

M E M O R A N D U M

June 13, 2002

ORIGINAL

TO: DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES

FROM: OFFICE OF THE GENERAL COUNSEL (CHRISTENSEN) *Dac*

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.

Please place attached document in the docket(s) file.

PAC/anc
Attachment

AUS _____
CAF _____
CMP _____
COM _____
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ECR _____
GCL _____
OPC _____
MMS _____
SEC _____
OTH *each dept.*

DOCUMENT NUMBER DATE
06167 JUN 13 08
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Docket 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.)

and)
Docket 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.)

Subpoena Duces Tecum

Without Deposition

THE STATE OF FLORIDA

TO: Talk America, Palm Harbor Office, 2704 Alternate North, Palm Harbor, Florida 34683

YOU ARE COMMANDED to appear at Talk America, Palm Harbor Office, 2704 Alternate North, Palm Harbor, Florida 34683, on or before May 16, 2002, or at such other time and place as may be mutually agreed upon by counsel, and to have with you at that time and place the following:

1. A current organizational chart for Talk America, including job titles and job descriptions and length of employment;
2. All Florida customer account records in the OPTIS database, or a replacement for or similar to the OPTIS database, that contains market code 51 or 52;
3. All Florida customer account records in ACUS, or a replacement for or similar to ACUS, that include TCSI code O1SA, and all billing records and information pertaining to those customer accounts for the calendar years 1999, 2000, and 2001;
4. All Florida customer account records in the ACUS system, or a replacement for or similar to the ACUS system, and all billing records and information pertaining to those customer accounts for the calendar year 2002;
5. All Florida customer account records in the One Bill System, or a replacement for or similar to the One Bill System, and all billing records and information pertaining to those customer accounts for the calendar year 2002;
6. All Florida customer settlement credit tracker account records in webview, or a replacement for or similar to the webview settlement account tracker, using user name KHagg and CSTPF number 195, for the period December 1, 2001, through May 16, 2002;
7. All Florida customer settlement credit tracker account records in webview, or a replacement for or similar to the settlement account tracker in webview, for the period December 1, 2001, through May 16, 2002;
8. All e-mail to Kathy Hagg regarding Florida consumer complaints;
9. A list of all former employees since January 1, 2000, through May 16, 2002; and

Subpoena Duces Tecum Without Deposition

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10. A list of all Florida consumers, including name, address, and telephone number, who sent a complaint to Talk America during the calendar year 2002.

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with this subpoena by providing legible copies of the items to be produced to the attorney whose name appears on this subpoena on or before the scheduled date of production. You may mail or deliver the copies to the attorney whose name appears on this subpoena and thereby eliminate your appearance at the time and place specified above. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name appears on this subpoena. THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN.

If you fail to (1) appear as specified, or (2) furnish the records instead of appearing as provided above, or (3) object to this subpoena, you may be in contempt of court. You are subpoenaed by the following attorney, and unless excused from this subpoena by this attorney or the court you shall respond to this subpoena as directed.

DATED on May 15, 2002.

Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission

(S E A L)

By: Kay Flynn
Kay Flynn, Chief of Records and Hearing Services

Patty Christensen
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
Attorney for
Florida Public Service Commission

PSC/CCA016-C (Rev 10/01)

This subpoena was served by Dale R Bump ^{DRB}
to JEFFrey Earhart on May 16, 2002 at 10:05am

Talk America, Palm Harbor Office, 2704 Alternate 19 North,
Palm Harbor, Florida, 34683.