

REQUEST FOR CHANGE TO AGENDA CONFERENCE

(Please Print Legibly)

HAND DELIVER

Date of Request: 03/29/01 Date of Agenda Conference: 04/03/01 Item No. #16

Docket No. 010245-TI Brief Title: Initiation of Show Cause for violation of Rules 25-4.118 & 25-4.0161

Requested by: [ ] Staff [ X ] Other Paul Dean, Regulatory Counsel for OLS, Inc. (Name)

Please attach a copy of the written documentation if the change is not requested by staff.

ACTION REQUESTED [see APM 2.11 and SOP 1607]

[ X ] Defer Item to Agenda Scheduled: 05/01/01 (Date)

[ ] Change Order of Item or Take Up at Time Certain

[ ] Withdraw Item

[ ] Late Filed Recommendation (no later than 3:00 p.m.)

[ ] Add Emergency Item to Upcoming Agenda [see Section 120.525 (3), Florida Statutes]

Concise recommendation/explanation and justification for the action requested: On March 29, 2001, staff

received a faxed letter from Paul Dean, Regulatory Dean, Regulatory Counsel for OLS, Inc., requesting the deferral of the above-referenced docket from the April 3, 2001 Agenda Conference (See attached copy of letter).

(Continue on back) ->

STAFF:

Recommendation to Executive Suite: [ X ] Approve Request [ ] Deny Request

Comments:

Signature: Felicia Banks (OPR Staff) Initials: RL for NSL (Division Director or Designee)

DEPUTY EXECUTIVE DIRECTOR/TECHNICAL OR EXECUTIVE DIRECTOR:

Recommendation to the Chairman's Office: [ X ] Approve Request [ ] Deny Request

Initials: MT - WJ Date: 3/29/01

Comments: I believe under the circumstances the newly retained counsel for OLS, Inc. do in fact need more time to prepare defense.

CHAIRMAN'S OFFICE:

[ X ] Approve Request [ ] Deny Request

Initials: MB Date: March 30, 2001

Note: After the Chairman's Office takes action on this request, the Executive Suite will send the original to the Division of Records & Reporting and distribute copies to the following:

OPR and OCR Division Directors, OPR Staff Requesting Action, Attorney Assigned to Docket and Commissioners

Concise recommendation/explanation (continued)

OLS, Inc. is requesting that this deferral be granted at least until the next available agenda conference. The main basis of the deferral request is that on March 28, 2001, OLS, Inc, retained Mr. Dean to represent the company in the above-referenced proceeding. Having newly retained, Mr. Dean states in his letter that he needs additional time to prepare to address this fairly large and complex proceeding. Therefore, staff is recommending that OLS, Inc.'s request for deferral be granted.

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**FACSIMILE TRANSMISSION**

**\*\*\*\*\* For Immediate Delivery \*\*\*\*\***

**DATE:** March 29, 2001  
**TO:** Felecia Banks/Dale Buys  
**COMPANY:** Florida Public Service Commission  
**FAX:** (850) 413-6250  
**FROM:** Paul A. Dean  
direct dial: (703) 714-1305  
Pdean@helein.com

**SENDER'S TELEPHONE:** 703-714-1300

**PAGES TRANSMITTED:** 3 (including cover sheet)

**REFERENCE:** Docket # 010245-TI

IF THERE ARE ANY DIFFICULTIES IN RECEIVING THIS TRANSMISSION, PLEASE CONTACT (703) 714-1300 IMMEDIATELY. THANK YOU!

**MESSAGE OR SPECIAL INSTRUCTIONS**

Felecia:

Enclosed please find OLS's request for a deferment on the initiation of Show Cause proceedings. Several additional facts have come to light since yesterday. I look forward to working with yourself and Dale to resolve this matter as quickly and as amicably as possible. Please feel free to contact me with any questions or additional information that you may need. Thank you.

Paul.

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March 29, 2001

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Felecia Banks/Dale Buys  
Docket no. 010245-TI  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: Request for Deferment of the initiation of show cause proceedings against OLS, Inc., Docket no. 010245 to allow newly retained regulatory counsel to review the matter and proffer a substantive settlement offer

Felecia, Dale and Staff:

Herewith the Helein Law Group, P.C. enters its appearance on behalf of OLS, Inc. ("OLS"). Further, we hereby respectfully request a deferment of the initiation of show cause proceedings against OLS in Docket no. 010245 for apparent violations of Rule 25-4.118 F.A.C. and Rule 25-4.0161 F.A.C. We ask for deferment to, at least, the next available Commission agenda. A deferment would allow OLS to attempt to settle this fairly large and complex matter with the Florida Public Service Commission in a timely and appropriate fashion.

For the following reasons, regulatory counsel submits the public interest would be served by the Commission granting its request.

1. Commission staff's preliminary talks with OLS on this matter were with a company representative, Mr. Canuel, who is not a lawyer and the Company had no legal representation during these dialogues.

2. Mr. Canuel was not authorized to represent OLS in any substantive negotiations with the Public Service Commission.

3. Management at OLS was not aware that Mr. Canuel was communicating with the PSC on substantive matters or that there was any

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Proprietary Rights  
Complex Litigation  
General Business Law

problem with the Company's compliance regime in Florida. In fact, the Company was only aware of approximately 50 complaints and was shocked to learn that staff was investigating over 200 complaints against OLS.

4. Given the Company's previously unblemished record in serving Florida consumers over the past four years, OLS should be granted additional time to thoroughly investigate the reasons behind the sudden recent surge in complaints. This is particularly true given that a cursory inspection of the complaints may support the premise that many of these complaints were trumped up by competitors and/or incumbent carriers.

4. Management retained the Helein Law Group as outside regulatory counsel to represent them in this matter at approximately 2:30 P.M. EST on March 27, 2001. At this time, management notified said regulatory counsel that a settlement proposal to avert a show cause was due by noon on March 29, 2001. This is insufficient time for counsel to prepare a reasonable and proper response, particularly given the large amounts of material and the charges involved.

5. In the interest of justice and fairness, Counsel respectfully requests copies of all complaints now pending against OLS and at least one week to review said complaints upon their receipt. This will allow counsel time to draft an adequate response to the Commission's charges.

An extra copy of this transmittal is enclosed. Please date-stamp it and return it to me in the addressed, postage-paid envelope. If you have any questions regarding this correspondence, please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in black ink that reads "Paul A. Dean". The signature is written in a cursive style with a long horizontal line extending to the right.

Paul A. Dean

Regulatory Counsel  
OLS, Inc.