

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 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. 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 America Inc., holder of ALEC Certificate No. 4692.

DOCKET NO. 010564-TX
DATED: April 1, 2002

COMMISSION STAFF'S RESPONSE TO OFFICE OF PUBLIC COUNSEL'S
REQUEST TO HOLD PUBLIC HEARINGS

Commission Staff (staff), by and through undersigned counsel, pursuant to Rule 28-106.204, Florida Administrative Code, hereby files its response to the Office of Public Counsel's (OPC) request to hold public hearings, and as grounds therefore states:

1. On March 26, 2002, OPC filed a response to Talk America's Motion for Summary Final Order and Motion to Dismiss, supporting and adopting the response of staff. OPC's response also urged the Commission to hold public hearings in this docket as an economical and efficient way for the Commission to hear from the public and take direct evidence in this case. Staff supports OPC's request for public hearings.

DOCUMENT NUMBER - DATE

03679 APR-18

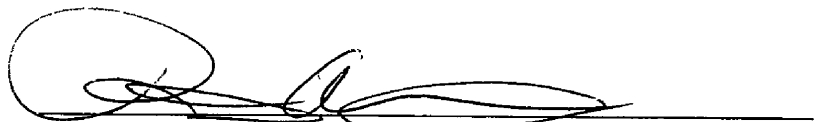
FPSC-COMMISSION CLERK

2. Should the Commission decide to hold service hearings in this matter, staff recommends that service hearings should be held in the following areas: Miami, Fort Lauderdale, Orlando, and Tallahassee. Due to the distribution of complaints, staff believes that holding the service hearings in the above locations would give the greatest number of customers the opportunity to provide testimony in this proceeding.

3. Staff also recommends that should the Commission approve service hearings, that these hearings should be scheduled in accordance with the Commission's practice in scheduling service hearings in such proceedings as area code dockets.

4. In addition, staff proposes that individual notice of these service hearings should be sent to those customers whose complaints are the subject of the Show Cause Order in this docket, inviting them to testify in this proceeding.

WHEREFORE, Commission staff supports Office of Public Counsel's request for Service Hearings as discussed above. Respectfully submitted this 1st day of April, 2002.



Patricia A. Christensen, Senior Attorney
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of COMMISSION STAFF'S RESPONSE TO OFFICE OF PUBLIC COUNSEL'S REQUEST TO HOLD PUBLIC HEARINGS, has been furnished by regular U.S. Mail and facsimile to Norman H. Horton, Jr., Esquire, Post Office Box 1876, Tallahassee, Florida 32302-1876, and to Charles Beck, Esquire, Office of Public Counsel, c/o The Florida Legislature, 111 West Madison Street, Tallahassee, Florida 32399-1400 this 1st day of April, 2002.


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