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February 9, 1998

VIA AIRBORNE EXPRESS

Ms. Blanca S. Bayo, Director
Division of Records & Reporting
Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

**Re: Docket Number: 97-1317-TP
Order Number: PSC-98-0121-PCO-TP
Issued: June 22, 1998
Our Client: Nationwide Communications of Michigan, Inc.**

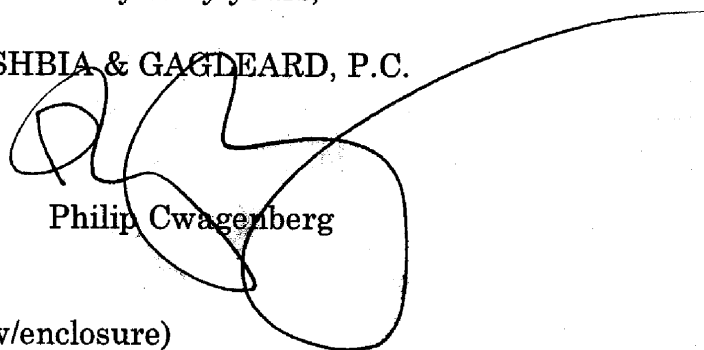
Dear Ms. Bayo:

Relative to the above-captioned matter enclosed please find a copy of Nationwide's Petition on Proposed Agency Action.

Should you have any questions, please feel free to contact the undersigned at your convenience.

Very truly yours,

ISHBIA & GAGLEARD, P.C.



Philip Cwagenberg

ACK _____
AFA _____
APP _____
CAF _____
CMU I
CTR _____
EAG _____ PC/bb
LEG 1 Enclosure
LIN 5 cc: Mr. Richard Makens (w/enclosure)
OPC _____ Jeffrey A. Ishbia, Esq. (w/enclosure)
RCH _____
SEC I P:\DATA\NCI\FPSC\FPSC-BAY.LTR
WAS _____
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DOCUMENT NO.
02061-98
02/10/98

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Nationwide Communications of Michigan, Inc., for apparent violation of Rule 25-24.630, F.A.C., Rate and Billing Requirements, Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries, and Rule 25-4.0161, F.A.C., Regulatory Assessment Fees

Docket No. 971317-TP
Order No. PSC-98-0121-PCO-TP
Issued: January 22, 1998

PETITION ON PROPOSED AGENCY ACTION

NOW COMES Nationwide Communications of Michigan, Inc., by and through its attorneys, Ishbia & Gagleard, P.C., and for its Petition of Proposed Agency Action, provides as follows:

1. **Name of Commission and it's Docket Number:**

Florida Public Service Commission
Docket No. 971317-TP

2. **Name and Address of the Applicant:**

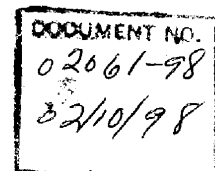
Nationwide Communications of Michigan, Inc.
28202 Franklin, Building A-4
Southfield, Michigan 48034

3. **A Statement of all Known Disputed Issues of Material Fact:**

Nationwide Communications is charged with violations of Rule 25-24.630, F.A.C., Rate and Billing Requirements, Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries, and Rule 25-4.0161, F.A.C., Regulatory Assessment Fees. For these purported violations, the Commission, upon the recommendation of its Staff, that liability for these purported violations be found, and that penalties, in the following amounts be assessed:

Rule 25-24.630, F.A.C., Rate and Billing Requirements

\$ 250



Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries \$1,500
Rule 25-4.0161, F.A.C., Regulatory Assessment Fees (Certif. 3549) \$ 500
Rule 25-4.0161, F.A.C., Regulatory Assessment Fees (Certif. 3950) \$ 500

Nationwide Communications disputes the form and/or substance of the Commission's allegations. Certain of the purported violations have been resolved, and there is no basis to assess additional penalties. For Certain of the violations the Commission is proposing action based on strict liability. For certain of the allegations the Commission would impose liability, notwithstanding Nationwide's subjective, and objective, compliance with the rule cited.

4. A Concise Statement of the Ultimate Facts Alleged, as Well as the Rules and Statutes which Entitle the Petitioner to Relief:

The Commission has alleged the following violations: Rule 25-24.630, F.A.C., Rate and Billing Requirements; Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries, and Rule 25-4.0161, F.A.C., Regulatory Assessment Fees. Nationwide Communications denies the form and/or substance of the Commission's allegations.

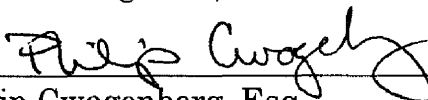
5. A Demand for Relief:

A dismissal of the Commission's proposed agency action.

6. Other Material Information:

The Commission's notice of Proposed Agency Action was received by Nationwide Communications of Michigan, Inc., upon information and belief, on Monday, January 26, 1998. The form of delivery is unknown.

Respectfully submitted,
Ishbia & Gagleard, P.C.


Philip Cwagel, Esq,
251 Merrill St., 2nd Floor
Birmingham, MI 48009
(248) 647-8590

Dated: February 9, 1998
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