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September 25, 2002

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VIA FEDERAL EXPRESS

Blanca S. Bayo, Director
Division of the Commission Clerk and Administrative Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 020665-TI / Order No. PSC-02-1231-PAA-TI

Dear Ms. Bayo:

Enclosed please find one Petition for Formal Hearing in response to the above-referenced proposed agency action.

Thank you for your consideration of this matter. If you have any questions or comments, please contact me immediately.

Sincerely,
[Handwritten signature of David O. Klein]

David O. Klein

Enc.

cc: Avery Fischer, Esq.
General Counsel, Orion Telecommunications Corp.

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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

ORIGINAL

FLORIDA PUBLIC SERVICE COMMISSION

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In re: Compliance investigation of Telecore :
Communications for apparent violation of Rule : DOCKET NO. 020665-TI
25-24.470, F.A.C., Certificate of Public : ORDER NO. PSC-02-1231-PAA-TI
Convenience and Necessity Required, and Rule : ISSUED: September 9, 2002
25-4.043, F.A.C., Response to Commission :
Staff Inquiries. :
-----X

PETITION FOR FORMAL HEARING

Before the: Florida Public Service Commission
Address: Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

By: KLEIN, ZELMAN, ROTHERMEL
& DICHTER, LLP
Attorneys for Petitioner Telecore
Communications Corp.
485 Madison Avenue, 15th Floor
New York, New York 10022
(212) 935-6020

Petitioner: Telecore Communications Corp.
42-40 Bell Boulevard
Bayside, New York 11361
(718) 631-8541

PETITIONER'S STATEMENT

1. This Petition for a Formal Hearing is brought by Petitioner, Telecore Communications Corp. ("TCC"), by and through their attorneys, KLEIN, ZELMAN, ROTHERMEL & DICHTER, LLP, pursuant to Florida Statutes § 120.57 in conformance with Florida Administrative Code ("F.A.C.") Rule 28-106.201.
2. Petitioner's interests will be substantially affected if the Florida Public Service Commission ("Commission") finalizes the Proposed Agency Action Order ("PAAO") in the above-captioned action because the Petitioner will face penalties in the amount of \$25,000 for non-compliance with F.A.C. Rule 25-24.470 and \$10,000 for non-compliance with F.A.C. 25-4.043.

STATEMENT OF RECEIPT

3. Petitioner received the PAAO via certified mail on, or about, September 12, 2002, at their corporate offices located at 42-40 Bell Boulevard, Bayside, New York.

STATEMENT OF DISPUTED ISSUES OF MATERIAL FACT

4. Petitioner does not have enough information to issue a statement disputing or confirming the facts alleged in the PAAO due to numerous personnel changes at Orion Telecommunications Corp. ("OTC") and confusion surrounding TCC.

STATEMENT OF ULTIMATE FACTS

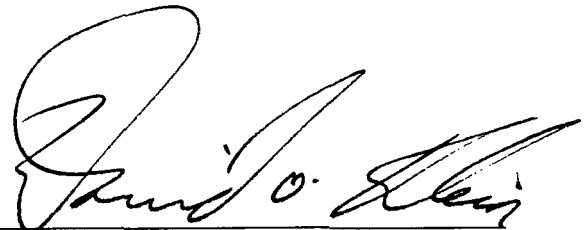
5. Petitioner brings this petition due to circumstances surrounding the relationship between OTC and TCC.
6. OTC did not have specific knowledge that TCC was in fact incorporated until a search of the New York State Department of State, Division of Corporations, records uncovered the existence of the incorporation.
7. OTC does not possess any corporate records for TCC, such as articles of incorporation, corporate bylaws, resolutions or minutes. Petitioner has requested all corporate filings for TCC from the New York State Department of State.
8. James Sutton, former Chief Financial Officer of OTC and the registered agent for TCC, is no longer an employee of OTC. Mr. Sutton has informed OTC that he does not have any recollection of the incorporation of TCC or the whereabouts of any corporate records.
9. Upon information and belief, TCC was never, and is not presently, a wholly owned subsidiary of OTC.
10. Upon information and belief, a certain officer of OTC incorporated TCC.
11. Upon information and belief, the entire issued and outstanding stock of TCC was never held by, and is not presently held by, OTC, but rather individuals.
12. Upon information and belief, OTC and TCC were, at all times, separate legal entities.
13. Several changes in personnel at OTC over the past two (2) years, including the general counsel position, resulted in significant confusion concerning the existence of TCC as a corporate entity and the relationship of TCC to OTC.

14. The personnel changes further confused administrative functions, resulting in mail, including several letters from the Commission, not reaching their proper recipients.
15. As evidenced in the PAAO's case background, many employees of OTC were unaware of the true legal relationship between the companies and inaccurately described TCC as a wholly owned subsidiary of OTC. Others believed TCC to be an assumed name (or d/b/a) of OTC (see Commission correspondence of June 17, 2002, annexed hereto as Exhibit A).
16. TCC and OTC did not knowingly refuse to respond to Commission Staff inquiries. Petitioner's lack of responsiveness was borne of misunderstanding and confusion as to the ownership of TCC and its relationship to OTC. Such confusion still exists. However, Petitioner is in the process of obtaining documents to bring clarity to the situation.

STATEMENT OF RELIEF

17. In light of the confusion surrounding the legal status of TCC, pursuant to the discretion granted to the Commission under Florida Statutes §364.285, Petitioner hereby requests that the Commission reconsider the penalties assessed against TCC in the PAAO.

Dated: September 25, 2002
New York, New York



David O. Klein
Klein, Zelman, Rothermel & Dichter, LLP
Attorneys for Petitioner

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

STATE OF FLORIDA



DIVISION OF COMPETITIVE MARKETS &
ENFORCEMENT
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

June 17, 2002

Mr. Avery Fischer
Orion Telecommunications of New York
42-40 Bell Boulevard
Bayside, NY 11361-2861

Dear Mr. Fischer:

This letter is regarding a consumer complaint concerning Prepaid Calling Services (PPCS) apparently provided by Telecore Communications. It is my understanding from information provided by the customer service agent for the prepaid card in question that Telecore Communications is, in fact, Orion Telecommunications Corp d/b/a Orion Telecommunications Corp of New York (Orion). Therefore, I am transmitting this consumer complaint to Orion for resolution.

The complainant, Mr. Walter Martinez, stated that he purchased a prepaid calling card from Soto Produce. A copy of the card and the complaint are enclosed. The card does not disclose the number of minutes available or the maximum rate per minute in apparent violation of Rule 25-24.920, Florida Administrative Code (see attached evaluation form and rules). However, when Mr. Martinez first used the card, the recording he heard when he called the toll-free access number stated that he had 151 minutes. Mr. Martinez stated that he did not receive 151 minutes, that he only received 45 minutes of calling time.

Please provide a written response to staff addressing the manner in which Orion will resolve Mr. Martinez's complaint. Mr. Martinez may be reached by telephone at (407) 695-5696, or by mail at 52 South Winter Park Drive, Casselberry, FL 32707.

Further, please provide the full call detail records for the True Connect Latin America prepaid phone card with PIN number 271-005-6840. These records should provide a complete breakdown of how the account for that PIN went from \$5.00 to \$0.00. Please include the name of the network company from whom you purchase time. Your response is due on July 9, 2002.

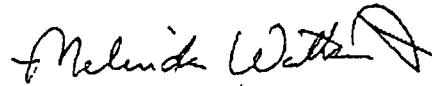
Mr. Avery Fischer

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June 17, 2002

If you have any questions, please contact me at (850) 413-6952.

Sincerely,



Melinda Watts
Bureau of Service Quality

Enclosures (4)

1. Complaint No: 461767T
2. True Connect Latin America prepaid calling card (copy)
3. PPCS rules (Florida Administrative Code)
4. PPCS Compliance Evaluation form

Ref: CATS 461767T