

STEPHEN JURMAN
ATTORNEY AT LAW
114 Portvue Drive
Moon Township, PA 15108

ORIGINAL
FILE COPY

August 25, 1997

Kimberly Pena, Esq.
Florida Public Service Commission
Division of Records and Reporting
2540 Shumard Oak Boulevard,
Tallahassee, Florida 32399-0850

Re: Vendormatic, Inc.
d/b/a HSS Vending Distributors;
DOCKET NO. ~~96-1309-TI~~ 96-1309-TI
ORDER NO. PSC-97-0937-FOF-TI

Dear Ms. Pena:

Enclosed please find the original and seven (7) copies each of Vendormatic's Response and Petition pursuant to the Commission's above-referenced Order.

These are being sent to you by Federal Express for overnight delivery. The letter and one (1) copy each is also being faxed to you, consistent with your discussion with Janet Garrand of my office. I appreciate your cooperation very much.

Thank you for your assistance.

Very truly yours,

- ACK _____
- AFA _____
- APP _____
- CAF _____
- CMU de Williams _____
- CTR _____
- EAC _____
- LEG _____
- LIN _____
- CRS _____
- ROH _____
- SEC + _____
- WAS _____
- OTH _____

Stephen Jurman, Esq.

cc
enclosures

Phone: (412) 262-2575
Fax: (412) 264-5597

Petition
DOCUMENT NUMBER-DATE
08622 AUG 26 5
FPSC-RECORDS/REPORTING

Response
DOCUMENT NUMBER-DATE
08618 AUG 26 5
FPSC-RECORDS/REPORTING

97 11 26 11 19

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to provide interexchange telecommunications service by Vendormatic, Inc. d/b/a HSS Vending Distributors, and initiation of show cause proceedings for violations of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity Required.

DOCKET NO. 961309-TI
ORDER NO. PSC-97-0937-FOF-TI
ISSUED: August 5, 1997

RESPONSE TO ORDER
TO SHOW CAUSE

This Response by Vendormatic, Inc., doing business as HSS Vending Distributors ("Vendormatic") to the above-referenced Order to show cause, represents:

1. The Respondent Vendormatic, Inc., doing business as HSS Vending Distributors, is a Pennsylvania business corporation with its principal offices located at 1400 Lee Drive, Coraopolis, Pennsylvania, 15108.
2. The above-referenced Order of the Florida Public Service Commission, dated August 5, 1997, in pertinent part directed Vendormatic to show cause why it should not be assessed a fine of \$25,000 for an alleged violation of Rule 25-24.470 of the Florida Administrative Code.

DOCUMENT NUMBER-DATE

08618 AUG 26 97

FPSC-RECORDS/REPORTING

3. Vendormatic received a copy of the Order on August 13, 1997 by certified mail.

4. Applications for long distance calling cards were being solicited on behalf of Vendormatic by an independent contractor up through September, 1996.

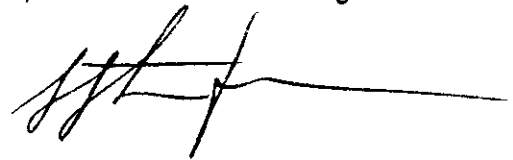
5. After receiving various complaints from consumers and representatives from various states, including a letter from the staff of the Florida Public Service Commission, Vendormatic directed its contractor to stop marketing the application.

6. To the extent any applications were subsequently solicited within the State of Florida it was without the knowledge or consent of Vendormatic.

7. As indicated in the letter dated March 4, 1997 from James W. Stinson, on behalf of Vendormatic, to Natalie M. Monteiro of the Florida Public Service Commission, Vendormatic had ceased soliciting applications for the long distance calling card, and credits or refunds were issued to any dissatisfied consumers of whom Vendormatic was aware.

8. Vendormatic believes and therefore avers that consumers complaining to the Commission in November of 1996 were only then receiving billings for applications solicited and billings initiated at least one month, or more earlier, which is the normal time lag in the billing process.

WHEREFORE, the Respondent Vendormatic, Inc. respectfully requests that the fine proposed in the above-referenced Order not be assessed, and that a formal hearing be initiated before any such assessment.

A handwritten signature in black ink, appearing to read 'S. Jurman', with a long horizontal line extending to the right.

Stephen Jurman, Esq.
Attorney for the Respondent,
Vendormatic, Inc.

Pa. ID No. 25574

114 Portvue Drive
Moon Township, PA 15108

(412) 262-2575