State of Florida
-M-E-M-O-R-A-N-D-U-M-

Public Service Commission

DATE: December 17, 1999

TO: William D. Talbott, Executive Director

FROM: Tim Vacarro, Staff Counsel, Division of Legal Services
Diana Caldwell, Staff Counsel, Division of Legal Services
Kelly Biegalski, Regulatory Analyst, Division of Communications

RE: Request for Deferral of Item Numbers 37, 38, and 39, Docket Nos. 990971-TX, 991663-TX, and 991664-TX, from the December 21, 1999 Agenda Conference

Staff received a request to defer the above referenced dockets from the December 21, 1999, Agenda Conference, from Mr. Rick Austin. Mr. Austin states he is requesting this deferral for medical reasons and in order to allow staff time to conduct a more thorough investigation.

Staff has been attempting to work with Mr. Austin over the past several months. Staff believes it has addressed all relevant facts in these dockets and it is time for these issues to be brought before the Commissioners. Therefore, staff believes the request for deferral should be denied. In addition, staff requests that a call in number be made available for Mr. Austin so that he may be given the opportunity to address the Commission at the December 21, 1999, Agenda Conference.

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OTH Teach dkt

c: Richard Tudor

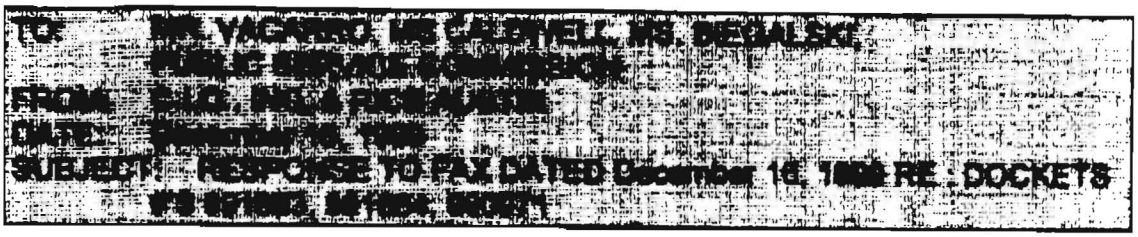
OK SCB for Chairman

Recommend denial of request for deferral.

MBB

Give Mr. Austin a call-in number to participate by telephone.

TO. MS. CALDWELL.



THANK YOU FOR SENDING ME THE FAX COPIES OF THE EXHIBITS AND EVIDENCE ENCLOSED IN YOUR FILES. LET ME BEGIN BY SAYING THAT FOR WHAT EVER REASON YOUR FILES CONTAIN ONLY ONE SIDED EVIDENCE. YOUR FILES ARE FILLED WITH DOCUMENTATION THE CONTRADICTS MOST OF THE EVIDENCE IN YOUR FAX TRANSMISSION. WHY WAS THE EVIDENCE ALREADY IN YOUR FILES ON MY BEHALF NOT INCLUDED IN YOUR INVESTIGATION. CORRESPONDENCE WITH RICK MOSES, DICK DURBIN, KATE SMITH, MR. CRUZ, MR. GARCIA. CONFIRMATION OF AN ONGOING INVESTIGATION BY THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT INTO TELECONEX ACTIVITIES. PROOF OF AGREEMENT WITH MR. MOSES ON THE TELECONEX ISSUES. STATEMENTS FROM MR. MOSES WITH RESPECT TO CONVERSATIONS HE HAD WITH AUSTIN AS LATE AS SEPTEMBER 1999. COPIES OF THE PROOF OF CONTRACT WITH PRE-CELL, CONVERSATIONS WITH AND FAX TRANSMISSIONS TO TIM WILLIAMS. LETTERS FROM CUSTOMERS WHO HAVE STATED WE DID NOT MAKE FALSE STATEMENTS AGAINST TELECONEX(IN YOUR FILES)ALL THIS SEEMS TO HAVE BEEN ELIMINATED FROM YOUR INVESTIGATION. WHY? I THOUGHT THIS PROCESS WAS TO BE FAIR AND NOT ONE SIDED.? ENCLOSED ARE COPIES OF JUST SOME OF THE DOCUMENTS ALREADY IN YOUR FILES. BELOW IS A SUMMARY RESPONSE TO YOUR ALLEGATIONS THAT CORRESPOND TO YOUR TIME LINE AND SUMMERLANDS LETTER TO THE PSC. PLEASE CONSIDER THIS MY ANSWER TO YOUR ALLEGATIONS ALONG WITH MY COMMENTS AND REQUEST FOR CONTINUES INVESTIGATION INTO THE REAL FACTS BEFORE A SHOW CAUSE ORDER IS CONSIDERED AND A REQUEST FOR A DERRFERAL FROM THE December 21 1999 DOCKET FOR HEALTH REASONS AND THE NEED FOR MORE INVESTIGATION INTO THE FACTS OF THIS ISSUE.

CASE BACKGROUND

AGREED
AGREED
UNKNOWN
DISAGREED, CALLS WERE TAKEN BY BOTH TELECONEX AND THE PSC FROM MAY 6 1999 THROUGH JUNE 20 1999. ABOUT CALLS THAT ALLEGEDLY WERE MADE BY PRE-CELL /FAMILY PHONE SERVICES NOT C.I.O.
AGREED, HOWEVER A CONVERSATION TOOK PLACE BETWEEN MYSELF AND RICK MOSES SHORTLY AFTER THE MEETING WITH TELECONEX WHERE MR. MOSES STATED THAT IF THE MATER BETWEEN TELECONEX AND PRE-CELL WAS NOT RESOLVED ASAP HE WOULD SHOW CAUSE BOTH COMPANIES. THE NEXT DAY BY AGREEMENT THE ISSUE OF CONTACT WITH TELECONEX CUSTOMERS WAS

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c: Richard Tudor

Recommend denial of request for deferral.
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DEC 17 1999
DEPUTY EXECUTIVE DIRECTOR

TO. MS. CALDWELL.

TO: MR. VACCARO, MS. CAMPBELL, MS. BEDALSKI
FROM: [illegible]
DATE: [illegible]
SUBJECT: RESPONSE TO FAX DATED December 16, 1999 RE: DOCKETS [illegible]

THANK YOU FOR SENDING ME THE FAX COPIES OF THE EXHIBITS AND EVIDENCE ENCLOSED IN YOUR FILES. LET ME BEGIN BY SAYING THAT FOR WHAT EVER REASON YOUR FILES CONTAIN ONLY ONE SIDED EVIDENCE. YOUR FILES ARE FILLED WITH DOCUMENTATION THE CONTRADICTS MOST OF THE EVIDENCE IN YOUR FAX TRANSMISSION. WHY WAS THE EVIDENCE ALREADY IN YOUR FILES ON MY BEHALF NOT INCLUDED IN YOUR INVESTIGATION. CORRESPONDENCE WITH RICK MOSES, DICK DURBIN, KATE SMITH, MR. CRUZ, MR. GARCIA. CONFIRMATION OF AN ONGOING INVESTIGATION BY THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT INTO TELECONEX ACTIVITIES. PROOF OF AGREEMENT WITH MR. MOSES ON THE TELECONEX ISSUES. STATEMENTS FROM MR. MOSES WITH RESPECT TO CONVERSATIONS HE HAD WITH AUSTIN AS LATE AS SEPTEMBER 1999. COPIES OF THE PROOF OF CONTRACT WITH PRE-CELL, CONVERSATIONS WITH AND FAX TRANSMISSIONS TO TIM WILLIAMS. LETTERS FROM CUSTOMERS WHO HAVE STATED WE DID NOT MAKE FALSE STATEMENTS AGAINST TELECONEX(IN YOUR FILES)ALL THIS SEEMS TO HAVE BEEN ELIMINATED FROM YOUR INVESTIGATION. WHY? I THOUGHT THIS PROCESS WAS TO BE FAIR AND NOT ONE SIDED.? ENCLOSED ARE COPIES OF JUST SOME OF THE DOCUMENTS ALREADY IN YOUR FILES. BELOW IS A SUMMARY RESPONSE TO YOUR ALLEGATIONS THAT CORRESPOND TO YOUR TIME LINE AND SUMMERLANDS LETTER TO THE PSC. PLEASE CONSIDER THIS MY ANSWER TO YOUR ALLEGATIONS ALONG WITH MY COMMENTS AND REQUEST FOR CONTINUES INVESTIGATION INTO THE REAL FACTS BEFORE A SHOW CAUSE ORDER IS CONSIDERED AND A REQUEST FOR A DERRFERAL FROM THE December 21 1999 DOCKET FOR HEALTH REASONS AND THE NEED FOR MORE INVESTIGATION INTO THE FACTS OF THIS ISSUE.

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