

FLORIDA PUBLIC SERVICE COMMISSION

VOTE SHEET

DECEMBER 17, 2001

RE: Docket No. 010409-TP - Petition by Citizens of State of Florida for investigation of Talk America Inc. and its affiliate, The Other Phone Company, Inc. d/b/a Access One Communications, for willful violation of Rule 25-4.118, F.A.C.

Docket No. 010564-TX - 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 America Inc, holder of ALEC Certificate No. 4692.

ISSUE 1: Should the Commission grant Talk America's Motion for Clarification and Extension of Time?

RECOMMENDATION: Talk America's Motion for Clarification and Extension of Time should be granted in part and denied in part. Order No. PSC-01-2107-SC-TP should be amended to include the list provided in Attachment A of staff's December 5, 2001 memorandum, which sets forth Talk America's apparent violations by complaint number and categorizes the complaints under the applicable violation. Hearing staff should be ordered to provide the customer complaint forms generated by the Division of Consumer Affairs that correspond to the customer complaints set forth in Attachment A within 10 days of the issuance date of the order rendered in this matter. Furthermore, Order No. PSC-01-2107-SC-TP should be amended to clarify that each complaint forms the basis for a single violation. Moreover, Talk

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

15671 DEC 17 2001

FPSC-COMMISSION CLERK

DEFERRED

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America should file its response to Order No. PSC-01-2107-SC-TP within 30 days after the hearing staff provides the customer complaint forms to Talk America. The Commission should deny Talk America's request for a separate list from the Commission detailing the company's apparent violations by billing telephone number and customer name, as such a list is unnecessary if Attachment A and the customer complaint forms generated by the Division of Consumer Affairs are provided to Talk America.

DEFERRED

ISSUE 2: Should these dockets be closed?

RECOMMENDATION: No. These dockets should remain open to allow Talk America to file its response to Order No. PSC-01-2107-SC-TP as discussed in Issue 1.