

ORIGINAL

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION
CLERK

-M-E-M-O-R-A-N-D-U-M-

DATE: March 17, 2005

TO: Blanca S. Bayó, Commission Clerk and Administrative Services Director

FROM: Dale R. Buys, Regulatory Analyst II, Division of Competitive Markets & Enforcement *DRB*

RE: Docket No. 040062-TI; Compliance Investigation of New Century Telecom, Inc. for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection.

Please file the attached letter from the Helein Law Group, LLC, dated March 2, 2005 in the above referenced docket file.

DRB/
Attachments

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC 1
- OTH _____

DOCUMENT NUMBER-DATE

02623 MAR 17 05

Telecommunications
E Commerce
Technology
Corporate & Finance
Trademarks
Proprietary Rights
Complex Litigation
General Business Law

The Helein Law Group, LLLP

8180 Greensboro Drive
Suite 700
McLean, VA 22102

(703) 714-1300 (Telephone)
(703) 714-1330 (Facsimile)
mail@thlglaw.com

Writer's Direct Dial Number
703.714.1310

Writer's E-mail Address
dls@thlglaw.com

March 2, 2005

Dale Buys
Florida Public Service Commission
Capital Circle Oak Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

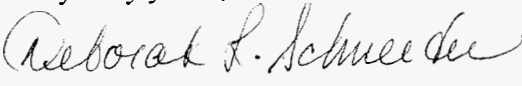
Re: New Century Telecom, Inc.
Docket No. 040062-TI

Dear Mr. Buys:

In accordance with the Settlement Agreement with the Commission, enclosed is the first payment of New Century Telecom, Inc.'s voluntary contribution in the amount of \$15,150.

If these payments are to be directed to another person or office, please let us know so that future installments will be properly directed.

Should there be any questions, please let us know.

Very truly yours,

Deborah L. Schneider
Office Administrator
The Helein Law Group

STATE OF FLORIDA

COMMISSIONERS:
BRAULIO L. BAEZ, CHAIRMAN
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON
LISA POLAK EDGAR



DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

March 3, 2005

The Helein Law Group, LLLP
8180 Greensboro Drive, Suite 700
McLean, Virginia 22102

To Whom It May Concern:

Enclosed is your check number 1002, dated March 2, 2005, in the amount of \$15,150.00. This check is being returned to you because it is made out to the Florida General Revenue Fund rather than to the Florida Public Service Commission.

If you have any questions, please contact Ms. Raquel Tully at (850) 413-6257.

Sincerely,

A handwritten signature in cursive script that reads "Karen Belcher/m".

Karen Belcher
Fiscal Services Supervisor

KB:ssf
Enclosure

I:\Fiscal Services\Helein Law Group - check return.doc

On December 14, 2004; New Century submitted its final settlement offer, incorporating the provisions discussed at our October 5, 2004, Agenda Conference. In its settlement offer dated December 14, 2004, New Century is offering to:

1. Make a voluntary contribution to the Florida General Revenue Fund in the amount of \$151,500. The company is offering to pay \$15,150 within ten days of the effective date of its settlement; fourteen days thereafter, the company will pay the amount of \$5,000 each week, for twenty-seven (27) weeks, and a final payment in the amount of \$1,350 in the final (28th) week.
2. Refund or credit the full amount of any charges incurred by each of the 42 customer complaints cited in the recommendation to the extent not already credited or refunded.
3. Establish the telemarketing compliance program included in its settlement proposal submitted on July 20, 2004 (Document No. 08961-04).
4. On a going forward basis, the company will promptly and in good faith address and resolve all complaints regarding its services in a reasonable manner consistent with its settlement offer and its compliance program.
5. Within 60 days from the effective date of its settlement, the company will provide a formal report and additional reports every twelve (12) months, for a total of three reports, continuing for 26 months from the effective date. The reports will include:
 - 1) The status of the company's progress in implementing its settlement.
 - 2) A list of all infractions assigned to personnel related to its settlement.
 - 3) Copies of all customer complaints related to the company's compliance with its settlement for the period since the previous report, including copies of the resolution of any such complaint.
6. Use an unaffiliated and independent company, subject to our staff's approval, for third party verifications (TPV). The TPV shall not use prerecorded "yes" and "no" questions, and instead, will use live attendants to verify and record customers' orders for service. The company will use the script included in its settlement offer dated July 20, 2004 (Document No. 08961-04), and implement any changes necessary to comply with the Commission's rules, if needed, within 60 days from the effective date of its settlement offer.
7. Agree not to acquire or transfer any customer base in Florida except as provided in Rule 25-4.118. F.A.C.

THLG CARRIER ESCROW ACCOUNT

09/02

1003

PH. 703-714-1300
8180 GREENSBORO DR STE 700
MC LEAN, VA 22102-3823

68-531/560
12401

DATE 3-7-05

PAY TO THE ORDER OF Florida Public Service Commission \$ 15,150.00

Fifteen thousand one hundred and fifty DOLLARS

Security features are included. Details on back.

BB&T
BRANCH BANKING AND TRUST COMPANY
MCLEAN, VIRGINIA

Deborah Schneider

FOR _____



The Helein Law Group, LLC

8180 Greensboro Drive
Suite 700
McLean, VA 22102

2005 MAR 15 PM 1:17

DIVISION OF
COMPETITIVE SERVICES

Dale Buys
Florida Public Service Commission
Capital Oak Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850



HASLER	014H15213160	US POSTAGE
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