

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: JUNE 14, 2002

MOTION TO SUSPEND THE HEARING, PREHEARING,
AND KEY ACTIVITIES DATES

Commission staff (staff), by and through undersigned counsel, pursuant to Rule 28-106.204, Florida Administrative Code, hereby files this Motion to Suspend the Hearing, Prehearing, and Key Activities Dates, and as grounds therefore states:

1. On October 23, 2001, the Commission issued Order No. PSC-01-2107-SC-TP ordering that Talk America, Inc. (Talk America) show cause in writing within 21 days why it should not be fined for its apparent violations of Section 364.604(2), Florida Statutes, and Rules 25-4.118 and 25-22.32(5)(a), Florida Administrative Code. On November 1, 2001, Talk America filed its Motion for Clarification

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and Extension of Time to Respond to the Order and on November 6, 2001, Talk America filed a request for a hearing. By Order No. PSC-02-0095-PCO-TP, issued January 16, 2002, Talk America's request for an extension of time to file a response to the Show Cause Order was granted.

2. On March 19, 2002, Talk America filed its initial response and renewed its request for hearing. Talk America also filed its Motion for Summary Final Order and Motion to Dismiss on March 19, 2002.

3. On March 26, 2002, staff filed its Responses to Talk America's Motion to Dismiss and Motion for Summary Final Order. Also, on March 26, 2002, the Office of Public Counsel (OPC) filed its Response to Talk America's Motions to Dismiss and Motion for Summary Final Order. Included in OPC's response was a request for public hearings to be held in this matter. Staff filed its response to OPC's request on April 1, 2002. On June 4, 2002, Talk America filed its response to OPC's request for public hearings.

4. By Order No. PSC-02-0733-PCO-TP, issued May 30, 2002 (Order Establishing Procedure), the hearing dates, the prehearing date, and key activities dates were established. Currently, the

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Hearing is scheduled for September 18 and 19, 2002, and the Prehearing is scheduled for September 4, 2002.

5. On June 11, 2002, Talk America file its Offer Of Settlement and another Motion for Summary Final Order.

6. Due to the recent settlement offer filed by Talk America, staff requests that the hearing, prehearing and key activities dates be suspended. Suspending the key activities dates, along with the hearing and prehearing dates, would allow the parties to focus their resources on settlement discussions.

7. Should Talk America's Settlement Offer be rejected by the Commission, staff further requests that the hearing, prehearing and key activities dates, remain suspended until such time as the Commission addresses Talk America's outstanding Motions for Summary Final Order, Motion to Dismiss, and OPC's request for public hearings. Since these motions and OPC's request for public hearing have direct impact on the processing of this case, it would be in the interest of judicial economy to resolve them prior to re-establishing a hearing schedule.

8. Staff counsel has contacted counsels for Talk America and OPC and both counsels represented that they support the Motion.

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Thus, no party will be prejudiced by a suspension of the hearing,
prehearing and key activities dates.

WHEREFORE, Commission staff requests that the Commission grant
this Motion to Suspend the Hearing, Prehearing, and Key Activities
Dates.

Respectfully Submitted this 14th day of June, 2002.



Patricia A. Christensen, Senior Attorney
Linda Dodson, Attorney
FLORIDA PUBLIC SERVICE COMMISSION
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
(850) 413-6199

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of MOTION TO SUSPEND THE HEARING, PREHEARING, AND KEY ACTIVITIES DATES, has been served VIA-U.S. Mail and Facsimile, upon Floyd Self, Esquire, Messer Law Firm, Post Office Box 1876, Tallahassee, Florida 32302-1876, on behalf of Talk America, Inc., and to Charles Beck, Esquire, Office of Public Counsel, c/o The Florida Legislature, 111 W. Madison St., #812, Tallahassee, Florida 32399-1400 and that a true and correct copy thereof has been furnished by U.S. MAIL, this 14th day of June, 2002, to the following:

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Charles Beck, Esquire
Office of Public Counsel
c/o The Florida Legislature
111 W. Madison St., #812
Tallahassee, FL 32399-1400

Floyd Self, Esquire
Messer Law Firm
P.O. Box 1876
Tallahassee, FL 32302-1876

Steven A. Augustino
Kelly Drye Law Firm
1200 19th St. NW, #500
Washington, DC 20036

Ms. Sharon Thomas
Talk America Inc.
Access One Communications, Inc.
12001 Science Drive, Suite 130
Orlando, FL 32826-2936



Patricia A. Christensen,
Senior Attorney

FLORIDA PUBLIC SERVICE COMMISSION
Gerald L. Gunter Building
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
(850) 413-6199