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November 1, 2001

BY HAND DELIVERY

Ms. Blanca Bayó, Director
Division of Records and Reporting
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket Nos. 010409-TP and 010564-TX

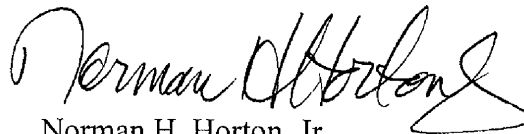
Dear Ms. Bayó:

Enclosed for filing on behalf of Talk America, Inc. are an original and fifteen copies of Talk America Inc.'s Motion for Clarification and Extension of Time in the above-referenced dockets.

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,



Norman H. Horton, Jr.

NHH/amb

Enclosures

cc: Francie McComb, Esq.
Parties of Record

DOCUMENT NUMBER-DATE

13838 NOV-16

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition by the Citizens of)
Florida to Investigate TALK.com Holding)
Company and The Other Phone)
Company for Willful Violation of)
Rule 25-4.118, Florida Administrative)
Code)

Docket No. 010409-TP

In re: Investigation of possible violation of)
Commission Rules 25-4.118 and)
25-24.110, F.A.C., or Chapter 364, F.S.,)
by The Other Phone Company, Inc. d/b/a)
Access One Communications, holder of)
ALEC Certificate No. 4099, and Talk.com)
Holding Corp. d/b/a Network Services d/b/a)
The Phone Company, holder of ALEC)
Certificate No. 4692)

Docket No. 010564-TX
Filed: November 1, 2001

**TALK AMERICA, INC.'S MOTION FOR CLARIFICATION
AND EXTENSION OF TIME**

COMES NOW Talk America, Inc., f/k/a Talk.com Holding Corp. d/b/a Network Services d/b/a The Phone Company and The Other Phone Company d/b/a Access One Communications (“Talk America” collectively) and files this Motion for Clarification of Order No. PSC-01-2107-SC-TP (“Show Cause Order”) and Extension of Time to respond to the same Order and as basis states:

1. By Order No. PSC-01-2107-SC-TP issued October 23, 2001, the Commission directed Talk America to show cause why it should not be penalized for alleged violations of various Commission rules. The Order directs Talk America to respond within twenty-one (21) days of the issue date of the Order and further directs that such response “contain specific allegations of fact and law.” As discussed herein, Talk America requests that the Commission clarify its Order by providing more specific information as to each apparent rule violation necessary to enable Talk

America to respond as directed and to extend the time for filing a response to the Order.

2. Within the Order, the Commission cites the number of apparent violations for each rule and generally discusses those apparent rule violations by type of complaint/rule violation. The proposed fines are based upon the number of apparent rule violations, but nowhere in or attached to the Order is there any list or schedule detailing the specific complaints that form the basis of these apparent violations or providing the information necessary and required to enable Talk America to respond adequately and accurately to each of the specific allegations identified in the Show Cause Order. Despite the facts that the Commission Staff informally has provided lists of consumer complaints to Talk America during the course of its investigation, and that Talk America has attempted to provide Commission Staff with an analysis of those complaints, to date, Talk America has been unable to do so because Talk America tracks and responds to customer inquiries on the basis of billing telephone numbers (“BTNs”), whereas the Commission monitors consumer inquiries on the basis of internally assigned complaint numbers. Accordingly, Talk America has been unable to precisely link the previously-provided Commission complaint lists to its customer BTNs. Similarly, the Order makes no mention of the specific complaints, either by BTN or even by customer name, which form the basis of the Order. As a result, and in the absence of specific BTN information, Talk America, at best, will have difficulty and ultimately may be unable to provide an adequate, accurate response to the Order or importantly, to defend itself in this proceeding.

3. Therefore, in order to comply with the Commission’s directive to respond with specific allegations as to the total apparent violations, Talk America first will need to receive an accurate list of the customer name and billing telephone number (“BTN”) associated with each

complaint that forms the basis of each of the rule violations alleged in the Show Cause Order. Second, Talk America will need to receive, in the context of this list, an identification of the apparent rule violation associated with each complaint. Absent such a list, Talk America will be without knowledge of the specific complaints at issue in the Order and will be unable to adequately respond or defend itself in the docket.

4. Thirdly, Talk America requests clarification as to whether each of the consumer complaints generally identified in the Show Cause Order inquiry are limited to a single category of apparent rule violations or whether certain complaints may be listed in multiple categories, thus necessitating multiple responses. Such information is unclear either from the Order or from the lists previously provided to Talk America by the Commission. To the extent that certain complaints are listed in multiple categories, Talk America requests that the Commission separately identify such complaints by customer name and BTN.

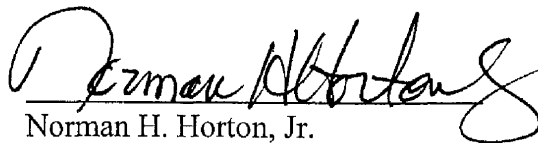
5. Finally, Talk America also requests that the Commission grant it an extension of time to respond to the Order as provided for by Rule 28-106.111, Florida Administrative Code. The Order recites over six hundred (600) apparent violations of Commission rules and requires specific responses to each such violation. As should be evident, the research, analysis and preparation of responses to this number of apparent violations is extremely time consuming and Talk America has limited personnel to dedicate to compiling and completing these tasks. The fact that some of the analysis responsive to the Show Cause Order already may have been performed on prior occasions with respect to earlier complaint lists received by Commission Staff does not necessarily mean that a response to this Show Cause Order readily may be provided for the reasons discussed herein.

Accordingly, because it will be necessary for Talk America to analyze the list of customer complaints numbers, BTNs and complaint types/rule violations to be provided by the Commission in response to this Motion, and to prepare specific responses for each alleged rule violation on that list., Talk America requests that its response be due thirty (30) days from the date on which the list requested by this Motion is provided to Talk America.

6. Counsel for Talk America has consulted with counsel for Staff and the Office of Public Counsel with respect to both requests contained in this Motion. Counsel for OPC has no objection to either Motion and counsel for Staff was advised of the submission of the Motions and has not expressed opposition or support of either Motion.

WHEREFORE, for the reasons cited, Talk America requests that the Commission provide a list of the apparent violations referenced in Order No. PSC-01-2107-SC-TP sufficient to allow Talk America to respond thoroughly and accurately to each allegation and also that the Commission grant an extension of time to respond to Order No. PSC-01-2107-SC-TP and that the response be due thirty (30) days from the date the list is provided to Talk America.

Respectfully submitted



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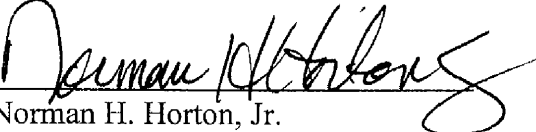
Attorneys for Talk America, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of Talk America, Inc.'s Motion for Clarification and Extension of Time in Docket Nos. 010409-TP and 010564-TX have been served upon the following parties by Hand Delivery (*) and/or U.S. Mail this 1st day of November, 2001.

Mary Ann Helton, Esq.*
Division of Legal Services, Room 370
Florida Public Service Commission
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Tallahassee, FL 32399-0850

Charles Beck, Esq.*
Office of Public Counsel
111 West Madison Street, Room 812
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