

State of Florida

Division of Legal Services
Robert D. Vandiver, Director
(904) 487-2740

Commissioners:
Thomas M. Beard, *Chairman*
J. Terry Deason
Betty Easley
Gerald L. Gunter
Michael Wilson



Public Service Commission

May 2, 1991

ORIGINAL
FILE COPY

Mr. Harold Haimwitz
1500 N.W. 49th Street, Suite 600
Fort Lauderdale, Florida 33309

Re: Docket No. 910198-TC

Dear Mr. Haimwitz:

This letter is intended to serve as a record of our telephone conversation and to clarify any ambiguities resulting from that conversation. If this letter contradicts your memory of our conversation, or if you have further questions, please feel free to contact me. Please note that this informal communication is only extended as a courtesy and has no legal or official significance.

As you are aware, the staff is recommending that the Commission order you to show cause why you should not be fined for failure to file your annual report. Please note that at this time we are not recommending that the Commission impose a fine. The Commission is free to approve the recommendation, modify the recommendation, or deny the recommendation. For the purposes of this letter, let us assume that the Commission approves the recommendation. The Commission will issue an order within 20 days of their decision. As currently contemplated, the Order will provide you with four alternatives:

- ACK _____
 - AFA _____
 - APP _____
 - CAF _____
 - CMU _____
 - CTR _____
 - EAG _____
 - LEG _____
 - LIN _____
 - OPC _____
 - RCH _____
 - SEC / _____
 - WAS _____
 - OTH _____
1. You may simply pay the fine within 20 days, retain your certificate and continue providing PATS.
 2. You may choose to respond to the Order. A response must be in writing and filed within 20 days of the date of the Order and contain specific arguments of fact or law. You may also request a formal hearing. Ultimately Commission decisions addressing the telecommunications industry are appealable directly to the Supreme Court of the State of Florida. Obviously if you wish to pursue this alternative, I would recommend you seek the advice of competent legal counsel.

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3. You may elect to voluntarily cancel your certificate. If you choose to pursue this course of action, no fine will be imposed. However, you will still be liable for 1991 Regulatory Assessment Fees.
4. Finally, you may elect to do nothing, in which case your certificate will be involuntarily canceled. Again, you will still be liable for 1991 Regulatory Assessment Fees.

If you wish to discuss any of these alternatives, please contact me and I will assist you by explaining the various ramifications. Again, please remember I am not your attorney and am ethically prohibited from advising you on the course of action most appropriate to your circumstances.

A copy of our Information Brochure is enclosed for your reference. An example of the Annual Report form appears on page 21.

I hope this clears up any misconceptions you may have had regarding this matter. If you have any further questions, please contact me at (904) 487-2740.

Sincerely,



John K. Adams III
Staff Counsel

JKA/ttl

cc: Division of Communications

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DIVISION OF COMMUNICATIONS