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January 12, 1999

Ms. Blanca S. Bayo, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Betty Easley Conference Center, Room 110  
Tallahassee, Florida 32399-0850

**HAND DELIVERY**

RECEIVED-FPSC  
59 JAN 12 AM 3:47  
RECORDS AND REPORTING

Re: Docket No. 981247-TI

Dear Ms. Bayo:

Enclosed herewith for filing in the above-referenced docket on behalf of American Nortel Communications, Inc. ("ANC") are the original and fifteen copies of ANC's Motion for Leave to File Amended Response to Order to Show Cause.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing.

Sincerely,

  
Kenneth A. Hoffman

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF   1
- CMU** \_\_\_\_\_
- CTR KAH/rl
- ENC Enclosures
- EAG cc: Parties of Record
- LEG   1
- LIN Trib.3
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC \_\_\_\_\_
- WAS** \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

00446 JAN 12 99

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause )  
proceedings against American )  
Nortel Communications, Inc. for )  
violation of Rule 25-4.118, )  
F.A.C., Interexchange Carrier )  
Selection. )  
\_\_\_\_\_ )

Docket No. 981247-TI

Filed: January 12, 1999

**AMERICAN NORTEL COMMUNICATIONS, INC.'S  
MOTION FOR LEAVE TO FILE AMENDED  
RESPONSE TO  
ORDER TO SHOW CAUSE**

American Nortel Communications, Inc. ("ANC"), by and through its undersigned counsel, requests leave to file an amended response to the Order to Show Cause issued in this docket.<sup>1</sup> As grounds for this motion, ANC states as follows:

1. The Order to Show Cause, Order No. PSC-98-1555-SC-TI, was issued on November 23, 1998. ANC timely filed an initial response to the Order to Show Cause by letter dated December 9, 1998, a copy of which is attached hereto as Exhibit A. ANC's initial response reflects that it has issued credits to the accounts of the sixteen customers whose complaints were closed by the Division of Consumer Affairs as alleged unauthorized carrier change infractions, as referenced in the Order to Show Cause, and that ANC has placed a block on the phone numbers of those customers in order to prevent further billing or monthly fees.

2. ANC's initial response states that it is conducting an investigation into archived records concerning letters of agency and/or transcripts for the customers in question, and that it will

<sup>1</sup>ANC also provides notice of withdrawal of its Motion for Extension of Time to Further Respond to Order to Show Cause filed January 11, 1999.

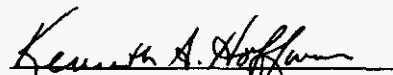
supply records to the Commission when such records became available.

3. ANC's response further states that it is most interested in resolving the matter with the Commission, and that it has ceased marketing activities in Florida until the matter is resolved.

4. The law firm of Rutledge, Ecenia, Underwood, Purnell & Hoffman, P.A., was retained as counsel for ANC on January 8, 1999. ANC's newly retained counsel require a reasonable amount of time to review the facts, circumstances and documents relevant to the matters at issue in the Order to Show Cause. Upon such review, ANC's counsel anticipates the need to file an amended response to the Order to Show Cause. Accordingly, ANC requests leave to file an amended response to the Order to Show Cause within twenty days following the filing of this motion, *i.e.*, by February 1, 1999. Such additional time will also allow ANC and its counsel the opportunity to initiate settlement discussions in connection with this docket.

WHEREFORE, ANC requests that the Commission grant ANC leave to file an amended response to the Order to Show Cause on or before February 1, 1999.

Respectfully submitted,

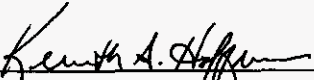
  
KENNETH A. HOFFMAN, ESQ.  
JOHN R. ELLIS, ESQ.

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P. O. Box 551  
Tallahassee, FL 32302  
(850) 681-6788 (telephone)  
(850) 681-6515 (telecopier)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing was furnished by hand delivery this 12<sup>th</sup> day of January, 1999 to the following:

Clintina Watts, Esq.  
Division of Legal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Room 370  
Tallahassee, FL 32399-0850

  
\_\_\_\_\_  
KENNETH A. HOFFMAN, ESQ.

Nortel2.res

**AMERICAN NORTEL COMMUNICATIONS, INC.**  
7201 E. CAMELBACK RD, SUITE 320 SCOTTSDALE, ARIZONA 85251 PHONE 602 945-1266 FAX 602 945-1909

DECEMBER 09,1998

THE DIRECTOR  
DIVISION OF RECORDS AND REPORTING  
2540 SHUMARD OAK BLVD  
TALLAHASSEE, FL 32399-0850  
ATT: MS. KAY FLYNN

RE: DOCKET #981247-TI / ORDER # PSC 98-1555-SC-TI

DEAR MS. FLYNN,

WE ARE IN RECEIPT OF YOUR ORDER TO SHOW CAUSE AND HAVE REACHED THE FOLLOWING CONCLUSIONS.

WE ARE A SWITCHLESS TELECOMMUNICATION COMPANY, WHICH RELIES ON MARKETING, TELEMARKETING AND ACQUISITIONS TO DEVELOP OUR BUSINESS. AS WITH ANY OTHER TELECOMMUNICATION COMPANY, WE WILL HAVE SITUATIONS DEVELOP WITH A PARTICULAR MARKETER, TELEMARKETER OR ACQUISITION WHICH REQUIRES ADJUSTMENTS TO CUSTOMERS ACCOUNTS.

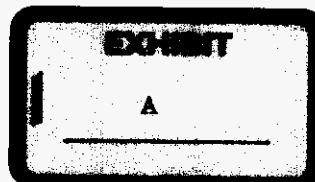
AS TO THE 16 CASES IN QUESTION, THE TOTAL BILLING FOR THESE ACCOUNTS WAS \$1202.64 AND UPON BEING INFORMED THAT THERE WAS A PROBLEM, WE ISSUED \$778.07 OF CREDIT. IN FACT, FOR NINE OF THE ACCOUNTS WE ISSUED A 100% CREDIT.

WE ARE CURRENTLY CONDUCTING A SYSTEMATIC INVESTIGATION OF OUR OLD FLORIDA LOA'S AND/OR TRANSCRIPTS FOR THE AFOREMENTIONED CUSTOMERS. DUE TO THE DATES OF THESE ACCOUNTS, THEY ARE IN STORAGE. WE WILL BE HAPPY TO SUPPLY THEM AS THEY BECOME AVAILABLE.

AS STATED IN OUR CORRESPONDENCE DATED AUGUST 10, 1998, NEITHER ANC NOR ANY OF OUR MARKETING COMPANIES HAS ANY KNOWLEDGE OF GTM COMMUNICATIONS AND THEIR SWEEPSTAKES. WE RECEIVED A COPY OF THEIR FACEPLATE THAT WAS KINDLY SENT BY MR. YAMBOR FROM YOUR OFFICES AND WE HAD NEVER SEEN THIS AD BEFORE. MR. YAMBOR WAS ALSO HELPFUL IN DISCUSSING WITH OUR MARKETING COMPANY THE CORRECT LANGUAGE FOR OUR LOA'S.

ENCLOSED PLEASE FIND A COPY OF THE CORRESPONDENCE SENT TO SAID CUSTOMERS ADDRESSING THEIR SPECIFIC NEEDS. WHEN WE ISSUE CREDITS TO CUSTOMERS FROM OUR CORPORATE OFFICE WE FORWARD THEM TO INTEGRETTEL, OUR BILLING COMPANY. THEY, IN TURN, SEND THEM ON TO THE LEC TO BE POSTED TO THE ACCOUNT INVOLVED. THIS ENTIRE PROCESS TAKES AT LEAST ONE TO TWO BILLING CYCLES. CUSTOMERS ARE ADVISED THAT THEY SHOULD CONTACT THEIR LEC AND LET THEM KNOW SAID AMOUNT(S) IS "IN DISPUTE".

FURTHER, WE PLACE A BLOCK ON SAID CUSTOMER'S PHONE NUMBER(S) IN OUR SYSTEM AS TO PREVENT FURTHER BILLING OR MONTHLY FEES AFTER WE HAVE RESOLVED ISSUES OF CONCERN TO THE PARTICULAR CUSTOMER.



PAGE 2  
MS. KAY FLYNN  
DECEMBER 09,1998

WE ARE MOST INTERESTED IN GETTING THIS SITUATION CLEANED UP. WE HAVE CEASED MARKETING  
ACTIVITIES IN FLORIDA UNTIL RESOLUTION OF THIS MATTER WITH OUR MARKETING COMPANIES.

IF I CAN BE OF FURTHER ASSISTANCE, PLEASE DO NOT HESITATE TO CONTACT MY OFFICES.

SINCERELY,

LINDA BOYD  
EXECUTIVE DIRECTOR

ENCLOSURES

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