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July 22, 1998

ORIGINAL

Certified Mail - Return Receipt Requested

Ms. Blanca S. Bayo
Director, Division of Records
and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Penn Boys Legend Telecom, Inc.
Certificate No. 5002

Dear Ms. Bayo:

This is the Petition for Formal Hearing being filed with you on behalf of our client, Penn Boys Legend Telecom, Inc. ("Penn Boys").

My client is appealing the Order No. PSSC-98-0904-FOF-TC which was issued on July 7, 1998 under Docket No. 980707-TC.

My client is appealing the Order for a number of reasons, among which are:

1. My client shares offices with another unrelated business which operates out of the same address. The certified letter of April 20, 1998 sent by the Commission to Penn Boys was never received nor refused by my client. The envelope which contained the said letter was postmarked in Tallahassee on April 20th and somehow my client was given notice of the letter on the same date. The envelope also notes that the letter was refused. My client never refused the letter. Although at the writing of this Petition my client has no direct evidence, it believes that the refusal, if in fact it was refused, was the act of someone involved with the "other business".

2. My client did not change its address or phone number. My client maintains three (non-rotary) phone lines at its office. It is a fact that one of the phones: 954-893-7775 had been temporarily disconnected. There was neither an actual violation of Rule 25-24.520 nor an attempt to violate the intent of said rule.

In order to avoid a repetition of the problems, my client has obtained a Post Office Box for the delivery of its mail. Under separate letter, the Commission has been advised of the new

DOCUMENT NO.
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2d. Pg. Petition of Penn Boys Legend
Telecom, Inc. from the Order No. PSC-98-0904-FOF-TC
entered on July 7, 1998 under Docket No. 980707 TC.

mailing address. Further, the disconnected line has been reconnected and a fax line added.

Further, even if a fine was the proper remedy for the alleged violation, (and we submit it was not) the fine of \$10,000 levied for the violation of Rule 25-4.043 is clearly excessive.

Likewise, the fine of \$500 for the violation of Rule 25-24.520, in light of the circumstance is also unwarranted and excessive.

Accordingly, Penn Boys requests a formal proceeding be initiated and an administrative hearing be scheduled. Considering the facts of this matter, Mediation may be helpful to resolve the issues without the necessity of the parties incurring the expense of formal proceedings and/or judicial review. If Mediation be granted, it is respectfully requested that it be held quickly. If possible, the Mediation should be held in the Miami area but if that is not possible, we would be willing to travel to whatever site is most convenient to the Mediator. I have spoken briefly with both Mr. Louis Yambow and Charles Pelligrini, Esq. Perhaps an informal mediation session with those persons or other Staff persons would result in as fruitful a session as a formal mediation with the neutral mediator. I am ready and willing to do whatever is reasonable and necessary to equitably resolve this matter.

Respectfully submitted:



ALAN E. GREENFIELD

cc: client