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:		Expi	ration:		 .				
Last Day to Suspend:		a. =							
Referred to:	AUS	CAF	CCA	(CMP)	ECR	EXT	GCL	MMS	PIF
("()" indicates OPR)				X		<u> </u>	X		
Section 2 - OPR Completes and returns to							ime Sch		
Program Module B10(a)	WARNING: IT IS TE	NTATIVE .	AND SUB	JECT TO I	REVISIO	N.			
<u>Staff Assignments</u>	FOR UPDA	TES CONT.	ACT THE	RECORDS	SECTIO!	N: (850)	413-677		Datas
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Staff Counsel									
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Recommended assignments for hearing	30.		_						
and/or deciding this case:	31.								
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Full Commission Commission Panel _	33.					,			
Hearing Examiner Staff	34.						T T		
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Date filed with CCA:	36. —					·			
	37.								-
Initials: OPR	38.					<u> </u>			
Staff Counsel	39								

- Hearing Officer(s) Commissioners Hrg Staff

BZ DS BD DV ALL JВ Exam

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.

	- Prehearing Officer											
	ADM											
BZ	DS	JB	BD	DV								

Approved	:			
Date:		DOCUM	N.	NUMBER-DAT

05363 JUN218

Section 3 - Chairman Completes

Assignments are as follows:

- Section 1 - Bureau of Records and Hea g 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 Last Day to Susp				Expi	ration:						
Referred to:		А	US	CAF	CCA	(CMP)	ECR	EXT	GCL	MMS	PIF
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Staff Counsel	J Rojas	7.					 				 -
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OCRs (CAF)	P Lowery, L Rasberry	11.									1
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Full Commission	X Commission Panel	33.									
Hearing Examiner	Staff	34.									
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Initials: OPR		38.									
	Counsel	39.				· · · · · ·		-			
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<u> Section 3 - Chair</u>	man Completes	Assi	gnme	nts are	as foll	ows:					

 Hearing Officer(s) Commissioners Hrg Staff ALL ΒZ DS JB DV Exam

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.

	- Prehearing Officer										
	ADM										
BZ	DS	JB	BD	DV							
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Approve	d: <i>BB rt</i>	
Date:	01/29/2004	C

. Section 1 - Bureau of Records and Hea

L Services Completes

Docket No.

Official Filing Date:

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.

Expiration:

Last Day to Susp	ena:										
Referred to:		A	US	CAF	CCA	(CMP)	ECR	EXT	GCL	MMS	PIF_
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Section 2 - OPR (Completes and returns to CCA	in 10) wor	kdays.				Ţ	ime Scl	hedule	
<u>Program Module</u>	B10(a)	WARN]	ING:	THIS SC	HEDULE	IS AN IN	TERNAL F	PLANNING	; DOCUM	ENT	
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Staff Counsel	L Fordham, J Rojas	8.		···	-						
	A Teitzman	9.									
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and/or deciding	this case:	31.									
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	X Commission Panel	33.									
Hearing Examiner	Staff	34.									
		35.									
Date filed with	CCA: <u>03/02/2004</u>	36.								.,	
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Initials: OPR	Councol	38.									
Statt	Counsel	39. 40.									
Section 3 - Chair	man Completes		anme	nts are	as fol	lows:		· · · · · · · · · · · · · · · · · · ·			<u> </u>
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- Hearing Officer(s) Commissioners Hrg Staff ALL BZ DS BD DV JΒ Exam

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.

- Prehearing Officer Commissioners ADM ΒZ DS JВ D٧

Approved: BB Date:

· Section 1 - Bureau of Records and Hea a 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 Last Day to Sus	•			Expi	ration:						
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	Staff Assignments	FUK	UPDA	IES CONI	ACI IHE	RECORDS	SECTION	: (850)	413-67	70	
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Staff Counsel	L Fordham, J Rojas	8								·	
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<u>OCRs</u> (CAF)	P Lowery, L Rasberry	12									
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Recommended assi	gnments for hearing	30									
and/or deciding	this case:	31									
		32									
Full Commission	X Commission Panel	33									
Hearing Examiner	Staff	34									
		35									
Date filed with	CCA: <u>03/29/2004</u>	36									
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Initials: OPR		_ 38									
Staff	Counsel	_ 39			·					·	
Faction 2 Chair	man Completes	140			E.7	1					<u> </u>
<u> Section 3 - Chai</u>	I III ali Collip i e ces	AS	2 i Aliwe	ents are	as TOI	OWS:					

DV ALL ΒZ DS JΒ BD Exam Where panels are assigned the senior Commissioner is Panel Chairman:

Commissioners

Hearing Officer(s)

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

	- Prehearing Officer Commissioners ADM										
	ADM										
BZ	DS	JВ	BD	DV							
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Approved:

Date: 03/29/2004

Staff

Hrg

· 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:

Official Filing Date:

New Century Telecom, Inc.

Expiration:

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Section 2 - OPR Completes and returns to CCA in 10 workdays. Time Schedule			<u></u> C	CA		ECR	FLL	GCL	MMS	PIF	RCA	SCR
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Staff Assignments												
Staff Assignments FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770 Due Dates	<u>Program Module</u>	B10(a)	WARN:	TNG:	THIS SC	HEDULE .	IS AN IN	TERNAL F	PLANNING	DOCUM	ENT	
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3.	•									I	05/04/2004	05/03/2004
Close Docket or Revise CASR SAME 12/30/2004											05/10/2004	05/24/2004
Staff Counsel			3.	Cons	summatin	g Order	if No P	rotest			NONE	06/14/2004
Commended assignments for hearing and/or deciding this case: Staff Counsel				Clos	se Docke	t or Re	vise CASI	R			SAME	12/30/2004
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Staff Counse L Fordham, J Rojas 8. 9.			6.									
L Fordham, J Rojas 8. A Teitzman 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 24. 25. 26. 27. 28. 29. Recommended assignments for hearing and/or deciding this case: 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 4. 5. 6. 7. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 29. 20. 20. 21. 22. 23. 24. 24. 25. 26. 27. 28. 29. 20. 20. 21. 22. 23. 24. 24. 25. 26. 27. 28. 29. 20. 20. 21. 22. 23. 24. 24. 25. 26. 27. 28. 29. 20. 20. 21. 22. 23. 24. 24. 25. 26. 27. 28. 29. 20. 20. 21. 22. 23. 24. 24. 25. 26. 27. 28. 29. 20. 20. 21. 22. 23. 24. 24. 25. 26. 27. 28. 29. 20. 20. 21. 22. 23. 24. 24. 25. 26. 27. 28. 29. 20. 20. 21. 22. 23. 24. 24. 25. 26. 27. 28. 29. 20. 20. 21. 22. 23. 24. 24. 25. 26. 27. 28. 29. 20. 20. 21. 22. 23. 24. 24. 25. 26. 27. 28. 29. 20. 20. 21. 22. 23. 24. 24. 25. 26. 27. 28. 29. 20. 20. 21. 22. 23. 24. 24. 25. 26. 27. 28. 29. 20. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 20. 20. 21. 22. 23. 24. 24. 25. 26. 27. 28. 29. 20. 20. 21.			7.					 				
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Date filed with CCA: 03/29/2004 36. 37. 38. 38. 39. 40.	Hearing Examiner	Staff										
Date filed with CCA: 03/29/2004 36. Initials: OPR 38. Staff Counsel 39. 40.	J											
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	Staff C	ounsel	39.									
Section 3 - Chairman Completes Assignments are as follows:												
	Section 3 - Chairn	<u>ian Completes</u>	Assi	gnme	nts are	as foll	OWS:					

-_Hearing Officer(s) Commissioners Hrg Staff ALL BZ DS JB BD DV Exam

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	- Prehearing Officer											
	Commissioners											
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Date:

Section 1 - Bureau of Records and Heari 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.

	fficial Filing Date:ast Day to Suspend:				ration:		<u></u>					
Referred to:		(:CA	(CMP)	ECR	FLL	GCL	MMS	PIF	RCA	SCR	
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Staff Counsel	L Fordham, J Rojas	8.						."				
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Hearing Examiner	Staff	34.										
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Initials: OPR		37.									├ ─	
	Counsel	- 39.										
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<u> Section 3 - Chai</u>	rman Completes	Ass	ignme	ents are	as fol	lows:						

 - Hearing Officer(s)

 Commissioners
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 Staff

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- Prehearing Officer										
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Approved: 3/5/4005

Date: 05/06/2004



· Section 1 - Bureau of Records Completes

Docket No. 040062-TI Date Docketed: 01/21/2004

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Section 2 - OPR	Completes and returns to CCA	in 1	0 wo	rkdays.		ı	1	T	ime Sch	nedule		
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	Staff Assignments	FOR	UPDA	TES CONT	ACT THE	RECORDS	SECTIO	N: (850)	413-67	70		
				_						Due	Dates	
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Staff Counsel	L Fordham, J Rojas	┨ 8.									 	
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Full Commission	X Commission Panel	33.									<u> </u>	
Hearing Examiner	Staff	34.										
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Date filed with	CCA: 05/24/2004	36.										
Initials: OPR		37.										
Staff	Counsel	39.	_				-				 	
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Section 3 - Chair	man Completes	Ass	ignm	ents are	as foll	ows:						

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

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.

	- Pro	ehear	ing Of	ficer	
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Approved: 1313/hr

05/24/2004 Date:

· Section 1 - Bureau of Records Complete

Docket No. <u>040062-TI</u> Date Docketed: <u>01/21/2004</u> Title: Compliance investigation

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.

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

- Hearing Officer(s)

Commissioners

the identical panel decides the case.

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

- Prehearing Officer									
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Approved: BB/Rm

Date: Pending 8/02/0

Staff

Hrg

Section 1 - Bureau of Records Complet

Title: Compliance investigation of New Century Telecom, Inc. for apparent violation of Rule 25-4.118, F.A.C., Docket No. 040062-TI Date Docketed: 01/21/2004

Local, Local Toll, or Toll Provider Selection.

New Century Telecom, Inc. Company:

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Where panels are assigned the senior Commissioner is Panel Chairman:

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

Approved: 33/Am

08/10/2004

Date:

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.

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Where one Commissioner, a Hearing Examiner or a Staff Member is

assigned the full Commission decides the case.

* COMPLETED EVENTS

Approved:

Date:

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.

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Where panels are assigned the senior Commissioner is Panel Chairman:

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the identical panel decides the case.

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

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Approved: Date:

Commissioners

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Kay Flynn

040062-7Z

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:

Kimberley Pena

From:

Jackie Schindler

Sent:

Friday, July 02, 2004 4:15 PM

То:

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 00 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: Rav Kennedy: Kav 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:

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!!

is

----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 Greenshoro 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

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!

ĬS

Kimberley Pena

From:

Lee Fordham

Sent: To: Friday, July 02, 2004 1:01 PM

Subject:

Dale Buys; Kimberley Pena 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)	SUBPOENA DUCES TECUM
investigation of New Century Telecom, Inc. for)	WITHOUT DEPOSITION
apparent violation of Rule 25-4.118, F.A.C.,	
Local, Local Toll, or Toll Provider Selection.	

THE STATE OF FLORIDA

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

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

(SEAL)	By: Kay Human of Records	
	Lee Fordham	
	2540 Shumard Oak Blvd.	
	Tallahassee, FL 32399-0850	
	Attorney for	
•	Florida Public Service Commission	

CCA Official Document . . .

7/14/2004 5:11 PM

Kay Flynn

From:

Blanca Bavo

Sent:

Wednesday, July 14, 2004 4:43 PM

To: Subject: Kay Flynn 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:

Kav Flynn FW:, 4 page(s)

High

Subject: Importance:

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: To:

Friday, July 09, 2004 5:41 PM 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: Sent:

NET SatisFAXtion

To:

None

Mary Bane

Subject:

, 4 page(s)

This is a FAX message received by NET SatisFAXtion

Received:

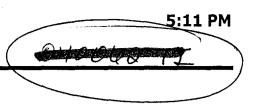
7/09/2004 4:32 PM

Total pages:

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Transfer time: 0:02:05 Transfer rate: 12000 Error count:

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5:11 PM

CCA Official Document ... 7/14/2004 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: \$\frac{\lambda}{2}\, 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

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Telecommunications
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General Business Law

The Helein Law Group, LLC

8180 Greensboro Drive Suite 700 McLean, VA 22102

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

Writer's Direct Dial Number

Writer's E-mail Address

(703) 714-1321

lwh@thlglaw.com

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	ĺ

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.

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****1

Matilda Sanders

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



Hublic 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:

JF/rlm

CCA Official Filing 10/22/2004 2:42 PM******

Matilda Sanders*1

Matilda Sanders

1029 - SC

11

From:

Jackie Schindler

Sent:

Friday, October 22, 2004 2:40 PM

To: Subject: CCA - Orders / Notices Order / Notice Submitted

Date and Time:

10/22/2004 2:39:00 PM

Docket Number:

040026-ti

Filename / Path:

showcause.doc

046062 per 5.5

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

Thanks

js

, certified

CCA Official Filing 11/4/2004 8:53 AM******

Matilda Sanders*1

Matilda Sanders

1029A -SC

I

From:

Jackie Schindler

Sent:

Thursday, November 04, 2004 8:45 AM

To:

CCA - Orders / Notices

Subject:

Order / Notice Submitted

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 - is

1 certified 2/1 apc

DOCUMENT NO.

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: Subject: CCA - Orders / Notices 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

211 1 Centified