

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

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

Docket No. 010409-TP

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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: March 19, 2002

**MOTION FOR SUMMARY FINAL ORDER OF TALK AMERICA INC.**

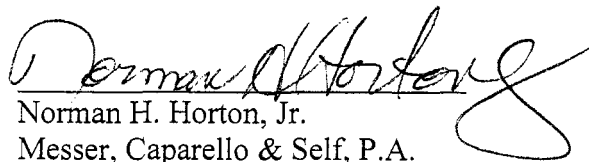
COMES NOW Talk America Inc., f/k/a Talk.com Holding Corp. d/b/a Network Services d/b/a The Phone Company and The Other Phone Company d/b/a Access One Communications (“Talk America” collectively), pursuant to Federal Rule of Civil Procedure 56, Rule 28-106.204(4), Florida Administrative Code, and Rule 1.510, Florida Rules of Civil Procedure, and respectfully requests that the Florida Public Service Commission (“PSC”) grant summary final order in favor of Talk America on the grounds that there is no genuine issue as to any material fact with respect to four hundred fourteen (414) complaints included in the “Talk America Master Violation List” (“Master Violation List”) appended as *Attachment A* to the PSC’s January 16, 2002 *Order Granting in part and Denying in Part Motion for Clarification, Amending Order*

No. PSC-01-2107-SC-TP and Granting Amended Request for Extension of Time, Order No. PSC-02-0095-PCO-TP (“January 16 Order”)<sup>1</sup>

The *January 16 Order* amended the *Order to Show Cause*, No. PSC-01-2107-SC-TP, issued by the PSC on October 23, 2001, to include, *inter alia*, the *Master Violation List*, which sets forth Talk America’s apparent violations of Florida law by complaint number and categorizes all complaints that formed the basis of the *Show Cause Order* by applicable rule violation.

Concurrent with this Motion, Talk America files *its Memorandum in Support of this Motion for Summary Final Order* and the *Declaration of Frances McComb*, Associate General Counsel for Talk America. In addition, the specific complaints for which Talk America moves for summary final order are listed in ***Exhibit B*** of the Company’s *Memorandum in Support of its Motion for Summary Final Order*, filed concurrently with this Motion. Finally, ***Exhibit C*** of the Company’s *Memorandum in Support of its Motion for Summary Final Order*, filed concurrently with this Motion, contains copies of the Commission’s customer complaint determination forms for the four hundred fourteen (414) complaints identified in ***Exhibit B***. These forms contain the conclusions of Staff that these four hundred fourteen (414) complaints involved no apparent violations of Florida law.

Respectfully submitted,



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<sup>1</sup> The Commission issued this order in response to *Talk America Inc.’s Motion for Clarification and Extension of Time*, filed November 1, 2001.

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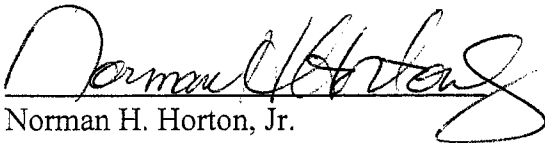
Attorneys for Talk America Inc.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of Talk America, Inc.'s Motion for Summary Final Order in Docket Nos. 010409-TP and 010564-TP have been served upon the following parties by Hand Delivery (\*) and/or U.S. Mail this 19<sup>th</sup> day of March, 2002.

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