

Matilda Sanders

From: Ann Bassett [abassett@lawfla.com]
Sent: Thursday, April 14, 2005 1:58 PM
To: Filings@psc.state.fl.us
Subject: Docket 030696-TI
Attachments: 2005-04-14, 030696, Motion for Leave to Withdraw as Counsel.pdf

The person responsible for this electronic filing is:

Norman H. Horton, Jr.
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The Docket No. is 030696-TI - Compliance Investigation of 9278 Communications, Inc. for apparent violation of Sections 364.02 and 364.04, Florida Statutes

Total Number of Pages is 3

Motion for Leave to Withdraw as Counsel

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LAW OFFICES
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April 14, 2005

BY ELECTRONIC FILING

Ms. Blanca Bayó, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

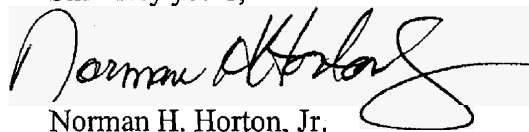
Re: Docket No. 030696-TI

Dear Ms. Bayó:

Enclosed for filing in the above referenced docket is an electronic version of a Motion for Leave to Withdraw as Counsel.

Thank you for your assistance with this filing.

Sincerely yours,



Norman H. Horton, Jr.

NHH/amb
Enclosures
cc: Parties of Record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Compliance investigation of 9278)	
Communications, Inc. for apparent violation)	Docket No. 030696-TI
of Sections 364.02 and 364.04, Florida Statutes.)	Filed: April 14, 2005

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL

Pursuant to Rule 28-106.105(3), F.A.C., Norman H. Horton, Jr. and Albert T. Gimbel and the law firm of Messer, Caparello & Self, P.A., as counsel of record for 9278 Communications, Inc. ("9278"), move the Florida Public Service Commission for leave to withdraw as counsel for Respondent in the above-styled proceeding, and as grounds therefore state:

1. The basis for the withdrawal is 9278's failure to fulfill, for an extended period of time, an obligation to counsel regarding counsel's services and for other good cause. 9278 has not communicated with counsel so as to enable counsel to provide effective representation including a lack of response to requests from counsel for information. The undersigned cannot provide effective representation and fulfill their obligations as attorneys given the lack of communication from 9278.

2. 9278 has been given reasonable notice that undersigned counsel will withdraw unless such communications are forthcoming and other outstanding obligations are fulfilled.

3. Pursuant to Rule 4-1.16(b) of the Florida Bar Rules of Professional Conduct, withdrawal from representation is allowed for good cause, provided the withdrawal will not have a material adverse effect on the interests of the client. Although a hearing is scheduled

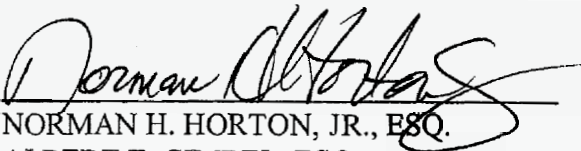
in this docket, there is adequate time to prepare for that hearing without a material adverse effect to 9278.

4. If this Motion is granted, further correspondence, pleadings and notices should be sent to:

9278 Communications, Inc.
c/o Joseph Goldberg, Esq.
Bondy & Schloss, LLP
60 E. 42nd Street, 37th Floor
New York, NY 10165

WHEREFORE, Norman H. Horton, Jr., Albert T. Gimbel, and the law firm of Messer, Caparello & Self, P.A. respectfully request that the Commission enter an order allowing their withdrawal as counsel to 9278 Communications, Inc. in this proceeding.

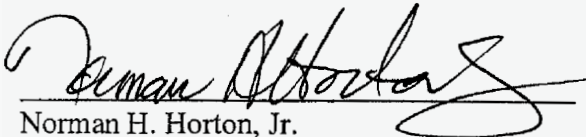
Respectfully submitted,



NORMAN H. HORTON, JR., ESQ.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that an electronic copy of the foregoing has been served by electronic mail to Jason Rojas, Esq. at jrojas@psc.state.fl.us, Mr. Dale Buys at dbuys@psc.state.fl.us, and Joseph Goldberg, Esq. at jgoldberg@bschloss.com on April 14, 2005.



Norman H. Horton, Jr.