

Section 1 - Bureau of Records and Hear Services Completes

Docket No. 040062-TI Date Docketed: 01/21/2004 Title: 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. Company: New Century Telecom, Inc.

Official Filing Date: _____ Expiration: _____
Last Day to Suspend: _____
Referred to: _____
("C") indicates OPR

Table with columns: AUS, CAF, CCA, (CMP), ECR, EXT, GCL, MMS, PIF. Row 1: X, X

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module B10(a)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff

Staff Counsel

OCRs

0 Current CASR revision level

Due Dates Previous Current

Table with 40 rows and 3 columns: Item number, Previous Due Date, Current Due Date.

Recommended assignments for hearing and/or deciding this case:

Full Commission _____ Commission Panel _____
Hearing Examiner _____ Staff _____

Date filed with CCA: _____

Initials: OPR _____
Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Table for Hearing Officer(s) with columns: Commissioners (ALL, BZ, DS, JB, BD, DV), Hrg Exam, Staff.

- Prehearing Officer

Table for Prehearing Officer with columns: Commissioners (BZ, DS, JB, BD, DV), ADM.

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____

Date: _____ DOCUMENT NUMBER-DAT

05363 JUN 21 08

FPSC-COMMISSION CLERK

Section 1 - Bureau of Records and Hearings Services Completes

Docket No. 040062-TI Date Docketed: 01/21/2004 Title: 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.
 Company: New Century Telecom, Inc.

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____
 Referred to: _____
 ("O" indicates OPR)

AUS	CAF	CCA	(CMP)	ECR	EXT	GCL	MMS	PIF
	X		X			X		

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program Module B10(a)

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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff

D Buys

Staff Counsel

J Rojas

OCRs (CAF)

P Lowery, L Rasberry

Current CASR revision level

Due Dates
 Previous Current

1. Staff Recommendation	NONE	03/04/2004
2. Agenda	NONE	03/16/2004
3. PAA Order	NONE	04/05/2004
4. Close Docket or Revise CASR	NONE	12/31/2004
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Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with CCA: 01/29/2004

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	BZ	DS	JB	BD	DV	Exam	
X							

- Prehearing Officer

Commissioners					ADM
BZ	DS	JB	BD	DV	
					X

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: BB/rt

Date: 01/29/2004

C

Section 1 - Bureau of Records and Hearings Services Completes

Docket No. 040062-TI Date Docketed: 01/21/2004 Title: 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. Company: New Century Telecom, Inc.

Official Filing Date: Expiration: Last Day to Suspend: Referred to:

Table with columns: AUS, CAF, CCA, (CMP), ECR, EXT, GCL, MMS, PIF. Row 1 contains 'X' marks under CAF, (CMP), and GCL.

Section 2 - OPR Completes and returns to CCA in 10 workdays.

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Staff Assignments

Table with columns: OPR Staff, Staff Counsel, OCRs (CAF), D Buys, L Fordham, J Rojas, A Teitzman, P Lowery, L Raspberry.

Table with columns: 1 Current CASR revision level, Due Dates (Previous, Current), 1. Staff Recommendation, 2. Agenda, 3. PAA Order, 4. Close Docket or Revise CASR.

Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel Hearing Examiner Staff

Date filed with CCA: 03/02/2004

Initials: OPR Staff Counsel

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Table for Hearing Officer(s) with columns: Commissioners (ALL, BZ, DS, JB, BD, DV), Hrg Exam, Staff.

- Prehearing Officer

Table for Prehearing Officer with columns: Commissioners (BZ, DS, JB, BD, DV), ADM, X.

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case. Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: BB/hm Date: Pending 3/16/04

N

Section 1 - Bureau of Records and Hear Services Completes

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 Company: New Century Telecom, Inc.

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____
 Referred to: _____
 ("()") indicates OPR

CCA	(CMP)	ECR	FLL	GCL	MMS	PIF	RCA	SCR
	X			X				X

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program Module B10(a)

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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff

D Buys

3 Current CASR revision level

Due Dates
 Previous Current

1. Agenda	05/04/2004	05/03/2004
2. PAA Order	05/10/2004	05/24/2004
3. Consummating Order if No Protest	NONE	06/14/2004
4. Close Docket or Revise CASR	SAME	12/30/2004
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Staff Counsel

L Fordham, J Rojas
A Teitzman

OCRs (SCR)

P Lowery

Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with CCA: 03/29/2004

Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	BZ	DS	JB	BD	DV	Exam	
X							

- Prehearing Officer

Commissioners					ADM
BZ	DS	JB	BD	DV	
					X

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: BB/RW

Date: 03/29/2004

Section 1 - Bureau of Records and Hearings Services Completes

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 Company: New Century Telecom, Inc.

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____
 Referred to: _____
 ("O") indicates OPR

CCA	(CMP)	ECR	FLL	GCL	MMS	PIF	RCA	SCR
	X			X				X

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module B10(a)

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 FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770**

Staff Assignments

OPR Staff D Buys

Staff Counsel L Fordham, J Rojas
A Teitzman

OCRs (SCR) P Lowery

	Current CASR revision level	Due Dates	
		Previous	Current
4			
1.	Agenda (Deferred from 5/3/04 Agenda)	NONE	05/18/2004
2.	PAA Order	05/24/2004	06/07/2004
3.	Consummating Order if No Protest	06/14/2004	07/01/2004
4.	Close Docket or Revise CASR	SAME	12/30/2004
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Recommended assignments for hearing and/or deciding this case:
 Full Commission Commission Panel _____
 Hearing Examiner _____ Staff _____
 Date filed with CCA: 05/06/2004
 Initials: OPR _____
 Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	BZ	DS	JB	BD	DV	Exam	
X							

- Prehearing Officer

Commissioners					ADM
BZ	DS	JB	BD	DV	
					X

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 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: BIB/rw
 Date: 05/06/2004

N

Section 1 - Bureau of Records Complete

Docket No. 040062-TI Date Docketed: 01/21/2004 Title: 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.
 Company: New Century Telecom, Inc.

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____
 Referred to:
 ("()") indicates OPR

CCA	(CMP)	ECR	FLL	GCL	MMS	PIF	RCA	SCR
	X			X				X

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program Module B10(a)

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 IT IS TENTATIVE AND SUBJECT TO REVISION.
 FOR UPDATES CONTACT THE RECORDS SECTION:(850) 413-6770**

Staff Assignments

OPR Staff D Buys

Staff Counsel L Fordham, J Rojas
A Teitzman

OCRs (SCR) P Lowery

Recommended assignments for hearing and/or deciding this case:

Full Commission Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with CCA: 07/19/2004

Initials: OPR _____
 Staff Counsel _____

	Current CASR revision level	Due Dates	
		Previous	Current
1. Staff Recommendation	6	NONE	08/19/2004
2. Agenda		NONE	08/31/2004
3. PAA Order		07/19/2004	09/20/2004
4. Consummating Order if No Protest		08/12/2004	10/11/2004
5. Close Docket or Revise CASR		SAME	12/30/2004
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Section 3 - Chairman Completes Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg	Staff
ALL	BZ	DS	JB	BD	DV	Exam	
X							

- Prehearing Officer

Commissioners					ADM
BZ	DS	JB	BD	DV	
					X

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: BB/Am
 Date: Pending 8/2/04

Section 1 - Bureau of Records Complete:

Docket No. 040062-TI Date Docketed: 01/21/2004 Title: 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.
 Company: New Century Telecom, Inc.

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____

Referred to: _____
 ("O") indicates OPR

CCA	(CMP)	ECR	FLL	GCL	MMS	PIF	RCA	SCR
	X			X				X

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program Module	B10(a)	WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770		
<u>Staff Assignments</u>				
<u>OPR Staff</u>	D Buys	<input type="checkbox"/> 8	Current CASR revision level	Due Dates Previous Current
		1.	Staff Recommendation	09/09/2004 09/23/2004
		2.	Agenda	09/21/2004 10/05/2004
		3.	PAA Order	10/11/2004 10/25/2004
		4.	Consummating Order if No Protest	11/01/2004 11/18/2004
		5.	Close Docket or Revise CASR	01/31/2005 12/30/2005
		6.		
		7.		
<u>Staff Counsel</u>	L Fordham, J Rojas A Teitzman	8.		
		9.		
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<u>OCRs (SCR)</u>	P Lowery	12.		
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Recommended assignments for hearing and/or deciding this case:		30.		
		31.		
		32.		
Full Commission <input checked="" type="checkbox"/> Commission Panel _____ Hearing _____ Staff _____		33.		
		34.		
		35.		
Date filed with CCA: <u>09/09/2004</u>		36.		
		37.		
Initials OPR _____ Staff Counsel _____		38.		
		39.		
		40.		

Section 3 - Chairman Completes Assignments are as follows:

- Hearing Officer(s)						Prehearing Officer							
Commissioners						Hrg Exam	Staff	Commissioners					ADM
ALL	BZ	DS	JB	BD	DV			BZ	DS	JB	BD	DV	
X													X

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: BB/RW
 Date: Pending 9/14/04

Section 1 - Bureau of Records Completes

Docket No. 040062-TI Date Docketed: 01/21/2004 Title: 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.
 Company: New Century Telecom, Inc.

Official Filing Date: _____ Expiration: _____
 Last Day to Suspend: _____

Referred to:

CCA	(CMP)	ECR	EXE	FLL	GCL	MMS	RCA	SCR
	X				X			X

("O" indicates OPR)

Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule

Program Module <u>B10(a)</u>		WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770	
Staff Assignments		Due Dates	
OPR Staff	D Buys	<input checked="" type="checkbox"/> 9	Current CASR revision level
			Previous
			Current
		1.	Staff Recommendation (settlement offer) NONE 01/06/2005
		2.	Agenda NONE 01/18/2005
		3.	PAA Order NONE 02/07/2005
		4.	Consummating Order if No Protest NONE 03/01/2005
		5.	Close Docket or Revise CASR 12/30/2005 12/29/2006
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		7.	
Staff Counsel	L Fordham, J Rojas	8.	
	A Teitzman	9.	
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OCRs (SCR)	P Lowery	12.	
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Recommended assignments for hearing and/or deciding this case:		30.	
		31.	
		32.	
Full Commission <input checked="" type="checkbox"/> Commission Panel _____		33.	
Hearing _____ Staff _____		34.	
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Date filed with CCA: <u>12/28/2004</u>		36.	
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Initials OPR _____		38.	
Staff Counsel _____		39.	
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	BZ	DS	BD	DV	ED		
X							

Prehearing Officer

Commissioners					ADM
BZ	DS	BD	DV	ED	
					X

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
 Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: BB/AW
 Date: 12/28/2004

Kay Flynn

040062-TI

From: Lee Fordham
 Sent: Monday, April 26, 2004 12:39 PM
 To: Kay Flynn; Dale Buys; Adam Teitzman; Paul Lowery; Jason Rojas
 Subject: RE: 040062-TI - New Century Telecom, Inc.

Dale, maybe you or Paul should return this call since the errors are alleged to be "factual."

-----Original Message-----

From: Kay Flynn
 Sent: Monday, April 26, 2004 12:01 PM
 To: Dale Buys; Adam Teitzman; Paul Lowery; Lee Fordham; Jason Rojas
 Subject: 040062-TI - New Century Telecom, Inc.

I just received a call from Mr. Helein (aty in Washington D.C.) concerning this docket, upcoming on the 5/3 agenda. He indicated there are "factual errors" that need to be cleared up and asked if the docket could be postponed from the agenda. I am of course simply passing this request along--I told him I would e-mail each of you and that someone would be in touch this afternoon.

Please call Jane Freedlund at 217-403-1975 and she will get Mr. Helein on the line. (He explained his office is having phone problems.)

Thanks.
Kay

Matilda Sanders

From: LaSandra Givens
Sent: Tuesday, May 04, 2004 1:59 PM
To: CCA - Orders / Notices
Subject: Order / Notice Submitted

Date and Time: 5/4/2004 1:57:00 PM
Docket Number: 020645-TI, 031031-TI, 040062-TI, 040289-TI
Filename / Path: 020645statuscall.doc
Notice Type: Memo for Issuance

Please issue the above referenced notice of informal conference call to all parties and interested persons.

5/0.

05363-06

**** CCA OFFICIAL DOCUMENT... ****

Kimberley Pena

From: Jackie Schindler
Sent: Friday, July 02, 2004 4:15 PM
To: Kimberley Pena
Subject: FW: more details needed:

fyi

-----Original Message-----

From: Dale Buys
Sent: Friday, July 02, 2004 4:09 PM
To: Jackie Schindler
Subject: RE: more details needed:

040062-TI

No. Tuesday if fine.

-----Original Message-----

From: Jackie Schindler
Sent: Friday, July 02, 2004 4:01 PM
To: Kimberley Pena; Dale Buys
Cc: Lee Fordham; Ray Kennedy; Kay Flynn
Subject: RE: more details needed:

COMPLETED
07/06/04

any objections to Tuesday?

-----Original Message-----

From: Kimberley Pena
Sent: Friday, July 02, 2004 3:59 PM
To: Jackie Schindler; Dale Buys
Cc: Lee Fordham; Ray Kennedy; Kay Flynn
Subject: RE: more details needed:

We only prepare it and GCL makes arrangement for delivery. Also, would you like me to prepare it today or Tuesday?

-----Original Message-----

From: Jackie Schindler
Sent: Friday, July 02, 2004 3:45 PM
To: Dale Buys; Kimberley Pena
Cc: Lee Fordham; Ray Kennedy
Subject: RE: more details needed:

****CCA OFFICIAL DOCUMENT...****

Dale,

I spoke with Lee on the telephone and he agrees with your information.

Kim,

Please prepare the subpoena and let Dale and Lee know when it's gone out? Thanks!!

js

-----Original Message-----

From: Dale Buys

Sent: Friday, July 02, 2004 3:37 PM

To: Jackie Schindler

Cc: Lee Fordham; Ray Kennedy

Subject: RE: more details needed:

Lee,

Please correct me if I'm mistaken as to where we should send the subpoena and who should accept the documents.

- 1. Karen Bartel, President, New Century Telecom, Inc.**
- 2. 8180 Greensboro Drive, Suite 700
McLean, Virginia 22102**
- 3. Dale R. Buys, Regulatory Analyst**
- 4. Room 290B
Division of Competitive Markets & Enforcement
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850**
- 5. 5:00 p.m.**
- 6. July 12, 2004**

-----Original Message-----

From: Jackie Schindler

Sent: Friday, July 02, 2004 3:28 PM

To: Dale Buys; Lee Fordham

****CCA OFFICIAL DOCUMENT...****

Cc: Kimberley Pena

Subject: more details needed:

Hi Dale,

I was speaking with Kim and she needs specific details for the subpoena:

- 1. Person the subpoena is directed to (by name)**
- 2. That person's address (if it's the company address, please give her that address)**
- 3. Person to whom the documents will be delivered to**
- 4. Where the documents will be delivered - room number, address**
- 5. A specific time for delivery (example: 2:00 p.m. not - "by 2:00 p.m.")**
- 6. A specific date for delivery (see #5)**

Once Kim has all this information, the subpoena can be sent out.

Thanks!

js

****CCA OFFICIAL DOCUMENT...****

Kimberley Pena

From: Lee Fordham
Sent: Friday, July 02, 2004 1:01 PM
To: Dale Buys; Kimberley Pena
Subject: RE: Subpoena to New Century Telecom

Dale, we need to know the date by which you need the materials. I am assuming that the place will be the address of our office.

-----Original Message-----

From: Dale Buys
Sent: Friday, July 02, 2004 11:25 AM
To: Lee Fordham
Cc: Jackie Schindler; Hong Wang; Ray Kennedy
Subject: Subpoena to New Century Telecom

I believe there may have been some confusion regarding the subpoena to New Century. We need to send the subpoena as soon as possible. Please send the subpoena requesting the following information to New Century Telecom, Inc. (Docket No. 040062-TI):

We would like to issue to New Century Telecom, Inc., a subpoena duces tecum for the company to provide us with all documentation, information, electronic files, emails, intracompany correspondence, notes, memos, letters, or other means of written communication that mentions, describes, lists, or otherwise denotes any complaint or contact from Florida consumers regarding service, slamming, cramming, or billing problems with New Century Telecom, Inc. since January 1, 2003, until June 30, 2004.

This subpoena is a request for documentation regarding complaints from Florida consumers received by New Century Telecom.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN 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.)

SUBPOENA DUCES TECUM
WITHOUT DEPOSITION

THE STATE OF FLORIDA

TO: Karen Bartel, President, New Century Telecom, Inc., 8180 Greensboro Drive, Suite 700,
McLean, Virginia 22102

YOU ARE COMMANDED to appear at the Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399, on or before Monday, July 12, 2004, 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 information: All documentation, information, electronic files, emails, intracompany correspondence, notes, memos, letters, or other means of written communication that mentions, describes, lists, or otherwise denotes any complaint or contact from Florida consumers regarding service, slamming, cramming, or billing problems with New Century Telecom, Inc. since January 1, 2003, until June 30, 2004.

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.

YOU ARE SUBPOENAED by the following attorney to (1) appear as specified, or (2) furnish the records instead of appearing as provided above, and unless excused from this subpoena by this attorney or the Commission you shall respond to this subpoena as directed.

DATED on July 6, 2004.

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, Bureau of Records

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

Kay Flynn

From: Blanca Bayo
Sent: Wednesday, July 14, 2004 4:43 PM
To: Kay Flynn
Subject: RE: , 4 page(s)

Sounds good!

From: Kay Flynn
Sent: Wednesday, July 14, 2004 10:52 AM
To: Blanca Bayo
Subject: RE: , 4 page(s)

Blanca, I checked CMS before sending the fax on to Lee Fordham, and I find that we DID receive the document by overnight mail, on Monday 7/12. For whatever reason, the attorney's office "followed up" with a fax to the PSC.

If okay with you, I'll simply print this e-mail and the fax and place it in the correspondence file for the docket.

Kay

From: Blanca Bayo
Sent: Wednesday, July 14, 2004 9:50 AM
To: Kay Flynn
Subject: FW: , 4 page(s)
Importance: High

Please send a copy to this to the attorney on the docket... it is not a filing since it was not sent to the Clerk's office. Find out how they want to handle this. Place a copy of this e-mail, along with a copy of the Fax in the correspondence side of the docket.

If Legal decides that it should be handled as a "Filing" they should give you specific guidance on the matter.

From: Mary Bane
Sent: Friday, July 09, 2004 5:41 PM
To: Blanca Bayo; Beth Salak; Rick Moses
Cc: Chuck Hill
Subject: FW: , 4 page(s)

Looks like this should have come to CCA and it may have. I can't tell.

-----Original Message-----

From: NET SatisFAXtion
Sent: None
To: Mary Bane
Subject: , 4 page(s)

This is a FAX message received by NET SatisFAXtion

Received: 7/09/2004 4:32 PM
Total pages: 4
CSID:
Transfer time: 0:02:05
Transfer rate: 12000
Error count: 0

CCA Official Document . . .

7/14/2004 5:11 PM

5:11 PM

Port used: Rockwell 56000 External M...#10
Status: Success

<< File: FAX.TIF >>

THE HELEIN LAW GROUP, P.C.

8180 Greensboro Drive
Suite 700
McLean, Virginia 22102
Telephone: (703) 714-1300
Facsimile: (703) 714-1330

FACSIMILE TRANSMISSION

******* For Immediate Delivery *******

DATE: July 9, 2004
TO: Mr. Dale Buys
FAX: 850-413-6067
REFERENCE: 535.99
FROM: Charles H. Helein
SENDER'S TELEPHONE: (703) 714-1301

SENDER'S FAX PHONE: (703) 714-1330

PAGES TRANSMITTED: ⁶~~5~~, INCLUDING THIS SHEET.

IF THERE ARE ANY DIFFICULTIES IN RECEIVING THIS TRANSMISSION, PLEASE CONTACT (703) 714-1300 IMMEDIATELY. THANK YOU!

MESSAGE OR SPECIAL INSTRUCTIONS:

Please see attached.

Charles H. Helein

CONFIDENTIALITY NOTICE

This facsimile transmission contains confidential information belonging to the sender, which may be legally privileged information. This information is intended only for the use of the individual or entity named above. If you are not the intended recipient, or an employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of the facsimile documents is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for return of the original facsimile to us.

The Helein Law Group, LLC

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Corporate & Finance
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Proprietary Rights
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General Business Law

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mail@thlglaw.com

Writer's Direct Dial Number

Writer's E-mail Address

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July 9, 2004

VIA OVERNIGHT MAIL

Blanca S. Bayo, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee FL 32399-0850

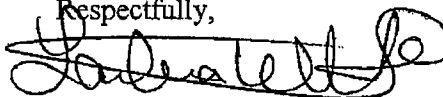
Re: New Century Telecom, Inc. – Docket No. 040062-TI

Dear Ms. Bayo:

On behalf of New Century Telecom, Inc., enclosed please find the company's Objection to the Commission's July 6, 2004 Subpoena Duces Tecum Without Deposition in the above-referenced docket.

An extra copy of this filing is enclosed. Please return this copy to the undersigned in the provided postage-prepaid envelope.

Respectfully,



Loubna W. Haddad
Regulatory Counsel

cc: Dale Buys (via facsimile)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Docket No. 040062-TI-Compliance)
Investigation of New Century Telecom, Inc. for)
Apparent violation of Rule 25-4.111, F.A.C.,)
Local, Local Toll, or Toll Provider Selection.)

**OBJECTION TO SUBPOENA DUCES TECUM
WITHOUT DEPOSITION**

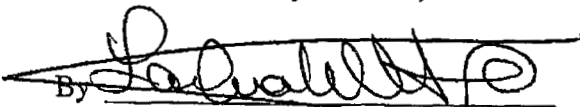
COMES NOW New Century Telecom, Inc. ("NCT"), by and through undersigned counsel, and files this Objection to the Florida Public Service Commission's ("Commission") July 6, 2004 Subpoena Duces Tecum Without Deposition ("Subpoena").

On or around 3:30 p.m. on Friday, July 9, 2004, The Helein Law Group, LLP, as counsel to NCT, was served with a Subpoena issued by the Commission on July 6, 2004. The Subpoena requires NCT to produce at the Commission's offices certain documents covering 1 ½ year on or before Monday, July 12, 2004. The timeframe allotted in the Subpoena for complying is fundamentally unreasonable, burdensome and impossible to satisfy. Therefore, NCT cannot and will not comply with the Subpoena in this allotted timeframe. NCT's Florida Of-counsel has contacted Commission Staff and telephonically relayed the company's position.

NCT is scheduled to meet with Commission Staff on July 13th for a settlement conference in the docket, as directed by the Commission itself, and will work with Staff at that time toward reaching a mutually agreed upon and reasonable time for NCT to respond to or otherwise comply with the Subpoena.

NCT reserves its right to object to the Subpoena on any other grounds that may be available and relevant and files this objection without waiving such right.

Respectfully submitted,
New Century Telecom, Inc.

By 

The Helein Law Group LLP
Its Counsel
8180 Greensboro Drive, Suite 700
McLean, Virginia 22102

cc: Of Counsel:
Deeno Kitchen
Dobson, Kitchen & Smith
610 N. Duval Street
Tallahassee, Florida 32301

Matilda Sanders

0670 - PCO

From: Jackie Schindler
Sent: Monday, July 12, 2004 12:35 PM
To: CCA - Orders / Notices
Subject: Order / Notice Submitted

Date and Time: 7/12/2004 12:33:00 PM
Docket Number: 040062-ti
Filename / Path: 040062opc.doc

an order acknowledging intervention has been moved to gc orders for issuance today

thanks

js

211

State of Florida



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: October 19, 2004

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

FROM: Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services

RE: DOCKET NO. 040062-TI, AGENDA HELD 10/05/04.

RE: 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.

DOCUMENT No: 11106-04, 10/14/04

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, CMP

Acknowledged BY:

A handwritten signature in cursive script, appearing to be "JF".

JF/rlm

Matilda Sanders

1029 - SC

From: Jackie Schindler
Sent: Friday, October 22, 2004 2:40 PM
To: CCA - Orders / Notices
Subject: Order / Notice Submitted

11

Date and Time: 10/22/2004 2:39:00 PM
Docket Number: 040020-1
Filename / Path: showcause.doc

046062
✓ per J.S

An order to show cause has been moved to gc orders for issuance.

Thanks

js

2/1

1 certified

05363-06

CCA Official Filing

11/4/2004 8:53 AM*****

Matilda Sanders*1

Matilda Sanders

1029A - SC

From: Jackie Schindler
Sent: Thursday, November 04, 2004 8:45 AM
To: CCA - Orders / Notices
Subject: Order / Notice Submitted

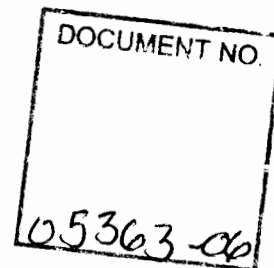
1

Date and Time: 11/4/2004 8:45:00 AM
Docket Number: 040062-ti
Filename / Path: amendshowcause.doc

An amendatory order has been moved to gc orders for issuance today - thanks - js

1 certified

2/1 opc



CCA Official Filing

11/8/2004 2:41 PM*****

Matilda Sanders*1

Matilda Sanders

1029B - SC

From: Jackie Schindler
Sent: Monday, November 08, 2004 2:31 PM
To: CCA - Orders / Notices
Subject: Order / Notice Submitted

Date and Time: 11/8/2004 2:30:00 PM
Docket Number: 040062-ti
Filename / Path: amendatory2.doc

An amendatory order has been moved to gc orders for issuance tomorrow - thanks

js

2/1

1 Certified