



**ROBERT BERNING PRODUCTIONS**

710 Papworth Avenue, New Orleans, Louisiana 70005 • (504) 834-8811

March 17, 1993

Radiofone  
3131 N. I-10 Service Road  
Metairie, Louisiana 70002

Attention: Ms. Mary Ann Hebert  
Customer Service Manager

Re: Account No. 1-008573-210

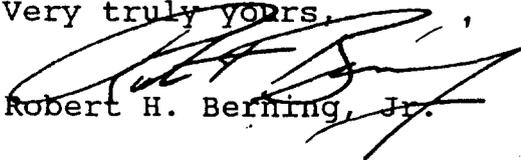
Dear Ms. Hebert:

Reference is made to my letter of November 4, 1992, complaining of the intolerable service I was receiving with my mobile telephones. At that time, you suggested that I bring the phones in for a service inspection, which we did ... to no avail. The problem continues to be the poor service of Radiofone. Because I have to redial the same number due to interrupted service, I have been paying excessive charges for air time. My connections are continually interrupted, cut-off, subject to cross-talk or unable to even get a dial tone. Enough is enough!

Please accept this letter as our intent to discontinue our service with Radiofone effective March 31, 1993.

We refuse to continue to utilize a communication company that cannot provide us with the level of service that the contract provided for. Because you cannot provide the services as you represented them, and because we have been a full-paying customer for more than ten years, we will not entertain any cancellation fees. Needless to say, we are very disappointed in the level of service you have been providing. It has also come to my attention that we are not alone -- but a substantial number of your clients are as disenchanted as we are with the level of service they are receiving.

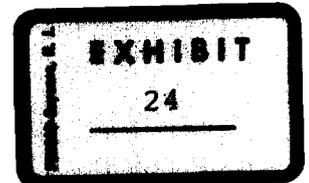
Very truly yours,

  
Robert H. Berning, Jr.

RHB/tr

Enclosure

cc: Public Service Commission w/enclosure



*I spoke to Mr. Barney, they have Mr. Berning's letter. They have no intention of assessing a penalty if he quit their service - they have not contacted anyone. It was 10*



**ROBERT BERNING PRODUCTIONS**

710 Papworth Avenue, New Orleans, Louisiana 70005 • (504) 834-8811

November 4, 1992

Radiophone  
3131 N. I-10 Service Road  
Metairie, Louisiana 70002

Attention: Mary Ann Hebert  
Customer Service Manager

Re: Account No. 8573

Dear Ms. Hebert:

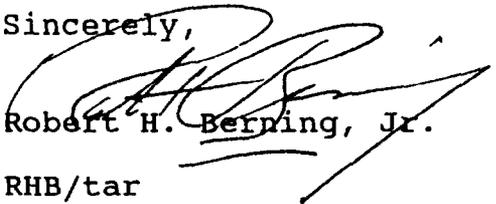
This company has been a Radiophone customer for many years. As you can see from our account, we presently have four cellular phones, and we spend a considerable amount of money for them every month.

Unfortunately, I do not feel that I am getting the quality of service that I should. My conversations are consistently cut off in mid-sentence; and when they are not cut off, the reception is not acceptable. This has been occurring in many different areas around town -- downtown, Veterans Highway, the Causeway bridge and the lakefront/marina area.

I have called Radiophone and complained, but my service has not improved. What are my options? Should my phones be brought in for servicing? Is it a tower problem from your end? Possibly I should switch my service to Bell South Mobility?

I look forward to hearing from you.

Sincerely,

  
Robert H. Berning, Jr.

RHB/tar





# Louisiana Public Service Commission

POST OFFICE BOX 91154  
BATON ROUGE, LOUISIANA 70821-9154

COMMISSIONERS

Telephone:

(504) 342-9888

MARSHALL B. BRINKLEY  
Secretary

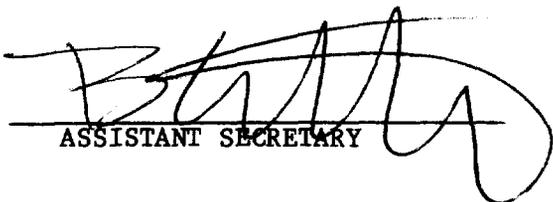
Kathleen Babineaux Blanco, *Chairman*  
District II  
John F. Schwegmann, *Vice Chairman*  
District I  
Thomas Powell, *Member*  
District IV  
Don L. Owen, *Member*  
District V  
Irma Muse Dixon, *Member*  
District III

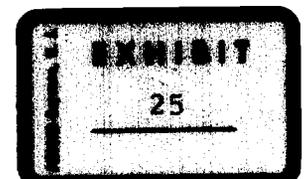
ROY F. EDWARDS  
*Assistant to the*  
*Secretary*

I, Brian A. Eddington, Assistant Secretary of the Louisiana Public Service Commission, do hereby certify that the hereto attached is a true and correct copy of the document(s) described following:

**Louisiana Public Service Commission's General Order dated July 29, 1994. In re: Itemized billing by cellular carriers for local calls made by its customers. (Supersedes G.O. dated May 26, 1994.)**

TESTIMONY WHEREOF, I have hereunto officially signed my name and affixed the seal of the Louisiana Public Service Commission at Baton Rouge, Louisiana, this 5 day of August, 1994.

  
ASSISTANT SECRETARY



**LOUISIANA PUBLIC SERVICE COMMISSION**  
**GENERAL ORDER**  
**(Supersedes General Order dated May 26, 1994)**

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**In re: Itemized Billing by Cellular Carriers for Local Calls Made by its Customers.**

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The Commission at the Open Session held July 13, 1994, discussed the cellular carriers' "Motion for Rehearing" and determined that the previous vote taken on this issue at the Open Session held May 11, 1994, might have been procedurally defective for lack of proper notice in the agenda.

The Commission reconsidered the issue and on a motion by Commissioner Owen, seconded by Commissioner Blanco, with Commissioners Powell and Dixon concurring, and Commissioner Schwegmann dissenting, the Commission voted to order all cellular carriers to place bill inserts in customer bills giving customers the opportunity to receive itemized bills on a monthly basis. Customers electing to receive itemized bills shall receive them at no additional cost. Any cellular company which believes it will experience undue hardship in this process, may come to the Commission and show cause.

General Order dated May 26, 1994, and entitled "Itemized Billing by Cellular Carriers for Local Calls Made by its Customers" is hereby rescinded and replaced with the language in this order.

It is so ORDERED.

**BY ORDER OF THE COMMISSION**  
**BATON ROUGE, LOUISIANA**  
**JULY 29, 1994**

/s/ KATHLEEN B. BLANCO  
DISTRICT II  
CHAIRMAN KATHLEEN BABINEAUX BLANCO

JOHN F. SCHWEGMANN                      DISSENTING  
DISTRICT I  
VICE-CHAIRMAN JOHN F. SCHWEGMANN

/s/ THOMAS E. POWELL  
DISTRICT IV  
COMMISSIONER THOMAS E. POWELL

/s/ DON OWEN  
DISTRICT V  
COMMISSIONER DON OWEN

/s/ IRMA MUSE DIXON  
DISTRICT III  
COMMISSIONER IRMA MUSE DIXON

  
ASSISTANT SECRETARY



Louisiana Public Service Commission

ONE AMERICAN PLACE, SUITE 1030  
BATON ROUGE, LOUISIANA 70825-1097

Telephone: (504) 342-4416



MARSHALL B. BRINKLEY  
Secretary

COMMISSIONERS

- John E. Schweigmann, Chairman  
District I
- Han L. Owen, Vice Chairman  
District V
- Louis J. Lambert, Jr., Member  
District III
- Thomas Powell, Member  
District IV
- George J. Askel, Member  
District II

October 19, 1987

Mr. Larry Garvey  
Radiofone, Inc.  
3100 Fifth St.  
Metairie, LA 70002

Dear Mr. Garvey:

It has been brought to the Commission's attention that Radiofone, d/b/a Cellular One, and Bell South Mobility, Inc. are competing in the cellular radio business with rates that appear to be discriminatory among customers of the same class. We speak of the application of those rates classed as "corporate" or "multiple unit", which are in fact offered to certain individuals and not to the entity itself, and not to all individuals.

The staff has recommended that cellular retail companies refrain from offering "corporate" or "multiple unit" rates except in instances where the units are contracted with one identity and billed to that one identity. All units must appear on one bill.

The Commission is interested in being sure that all individuals are treated with fair play, without preferential treatment, and would like to see the rates as low as possible to all subscribers.

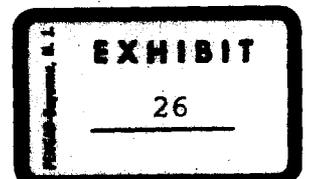
If you wish to file a tariff altering individual rates to individuals, First Revised Page 12 (in the case of Cellular One) and Second Revised Page 16 (in the case of Bell South Mobility) appear only to set a cap on maximum rates.

The staff is of the opinion that any disparity in the offering of rates to individuals as distinguished from the entity, as entity, should be rectified by you as soon as practicable, but not exceeding six months. This period is contemplated so as to allow you to do what is necessary to prevent potential inconvenience to present subscribers.

We ask that you concur with the staff recommendation in writing.

Complaints received may be docketed for public hearing.

Yours very truly,  
*Marshall B. Brinkley*  
Marshall B. Brinkley







# Louisiana Public Service Commission

ONE AMERICAN PLACE, SUITE 1630  
BATON ROUGE, LOUISIANA 70825

Telephone: (504)342-4416



## COMMISSIONERS

- John F. Schwegmann, *Chairman*  
District I
- Don Owen, *Vice Chairman*  
District V
- Louis J. Lambert, Jr.  
District III
- Thomas E. Powell  
District IV
- George J. Ackel  
District II

October 19, 1987

LOUIS S. QUINN  
*Secretary*

MARSHALL B. BRINKLEY  
*General Counsel*

Mr. Robert L. Tonsfeldt, President  
BellSouth Mobility, Inc.  
5600 Glenridge Dr., Suite 600  
Atlanta, GA 30342

Dear Mr. Tonsfeldt:

It has been brought to the Commission's attention that Radiofone, d/b/a Cellular One, and BellSouth Mobility, Inc. are competing in the cellular radio business with rates that appear to be discriminatory among customers of the same class. We speak of the application of those rates classed as "corporate" or "multiple unit", which are in fact offered to certain individuals and not to the entity itself, and not to all customers.

The staff has recommended that cellular retail companies refrain from offering "corporate" or "multiple unit" rates except in instances where the units are contracted with one identity and billed to that one identity. All units must appear on one bill.

The Commission is interested in being sure that all individuals are treated with fair play, without preferential treatment, and would like to see the rates as low as possible to all subscribers.

If you wish to file a tariff altering individual rates to individuals, First Revised Page 12 (in the case of Cellular One) and Second Revised Page 16 (in the case of BellSouth Mobility) appear only to set a cap on maximum rates.

The staff is of the opinion that any disparity in the offering of rates to individuals as distinguished from the entity, as entity, should be rectified by you as soon as practicable, but not exceeding six months. This period is contemplated so as to allow you to do what is necessary to prevent potential inconvenience to present subscribers.

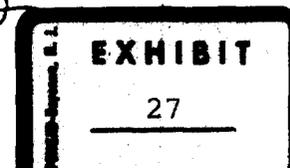
We ask that you concur with the staff recommendation in writing.

Complaints received may be docketed for public hearing.

Yours very truly,

*Marshall B. Brinkley*  
Marshall B. Brinkley  
Secretary

MBB/ELG:pm







# Louisiana Public Service Commission

ONE AMERICAN PLACE, SUITE 1630  
BATON ROUGE, LOUISIANA 70825-1697

Telephone: (504)342-4416



## COMMISSIONERS

- John F. Schwegmann, *Chairman*  
District I
- Don L. Owen, *Vice Chairman*  
District V
- Louis J. Lambert, Jr., *Member*  
District III
- Thomas Powell, *Member*  
District IV
- George J. Ackel, *Member*  
District II

December 14, 1987

MARSHALL B. BRINKLEY  
*Secretary*

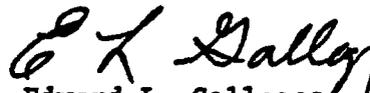
Dear Sirs:

The Commission has been confronted with discriminatory rates between certain customers served by cellular resellers.

This letter is to advise that all customers must be treated equally and discounts will only be allowed to those who seek volume use through multiple units. The bill for these units must be mailed to one address and payment must be made by the identity seeking the volume service.

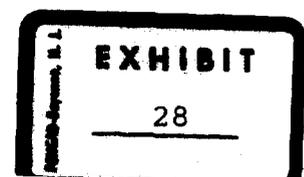
The Commission staff will be happy to discuss the details of this letter with your representative, if desired.

Yours very truly,

  
Edward L. Gallegos  
Chief Engineer

ELG:pm

cc: All Cellular Resellers







# Louisiana Public Service Commission

POST OFFICE BOX 91154  
BATON ROUGE, LOUISIANA 70821-9154

## COMMISSIONERS

Kathleen Babineaux Blanco, *Chairman*  
District II  
John F. Schwegmann, *Vice Chairman*  
District I  
Thomas Powell, *Member*  
District IV  
Don L. Owen, *Member*  
District V  
Irma Muse Dixon, *Member*  
District III

Telephone:

(504) 342-4416

MARSHALL B. BRINKLEY  
*Secretary*

ROY F. EDWARDS  
*Assistant to the  
Secretary*

February 11, 1994

Mr. A. J. Taranto, Director  
BellSouth Mobility  
3900 N. Causeway Blvd.  
Suite 1150  
Metairie, Louisiana 70002

Dear Mr. Taranto:

It has been brought to the attention of the Commission Staff that your company may be marketing "cellular corporate" and "multiple" units in a discriminatory manner.

Attached you will find a copy of the letter submitted to your company in the New Orleans-Baton Rouge areas in October 19, 1987, and your response.

Please submit to this office a response similar to that found in the letter dated December 7, 1987. Failure to respond will cause the Staff to recommend that a citation be issued.

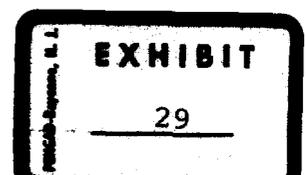
The response must arrive in this office no later than February 24, 1994.

Yours very truly,

Edward L. Gallegos  
Chief Engineer

ELG:dmg

attachments





# Louisiana Public Service Commission

POST OFFICE BOX 91154  
BATON ROUGE, LOUISIANA 70821-9154

## COMMISSIONERS

Kathleen Babineaux Blanco, *Chairman*  
District II  
John F. Schwegmann, *Vice Chairman*  
District I  
Thomas Powell, *Member*  
District IV  
Don L. Owen, *Member*  
District V  
Irma Muse Dixon, *Member*  
District III

Telephone:

(504) 342-4416

MARSHALL B. BRINKLEY  
*Secretary*

ROY F. EDWARDS  
*Assistant to the  
Secretary*

February 11, 1994

Mr. Larry Garvey, President  
Radiofone, Inc.  
3131 North I-10 Service Road  
Metairie, Louisiana 70002

Dear Mr. Garvey:

It has been brought to the attention of the Commission Staff that your company may be marketing "cellular corporate" and "multiple" units in a discriminatory manner.

Attached you will find a copy of the letter submitted to your company in the New Orleans-Baton Rouge areas in October 19, 1987, and your response.

Please submit to this office a response similar to that found in the letter dated December 7, 1987. Failure to respond will cause the Staff to recommend that a citation be issued.

The response must arrive in this office no later than February 24, 1994.

Yours very truly,

Edward L. Gallegos  
Chief Engineer

ELG:dmg

attachments

1

30

December 7, 1987

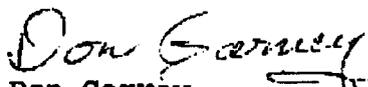
Mr. Marshall B. Brinkley, Secretary  
Louisiana Public Service Commission  
One American Place  
Suite 1630  
Baton Rouge, Louisiana 70825

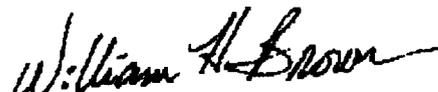
BellSouth Mobility and Cellular One - Radiofone hereby agree to the direction submitted by the LPSC staff dealing with the so-called "corporate" or "multiple" unit rates.

The parties will, no later than December 10, 1987, submit revised tariffs reflecting this direction and limiting discounts to those entities using the service themselves, wherein the billing for all cellular numbers is paid by such entities. Further, each party will avoid promotions that seek to induce customers to transfer service from one carrier to the other carrier.

Both parties now hold contracts with customers using the so-called "corporate" or "multiple" unit rates. We agree to notify these customers that their contracts will expire six (6) months from receipt of Commission approval of revised rates.

We note that other cellular retailers serve within Louisiana. We ask that the policy directed by the LPSC staff extend to all cellular retailers.

  
Don Garvey  
Radiofone  
Baton Rouge Cellular Telephone Co.

  
William H. Brown  
General Manager  
State Regulatory  
BellSouth Mobility

EXHIBIT

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**BellSouth Mobility**

3900 N. Causeway Blvd.  
Suite 1150  
Metairie, LA 70002  
(504) 830-1900

**A.J. Taranto**  
General Manager  
Louisiana

March 7, 1994

RECEIVED

MAR 08 1994

LOUISIANA PUBLIC SERVICE  
COMMISSION

Mr. Edward L. Gallegos  
Chief Engineer  
Louisiana Public Service Commission  
P. O. Box 91154  
Baton Rouge, LA 70821-9154

Dear Mr. Gallegos:

BellSouth Mobility is in complete agreement with the Commission that all cellular service rates be offered in a way which ensure that all cellular subscribers "are treated with fair play, without preferential treatment." Furthermore, BellSouth Mobility is ready now, as it was in 1987, to eliminate any rate discrimination which may exist among subscribers of the same class.

Mr. Brinkley's statement in the second paragraph of his letter to Mr. Robert L. Tonsfeldt, dated October 19, 1987, recommends that cellular companies "refrain from offering 'corporate' or 'multiple unit' rates except in instances where the units are contracted with one identity and billed to that one identity. All units must appear on one bill." South Mobility interprets this statement as follows:

1. The "contracted" identity (entity) must be in a position to accept full financial responsibility for all cellular services contracted in its name. This would eliminate "pseudo" or "contrived" identities which are created for the expressed purpose of obtaining reduced cellular rates. Credit checks would be run on the identity and the carrier would seek payment from the identity and only the identity. For some time, BellSouth Mobility has required a letter from the identity accepting full financial responsibility for the units contracted under its name.
2. All units contracted by the identity should appear on one bill to one billing address. This one bill should consolidate all service charges and summarize the total amount owed by the identity.

EXHIBIT

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In order for the letter and the spirit of Mr. Brinkley's recommendation to be carried out, BellSouth Mobility recommends that a separate document be prepared which outlines the specific terms and conditions associated with multiple unit rate plans and that this document be signed by a responsible employee of the identity. This document would become part of the permanent record of the account and would be made available to the commission upon its request. BellSouth Mobility offers its support in drafting such a document.

BellSouth Mobility feels that there are identities in the marketplace who should legitimately qualify for quantity discounts. The main issue to be resolved is that all cellular carriers offer these plans in a consistent and fair manner. Please contact me at your earliest convenience to bring this issue to closure.

Sincerely,



A. J. TARANTO  
General Manager - Louisiana





February 24, 1994

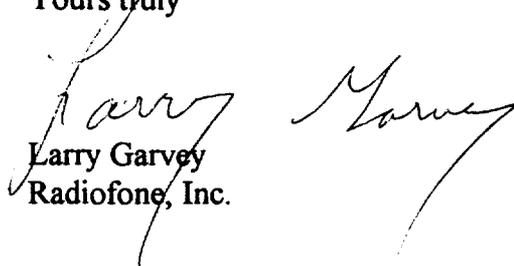
Mr. Edward L. Gallegos  
Chief Engineer  
LOUISIANA PUBLIC SERVICE COMMISSION  
Post Office Box 91154  
Baton Rouge, Louisiana 70821-9154

via fax 1-504-342-1402

Dear Mr. Gallegos:

Radiofone hereby reaffirms its support for the commitments in the joint Radiofone, BellSouth letter of December 7, 1987. However, the matter of who is the subscriber and the practice of accepting checks from parties and on accounts only vaguely related to the subscriber of record must be addressed by the Commission or we will be doomed to repeat this exercise again and again.

Yours truly

  
Larry Garvey  
Radiofone, Inc.





**BellSouth Mobility**

5600 Glenridge Drive  
Suite 600  
Atlanta, Georgia 30342

February 18, 1991

Mr. Eddie Gallegos  
Louisiana Public Service Commission  
Post Office Box 91154  
Baton Rouge, Louisiana 70821-9154

Dear Mr. Gallegos,

BellSouth Mobility Inc (BMI) hereby advises the Louisiana Public Service Commission (the Commission) that Radiofone, Inc. (Radiofone) is in violation of the Commission's rules, and its own tariff in at least four different circumstances. Radiofone; (i) is offering individual billing to customers at the corporate rate; (ii) has failed to file tariff revisions as directed by the Commission stating the requirements for Corporate Rate Discounts; (iii) is offering rates which are not tarified; and (iv) is billing BellSouth Mobility roamer charges in violation of both its agreement, reached before the Commission with this company, and its tariffs.

First, BMI has encountered a number of situations where the customer or potential customer has said, in response to BMI's explanation of the requirements for the Corporate Rate (one bill to one address, etc.), that Radiofone was providing service to them at that rate with individual billing. In one case, the Radiofone representative who offered a \$16.00 per month, and \$.30 per minute corporate rate with individual billing was Mr. Garvey.

In 1987, you advised both Radiofone and BMI that "Association Rates" and "Corporate Rates" were discriminatory, and would not be allowed by the Commission unless they met certain criteria. The criteria require that corporate discounts be made available only if one bill is rendered to the billed entity, and payment is received from that entity. You directed Radiofone and BMI to modify their tariffs to reflect these requirements. BMI complied with this directive in a timely fashion. Radiofone has not yet modified its

**EXHIBIT**

33

tariff to include these requirements, even though the Commission's directive was issued several years ago.

The Commission requires that rates for cellular service be filed with the Commission, and that the appropriate public notice period transpire prior to those rates being effective. The regulated cellular carrier may not offer service to the public at those rates prior to the effective date. Radiofone, in direct violation of Commission requirements, is offering a \$16 per month and \$.30 per minute rate plan which does not appear in the tariffs currently on file with the Commission.

Radiofone, in violation not only of its agreement with BMI to waive the daily charge and apply the lower usage charge of \$.33 per minute, but also in violation of its tariff as filed with this Commission, has charged BMI customers a \$2.00 per day roaming rate and \$.50 per minute usage charge. Radiofone, in claiming that it already had a reciprocal roaming agreement with BMI, and was therefore entitled to have BMI's \$2.00 daily roaming charge waived without signing the addendum required of other carriers, stated before this Commission that it had not, and would not charge BMI customers the \$2.00 daily roaming charge or the higher \$.50 per minute usage charge. Its tariffs clearly state that the "Charge Per Calendar Day of Usage" for "Roamers from Louisiana" is \$0.00, and the "Chg. Per Min." is \$.33. Yet, Radiofone has charged at least 63 different customers the \$2.00 daily roaming charge a total of 80 or more times, and has applied the \$.50 per minute usage charge to all usage associated with those calls.

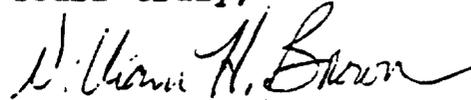
In light of the above violations and the grievous harm done to BMI and its customers, BMI respectfully requests that the Louisiana Public Service Commission investigate these violations and require Radiofone to cease and desist this anticompetitive and improper conduct. Radiofone should be held to the same standard the Commission has applied to BMI. The Commission should therefore require Radiofone to:

1. Provide a list, by name and address, of all commercial and industrial customers offered the untariffed \$16.00 rate, and any other untariffed rate.
2. Provide a list, by name and address, of all individuals offered the untariffed \$16.00 rate, and any other discounted rate where individual billing was provided or individual payment received.
3. Provide a list, by name and address, of all persons and/or companies acting as agents for Radiofone within the New Orleans area.

4. Provide a list of all untariffed rates or rate plans, and a list, by name and address, of all individuals or companies offered these untariffed rates.
5. Provide revised tariffs stating the requirements for discounted rates as directed by the Commission and required of BellSouth Mobility in 1987.
6. Cease and desist charging BellSouth Mobility the \$2.00 per day roaming charge and the \$.50 per minute usage charge in violation of its agreement and its tariff.
7. Calculate the amount charged in violation as indicated above, provide those calculations to BMI for review and concurrence, and to refund the overcharged amounts to BellSouth Mobility.

These violations should be the subject of hearings before this Commission wherein BMI has the opportunity to hear and review Radiofone's responses, and to confirm to its satisfaction that proper corrective action has been taken by Radiofone, and proper recompense has been made. Your consideration of this request, and your timely response will be greatly appreciated.

Yours truly,



William H. Brown  
General Manager  
State Regulatory