

# **SUPREME COURT OF LOUISIANA**

**No. 97-CA-0645**

**GLOBAL TEL\*LINK, INC.**

**VERSUS**

**LOUISIANA PUBLIC SERVICE COMMISSION**

**ON APPEAL FROM THE NINETEENTH JUDICIAL DISTRICT COURT  
FOR THE PARISH OF EAST BATON ROUGE  
HONORABLE J. MICHAEL McDONALD, JUDGE**

**Johnson, Justice, Dissenting**

**This is a direct appeal from the 19<sup>th</sup> Judicial District Court pursuant to La. Const. Art. IV, § 21 (E). I dissent in part because the Louisiana Public Service Commission (Commission) does have the authority to order a refund of money collected in violation of the 60 day rule<sup>1</sup>. This court has determined that the Commission's 60 day rule is not arbitrary or capricious and that the Commission has the authority to promulgate such a rule. However, the majority has deemed that the Commission acted arbitrarily and capriciously when it ordered that Global not bill in violation of the rule or collect for calls already billed in violation of the rule and that Global refund all sums collected in violation of the 60 day rule. I disagree. The Commission has the authority to demand a refund of sums illegally billed and order that the calls not be billed in violation of the 60 day rule.**

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<sup>1</sup>Bills must be submitted to customers within 60 days from the date the call was initiated.

**Global Tel\*Link, Inc., in the course of providing services to Louisiana customers, has been found guilty of overcharging its customers in several areas including: clock advancements, overcharges at unauthorized rates, added time to the duration of calls and duplicate billings.**

**The 60 day rule was promulgated by the Commission to protect consumers because they realized that after an extended period of time consumers could not remember the details of telephone calls. The customer would be at a clear disadvantage in determining errors on their telephone bill.**

**Global Tel\*Link, Inc. argues that because calls continued to be improperly rated, they would upgrade the billing system so that all calls would be billed from its Alabama facility. The new billing system was functional as of August 9, 1994. Therefore, most of the July, August and September billing could have been billed within the 60 day period.**

**This refund is not a forfeiture or confiscation of property. The Commission's 60 day rule has been in existence for many (7) years and is a long-standing requirement. The 60 day rule is not unreasonable and facilitates the needs of customers to have adequate time to review their bills. The Commission has the authority to order a refund of sums collected in violation of the 60 day rule.**