

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

MAY 1, 2001

RE: DOCKET NO. 992037-TI - Investigation and determination of appropriate method for refunding interest and overcharges on intrastate 0+ calls made from pay telephones and in a call aggregator context by AT&T Communications of the Southern States, Inc. d/b/a Connect 'N Save and d/b/a Lucky Dog Phone Co. and d/b/a ACC Business.

ISSUE 1: Should the Commission order AT&T to cease charging end users a payphone surcharge and refund the total amount of the payphone surcharges, plus interest, billed to end users since February 1, 1999, for 0+ intrastate calls made from a payphone in excess of the rate caps listed in Rule 25-24.630, Florida Administrative Code?

RECOMMENDATION: Yes. The Commission should order AT&T to cease charging end users a payphone surcharge and refund the total amount of the payphone surcharges, plus interest, it billed to end users since February 1, 1999, for 0+ intrastate calls made from a payphone or in a call aggregator context in excess of the rate caps listed in Rule 25-24.630, Florida Administrative Code. AT&T should be required to determine the total amount that it overcharged end users, and refund that amount, plus interest, to

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Handwritten signatures of majority commissioners on lines.

Handwritten signatures of dissenting commissioners on lines.

REMARKS/DISSENTING COMMENTS:

Commissioners Jacobs & Jeter dissented.

DOCUMENT NUMBER-DATE

05402 MAY-16

FPSC-REGULATORY REPORTING

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end users pursuant to Rule 25-4.114, Florida Administrative Code, Refunds. The refunds should be credited to the affected end users' local exchange telephone bill by September 30, 2001. Any money not refunded, including interest, should be remitted to the Commission by November 30, 2001, and forwarded to the Office of the Comptroller for deposit in the General Revenue Fund. In addition, AT&T should be required to submit a report consistent with Rule 25-4.114, Florida Administrative Code, with the Commission once all monies have been refunded.

**DENIED**

*Staff is to initiate rulemaking to address payphone surcharge rate cap.*

ISSUE 2: Should this docket be closed?

RECOMMENDATION: No. If no person whose interests are substantially affected by the proposed action files a protest within the 21-day protest period, a Consummating Order should be issued, but this docket should remain open pending completion of the refund and receipt of the final report on the refund. After completion of the refund and receipt of the final refund report, this docket may be closed administratively.

~~**APPROVED**~~

*Denied*

*Consistent with the vote in issue 1, this docket is to be closed and a rulemaking docket opened.*

Note: Vote sheet corrected to be consistent with vote at agenda.

*Kf*  
*7/23/01*