

ORIGINAL



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DATE: October 29, 2004  
TO: Florida Public Service Commissioners and Staff  
FROM: Mr. Abby Matari / CEO FLATEL, Inc.  
RE: Docket No. 040976-TX Objection

RECEIVED-FPSC  
04 NOV -4 PM 1:46  
COMMISSION  
CLERK

Ladies and Gentlemen of the Florida Public Service Commission:

It is in FLATEL's best interest to request that the Florida Public Service Commission not grant Oscar Nodarse / Utility USA Certificate of Authority. FLATEL requests to object to his application. The Florida Public Service Commission website will provide information to secure our objection and actions that involve Utility USA, Universal Telephone and Oscar Nodarse.

Oscar Nodarse / Utility USA has operated as a CLEC without Authority from the FPSC in the past. The FPSC Staff has recommended that Oscar Nodarse / Utility USA be denied Authority and has since then withdrawn their application to become a CLEC in the state of Florida. Oscar Nodarse has since then managed to find a way to direct Universal Telephone as CEO after failing to obtain Authority by the Florida Public Service Commission to become a CLEC.

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OTH \_\_\_\_\_

*"Staff has previously acknowledged concern for Mr. Nodarse's questionable management skills and practices before filing its first recommendation on November 20, 2003. Based on these most recent events, staff believes it is in the public's best interest to recommend that the Commission deny Utility USA, Inc.'s offer to settle and that the Commission should not grant Utility USA, Inc. Florida Public Service Commission Certificate No. 8419 to provide competitive local exchange telecommunications service within the State of Florida. Staff also believes that the Commission should order the company to immediately cease and desist providing competitive local exchange telecommunications service in Florida."*

*"On September 16, 2003, Mr. Motola e-mailed staff a Letter of Authorization (e-mail and Letter of Authorization included in Attachment X) requesting staff's review of the document for compliance with the Commission's Rule 25-4.118, Florida Administrative Code. Staff noted that the company's name on the Letter of Authorization was Universal Wireless, a certificated CLEC that heretofore was not at issue in these matters. It was unclear to staff the relationship*

DOCUMENT NUMBER-DATE

11902 NOV -4 04

FPSC-COMMISSION CLERK



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*between Mr. Nodarse and Universal Wireless. However, staff notes that Mr. Motola's e-mail of September 16, 2003, shows onodarse@aol.com as a copy recipient of the e-mail. The e-mail address was later confirmed to be that of Mr. Oscar Nodarse. Based on information in the Commission's Master Commission Directory, Mr. Nodarse is not listed as an associate of Universal Beepers Express, Inc. d/b/a Universal Wireless. Thus staff contacted Mr. Moeen Khalil, the listed liaison of Universal Beepers Express, Inc. d/b/a Universal Wireless and asked if he were aware that legal counsel for Mr. Nodarse was seeking a sample Letter of Authorization and review of a draft Letter of Authorization that showed Universal Beepers Express, Inc. d/b/a Universal Wireless as the provider of local telephone service. Mr. Khalil stated that he was aware of Mr. Motola's request and that he had made arrangements with Mr. Nodarse, whereby Mr. Nodarse would serve as an agent for Universal Beepers Express, Inc. d/b/a Universal Wireless."*

Oscar Nodarse / Utility USA was operating a CLEC with FLATEL's unauthorized trade name of OSCATEL through Telephone One (as quoted below) and Ameriphone before becoming a fictitious name of Universal Telephone reference Docket # 030873-TX.

*"Staff surmises that the d/b/a "Oscatel", and variations thereof, may have been used to maneuver customers from one local service provider to another, causing customer harm and confusion, and creating operational complications or financial hardships for other telecommunications providers."*

If you have any questions or concerns regarding this matter, Please contact our corporate office at the information provided in our letterhead.

Best Regards,

A handwritten signature in black ink, appearing to read 'Abby Matari', written over a light gray rectangular background.

Mr. Abby Matari  
CEO / Corporate Development