.... (italics added)

---

<sup>1</sup> Column two, fourth full paragraph. A reproduction of part of the article is attached as Exhibit A.

**To state that such regulations are proposed is to give rise to the false inference that the prohibition against terminating local service is not the current state of the law. Although public confusion is a matter upon which all parties to this docket agree, the Citizens submit that the confusion is pervasive and requires extreme remedial measures**

Respectfully submitted,

**JACK SHREVE  
PUBLIC COUNSEL**



**Harold McLean  
Associate Public Counsel**

**Office of the Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400**

**(904) 488-9330**

**Attorneys for the Citizens  
of the State of Florida**

**CERTIFICATE OF SERVICE  
DOCKET NO. 910060-TP**

**I HEREBY CERTIFY that a correct copy of the foregoing has been furnished by U.S.**

**Mail or hand-delivery to the following parties on this 13th day of August, 1991.**

**Harris Anthony  
Southern Bell Telephone and  
Telegraph Company  
c/o Marshall Criser, III  
150 S. Monroe St., Suite 400  
Tallahassee, FL 32301**

**Richard Belak  
Division of Legal Services  
Fla. Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32301**

**David Smith  
Division of Legal Services  
Fla. Public Service Commission  
101 East Gaines Street  
Tallahassee, FL 32301**

**Michael Tye  
AT&T Communications  
Suite 1410  
106 East College Ave.  
Tallahassee, FL 32301**

**Thomas Parker  
GTE Florida Incorporated  
P.O. Box 110, MC 7  
Tampa, FL 33601**

**Richard Melson  
Hopping Boyd Green & Sams  
P.O. Box 6526  
Tallahassee, FL 32314**

**Floyd Self  
Messer, Vickers, Caparello,  
French, Madsen & Lewis  
P.O. Box 1876  
Tallahassee, FL 32302**

**David Erwin  
Mason, Erwin, Horton  
1311-A Paul Russell, Suite 101  
Tallahassee, FL 32301**

**Alan Berg  
United Telephone Company  
P.O. Box 5000  
Altamonte Springs, FL 32716**

**Lee Willis  
227 South Calhoun Street  
P.O. Box 391  
Tallahassee, FL 32302**

**Joe Gillan**  
Gillan Associates  
P.O. Box 541038  
Orlando, FL 32854-1038

**Joseph McGlothlin**  
Lawson, McWhirter, Grandoff  
& Reeves  
522 E. Park Ave., Suite 200  
Tallahassee, FL 32301

**Jean Kiddoo**  
Swidler & Berlin  
3000 K Street, N.W., Suite 300  
Washington, DC 20007

**Michael Twomey**  
Office of Attorney General  
Department of Legal Affairs  
The Capitol  
Tallahassee, FL 32399-1050

**Ferrin Seay**  
Floral Telephone Company  
522 North Fifth St.  
Floral, AL 36442

**John Carroll**  
Northeast Florida Telephone Co.  
130 North Fourth St.  
Macclenny, FL 32063-0485

**Lila Corbin**  
Quincy Telephone Company  
107 W. Franklin St.  
Quincy, FL 32351

**Thomas E. Wolfe**  
Southland Telephone Company  
201 South Pensacola Ave.  
Atmore, AL 36504

**Mickey Henry**  
MCI Telecommunications Corp.  
MCI Center  
Three Ravinia Drive  
Atlanta, GA 30346-2102

**Patrick Wiggins**  
Wiggins & Villacorta  
P.O. Drawer 1657  
Tallahassee, FL 32302

**Dean Kurtz**  
Central Telephone Company  
P.O. Box 2214  
Tallahassee, FL 32316

**Harriet Eudy**  
Alltel Florida, Inc.  
206 White Ave. S.E.  
Live Oak, FL 32060

**A. Dewayne Lanier**  
Gulf Telephone Company  
115 West Drew St.  
Perry, FL 32347

**Charles Dennis**  
Indiantown Telephone System  
15925 S.W. Warfield Blvd.  
Indiantown, FL 34956

**Lynda Bordelon**  
St. Joseph Telephone Co.  
502 Fifth St.  
Port St. Joe, FL 32456

**Lynn Hall**  
Vista-United Telecommunications  
3100 Bonnet Creek Rd.  
Lake Buena Vista, FL 32830

**Howard Levin**  
**Interactive TeleMedia**  
14651 Ventura Blvd., Suite 300  
Sherman Oaks, CA 91403

**Frank Levin**  
**Hall, Dickler, Lawler, Kent**  
**& Friedman**  
460 Park Avenue  
New York, NY 10022

**Linda Goldstein**  
**Hall, Dickler, Lawler, Kent**  
**& Friedman**  
11 Martine Ave.  
White Plains, NY 10606

**Craig Dingwall**  
US Telecom, Inc.  
2002 Edmund Halley Dr.  
Reston, VA 22091

  
\_\_\_\_\_  
**Harold McLean**  
Associate Public Counsel

**EXHIBIT A**

# Scam artists may force limits on 900-number industry

## Duped 900-number callers demand tougher rules

By CHARLES ELMORE  
Palm Beach Post Staff Writer

Charles Benfer thought he was claiming a credit card reserved especially for him when he dialed a 900 number at the urging of a West Palm Beach telemarketer.

But instead of a card, the Rochester, N.Y., resident ended up with a \$100 phone bill and a sinking feeling in his gut.

"There was no card at all," Benfer said. "They sent me some pamphlets with general information about applying for a credit card, including a list of banks."

The company, Shur-Loc Systems Inc., denies deception. But Benfer's claim that he was duped is typical of growing consumer dissatisfaction that has put regulators and phone companies on the alert and the \$1 billion-a-year 900 industry on the defensive.

The 900 numbers are used to sell information services over the phone. And industry officials maintain most businesses that use the technique are legitimate.

"Problem" services are confined to a 10 percent to 15 percent segment of the market, says Albert Angel, chairman of the National Association of Information Ser-

✓ Money-saving advice for handling 900 numbers 14A

vices, an industry group.

But the problem services are drawing a lot of attention to the industry.

■ Earlier this month, long-distance provider US Sprint announced that, because of public uproar, it would stop providing new 900 lines for credit card, romance and job services. The U.S. Office of Consumer Affairs praised the move as a way to "help consumers avoid deceptive fees and services."

■ The Federal Communications Commission and the Florida Public Service Commission are considering new rules to protect consumers.

Proposed regulations would forbid cutting off local phone service because of a disputed 900 charge; further restrict children's access to 900 lines; require a preamble message disclosing costs; and allow a caller to hang up without charge in the first 12 to 18 seconds.

■ Last week, an appeals court

Please see 900 NUMBERS/14A

### 900 NUMBERS/from 1A

upheld a federal law that seeks to keep children from using "dial-a-porn" services, clearing the way for its enforcement nationwide. The law, sponsored by Sen. Jesse Helms, R-N.C., requires telephone companies to provide "dial-a-porn" number access only to adults who request it in writing. Services with sexually explicit talk are treated separately from "romance" or "chat" lines frequently advertised on TV.

Angel said he's all for shutting down scam artists, but he doesn't want to see the entire industry shackled.

"These scams are not limited to the 900 industry," said Angel, who also is vice chairman of ICN Corp., a 15-employee company in Delray Beach that provides nationwide 900 services, including horse-racing results and a sports line for *USA Today*. "I think sometimes the press is unfairly casting a lot of good providers in with the bad."

In addition to those who use 900 numbers to sell sex and scams, doctors and druggists use them to give advice on the telephone for a per-minute fee.

Other toll lines offer news, weather and sports. In a six-month experiment that began this month, the Better Business Bureau of Metropolitan New York is using 900 lines for certain inquiries.

Angel, a former Washington lawyer who describes himself as an information services entrepreneur, said the industry is ready to accept "reasonable" regulation.

In Florida, the industry has lobbied successfully against a "kill" message — a preamble that tells callers to hang up before the beep if they don't want to be charged. The PSC staff recommended instead a "soft kill" — no beep, just 18 seconds of preamble message before charges begin.