

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Complaint by BellSouth Telecommunications, Inc. against Thrifty Call, Inc. regarding practices in the reporting of percent interstate usage for compensation for jurisdictional access services.

DOCKET NO. 000475-TP
ORDER NO. PSC-05-1101-PCO-TP
ISSUED: November 2, 2005

ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL

On November 21, 2001, this Commission issued Order No. PSC-01-2309-PCO-TP granting Thrifty Call Inc.'s (Thrifty Call) Motion to Stay. In that Order, this Commission found it was appropriate and in judicial economy to stay this proceeding until the Federal Communications Commission (FCC) issued a ruling on question four of Thrifty Call's Petition for Declaratory Ruling (Petition), which is at issue in this case. On November 12, 2004, the FCC issued its decision on Thrifty Call's Petition.¹

Since that time, Thrifty Call has essentially become an inactive participant in this proceeding. Consequently, on July 22, 2005, Floyd Self and the law firm of Messer, Caparello & Self, P.A. (collectively "Petitioners"), filed a Motion for Leave to Withdraw as Counsel for this case. In support of the motion, petitioners state that the Kelley, Drye, Warren, LLP, which hired them has withdrawn as counsel for Thrifty Call. The Petitioners have not had any communications with Thrifty Call in over one year, and the telephone number for Thrifty Call has been disconnected. Petitioners further state that 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. Petitioners note a hearing is not currently scheduled in this case so there is adequate time to prepare for a hearing or other subsequent proceedings without a material adverse effect to Thrifty Call. Therefore, the Petitioners request that the Commission enter an order allowing them to withdraw as counsel to Thrifty Call in this proceeding.

Rule 28-106.105(3), Florida Administrative Code, states that "[o]n written motion served on the party represented and all other parties of record, the presiding officer shall grant counsel of record qualified representatives leave to withdraw for good cause." I find that Mr. Self and the law firm of Messer, Caparello & Self, P.A. have set forth good cause in their motion. Therefore, I grant their Motion to Withdraw as Counsel.

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that the Motion for Leave to Withdraw as Counsel for Thrifty Call, Inc., filed by Floyd R Self, Esquire and the law firm of Messer, Caparello & Self, P.A., is granted.

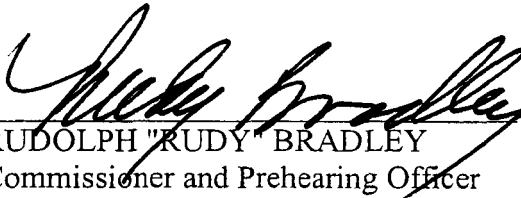
¹ *In the Matter of Thrifty Call, Inc. Petition for Declaratory Ruling Concerning BellSouth Telecommunications, Inc. Tariff F.C.C. No. 1.*

DOCUMENT NUMBER-DATE

10657 NOV-2 05

FPSC-COMMISSION CLERK

By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this
2nd day of November, _____.


RUDOLPH "RUDY" BRADLEY
Commissioner and Prehearing Officer

(SEAL)

FRB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.