

M E M O R A N D U M

September 3, 1999

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *CB*

RE: DOCKET NO. 990959-TP - NOTICE BY BELLSOUTH TELECOMMUNICATIONS, INC. OF ADOPTION OF AN APPROVED INTERCONNECTION, UNBUNDLING, AND RESALE AGREEMENT BETWEEN BELLSOUTH TELECOMMUNICATIONS, INC. AND AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC. BY HEALTHCARE LIABILITY MANAGEMENT CORPORATION D/B/A FIBRE CHANNEL NETWORKS, INC. AND HEALTH MANAGEMENT SYSTEMS, INC.

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Please file the attached in the docket file for the above-referenced docket as response to the recommendation filed on August 26, 1999.

KMP/sa  
Attachment

AFA \_\_\_\_\_  
APP \_\_\_\_\_  
CAF \_\_\_\_\_  
CMU \_\_\_\_\_  
CTR \_\_\_\_\_  
EAG \_\_\_\_\_  
LEG \_\_\_\_\_  
MAS \_\_\_\_\_  
OPC \_\_\_\_\_  
PAI \_\_\_\_\_  
SEC \_\_\_\_\_  
VAW \_\_\_\_\_  
\_\_\_\_\_

DOCUMENT NUMBER-DATE

10649 SEP-3 99

FPSC-RECORDS/REPORTING



Health Liability Management Corporation  
Health Management Systems Inc.

401 Park Avenue South ~ 13241 University Drive Suite 100 ~ New York, New York, Fort Myers, Fla. ~ U.S.A.  
Phone 941 - 694 - 0084 ~ Fax 941 - 488 - 1804 ~ Email <http://www.oac.ucl.edu/ndlv/ehood/mhoneroc.doc.html>  
<http://www.fibrechannelnetworks.com>  
[www.fibrechannel.com](http://www.fibrechannel.com)  
[www.fiberchannels.com](http://www.fiberchannels.com)

September 02, 1999

DOCKET NO. 990959 -TP

DATE: August 26 , 1999

To: Commission

DIVISION OF COMMUNICATIONS (HINTON)  
DIVISION OF LEGAL SERVICES (BEDELL)  
DIVISION OF RECORDS (BAYO')

RE: DOCKET NO. 990959 - TP - REQUEST BY BELLSOUTH TELECOMMUNICATIONS, INC. FOR APPROVAL OF INTERCONNECTION, UNBUNDLING, AND RESALE AGREEMENT WITH HEALTH LIABILITY MANAGEMENT CORPORATIONS D/B/A FIBRE CHANNEL NETWORKS, INC. AND HEALTH MANAGEMENT SYSTEMS INC.

AGENDA: 09/07/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - COMMISSION DECISION ON INTERCONNECTION AGREEMENT

CRITICAL DATES: INTERCONNECTION AGREEMENT - COMMISSION MUST APPROVE OR DENY BY OCTOBER 23, 1999

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP990959.RCM

CASE BACKGROUND

On July 8, 1996, Health Liability Management Corporations (HLMC) filed an application for a Certificate of Public Convenience and Necessity to provide intralata, and interlata statewide intrastate interexchange Telecommunications Service (Docket No. 960811 -TI). The application had sufficient information to support a finding of financial solvency of proof to the specifications as required for the capability to provide Intrastate Telecommunications Service (\$25,000.00 +), as required in Section 364.337 (3), Florida Statutes. This information was provided in the form of both taxes, and a Certified Public Accountants Alexander Aronson Finning 1993, 1994, 1995, and 1996 review. HLMC also furnished documentation of Florida Department of State Sandra B. Mortham Secretary of State Letter No. 296A00035004, and Reference No. P93000088530 registration to conduct business within the State of Florida as required in Form PSC/CMu 31 (3/96), incorporated by reference in Rule 25-24.471 (1), Florida Administrative Code entered as Exhibit B. As a result, in Proposed Agency Action Order No. PSC - 97 - 0741 - FOF - TI, issued June 25, 1997 Staff dismissed HLMC's application to provide statewide

~~Intralata Interlata Intrastate Interexchange~~ Telecommunications Service, even though at the same time the F.C.C. Common Carrier Bureau approved HLMC's application for intralata, interlata, interstate interexchange telecommunications nationwide with approval of the F.C.C. No. 1, and F.C.C. No. 214 Tariffs as in accordance with the Staffs' bias and unjurisprudence by this completely erroneous decision, a violation the application for a Certificate of Public Convenience and Necessity was denied as not in the public interest.

On July 1997, HLMC filed a petition for a formal proceeding pursuant to Rule 25 -22. 029, Florida Administrative Code subsequently the Staff biasness, caused this Florida Administrative Code to be violated. On November 20, 1997, the Commissions' Staff, issued Order No. PSC - 97 - 1465 - FOF - TI dismissing the petition for Administrative Hearing because of erroneous information without grounds that the Company cannot have equal representation, and be completely eliminated from equal justice and liberty for freedom of liberty, and pursuit to the Constitutional Rights of pursuit to earn a living in this State and with willful disregard for these rights falsely accused the company of willful disregard for the Commissions' Orders and rules pursuant to Rule 25 - 22 .042, Florida Administrative Code. Under these false allegations and the denial of the right to have an Administrative Hearing in defense the Order No. PSC -97 - 0741 -FOF - TI became final and effective as of November 4, and the docket was closed which is in direct violation pursuant to Florida Statues 120.57 and the Law implemented 120.53 F.S. Specific Authority : 120.53, and Rules 1.280 through 1.380, Florida Rules of Civil Procedure.

On May 22, 1998 by the pursuance of a FORMAL COMPLAINT BY THE STATE OF FLORIDA PUBLIC SERVICE COMMISSION ISSUE OF MEMORANDUM TMS # 3752, the Commissions' Staffs' Mr. Philip Troublehorn found GTE in direct violation of GTE's Intrastate Access tariffs for not providing HLMC their Access Customer with Cooperative Test Results as listed in Exhibit C attached with the Issues of Memorandum No. 3752, and many other violations as is evidence in this same Exhibit C. As in Exhibit A in the letter to Noreen Davis the Rules of Civil Procedures were violated by not providing a Formal Administrative Hearing after timely request.

ISSUE 1: Should the Commission deny the Notice of Adoption of the Bell South/AT&T Interconnection, Unbundling of Network Elements, and Resale Agreement filed by BellSouth Telecommunications Inc, and adopted by Health Liability Management Corporations, d/b/a Fibre Channel Networks Inc., and Health Management Systems Inc.

ISSUE 2: Should the Commission deny the following Florida Statues Sections 120.57, 120.57 (1), 120.59 (4), 350.127(2) and Rule 25 - 22.030, 25- 22.034 1.280, through 1.400 Florida Rules of Civil Procedure after timely request., and ignore the direct violations of GTE of their Intrastate Tariffs discovered in a Formal Complaint by the State of Florida Public Service Commission and evident in their Issues Memorandum of May 22, 1998, in questions and answers 1 - 12. This Issues Memorandum followed the filing of the Formal Complaint by the Divisions of Consumer Affairs, and

ISSUE 3: Should the Commission be kept misinformed concerning the company's falsely accused allegation of willful disregard when the company is more than willing to comply with all Florida Statue Sections, Rules, and Commission Orders, when given a proper opportunity, and has always enjoyed these legal binding duties, and obligations, and will prove that pursuant to Rule 25 - 22.029, Florida Administrative Code and completely meets the financial, management, and technological requirements to provide Statewide Interexchange Services, and pursuant to Rule 25 - 22. 042, Florida Administrative Code, and the Commissions Orders No. PSC - 97 - 1465 - FOF - TI and any, and all Commission' Issued Orders, and that within the Company's Application for Certificate of Public Convenience, and Necessity (Docket No. 960811 - TI the documentation as required in the State of Florida as in PSC/CMU 31 (3/96 the Company's furnished reviewed financials by Alexander Aronson, and Finning, and as reported in the taxes, as required by Florida Statues Section 364.337 (3), and furnished the documentation of the registration with the Secretary of State, Division of Corporations to conduct business within the State of Florida as required in Form PSC/CMU 31 (3/96) incorporated by reference in Rule 25 - 24.471 (1), and these documents were fully enclosed in (Docket No. 960811 - TI), as required by Florida Statue Section 364.37 (3), and Rule 25 - 24.471 (1) Florida Administrative Code.

RECOMENDATION: Mr. Casey Hinton not being personally involved with this case and the dockets at the Commission has no idea of the facts that concern the Case, and the Dockets and is therefore reacting on hearsay as is can not make a judicious recommendation with out the complete facts in whether the Commission should deny the Notice of Adoption of the BellSouth/AT&T Interconnectrion, Unbundling, and Resale Agreement by the

Company's of Health Liability Management Corporations, d/b/a Fibre Channel Networks Inc., and Health Management Systems Inc., and filed by BellSouth Telecommunications Inc. (Hinton)

STAFF ANALYSIS: The Staff Analysis as stated in the Case Background on July 8, and as seen in the evidences if material facts in Exhibits A, B, C, Health Liability Management Corporation (HLMC) filed an application for a Certificate of Public Convenience and Necessity to provide Statewide Interexchange Telecommunications Service (Docket No. 960811 - TI). The application as exhibited in the following Exhibits A, B, C, and this information supported a finding of financial capability as required by Section 364.337 (3), Florida Statutes. The Company's also furnished documentation of registration with the Secretary of State, Division of Corporations as can be clearly seen in the Exhibits attached to conduct business within the State of Florida as required in Form PSC/CMU 31 (3/96), incorporated by reference in Rule 25 - 24.471 (1), Florida Administrative Code. These documents were never presented to the Commission and as a result, in Proposed Agency Action Order was incorrectly issued as in No. PSC - 97 -041 FOF - TI, issued June 25, 1997 a petition for a formal proceeding pursuant to Rule 25 - 22.029 Florida Administrative Code for Administrative Hearing was falsely denied on November 20, 1997 without a proper showing of the facts in the Order No. PSC - 97 - 0741 - FOF - TI for a lack of facts and a falsely alleged accusation per willful disregard for the Commissions' Orders and Rules pursuant to Rule 25 - 22.042., and the docket was incorrectly closed on November 4, 1997. As a result of not having equal or any representation which was in direct violation of the Florida Rules of Civil Procedure and adjudicatory proceedings with the full Commission to present the information in support of Florida Statutes Section 120.53, 120.57, hearing and 25 .22.030, 25 - 22031 and in seeking relief in specific authority of Laws implemented as 364.015, 366.05 (10), 367.121 (i), (j), F.S. and 350.127 (2), F.S. and in conducting a hearing after filing a petition for a formal proceeding pursuant to Rule 25 - 22.029 and the company not being in any purposeful way of willful disregard for the Commissions' Orders and Rules pursuant to Rule 25 - 22.042, Florida Administrative Code, and there for a Proposed Agency Action Order No. PSC - 97 - 0741 - FOF - TI, and the Commission Order No. PSC - 97 -1465 - FOF TI was incorrectly ordered for reason of total lack of the facts and the dismissing of the petition for Administrative Hearing on the facts in support of Florida Statutes Sections 120.53, F.S., 120.57 F.S., and the Florida Rules of Civil Procedure and adjudicatory proceedings in compliance of 25 - 22.030 were denied for false allegations of willful disregard for the Commission's Orders., and as a result the application was denied stating, "it is not in the public interest to grant a Certificate to provide Interexchange Telecommunications Service to the Company's." Order at p.2)

On July 21, as indicated above, the Company's filed a petition for a formal hearing pursuant to Rule 25 - 22.029, Florida Administrative Code. In accordance, the matter was set for a formal Administrative Hearing on October 22, 1997. The Prehearing Officer issued Order No. PSC - 97 -0979 -FOF - TI on August 14, 1997, establishing the procedure for the case. Staff made these same false allegations that in the filing of the application for the filing of the application for a certification of Public Convenience and Necessity as in (Docket No. 960811 - TI), to provide Intralata, Interlata, Intrastate Telecommunications Services that the application lacked information to support a finding of financial capability required by Section of the Florida State Regulatory Codes Section 364.337 (3) (eg. \$25,000.00), also for the false allegation of not furnishing the documentation of registration with the Secretary of State, Division of Corporations, to conduct business within the State of Florida as required in Form PSC/CMU 31 (3/96), Florida Statutes. Staffs false allegations to explain to the Company's the deficiencies in its' application, and indication that if these false alleged deficiencies were rectified, staff would reevaluate the company's application and possibly avoid a hearing. The company stated that anything that was necessary to comply that no stone would be left unturned to comply willingly in accordance with the States Florida Statutes, and Codes, Rules and the Commissions Orders. The Company stated the truth that the CPA firm of Alexander, Aronson, and Finning were already provided, and the registration of the Secretary of State Division of Corporations also been provided as in these Exhibits clearly illicit, and expressed a desire to proceed to hearing which was never accomplished as apparent., and as the adjudicatory proceedings hearing processes, procedures and proceedings within (Order No. PSC - 97 -1465 - FOF - TI) in exercise of the Florida Rules of Civil Procedures and adjudicatory proceedings with the full Commission to present the information of the documents in support of Florida Statutes Sections 120.53, 120.57, as in compliance with Florida Administrative Code in seeking relief in specific authority of Laws implemented as 364.015, 366.05 (10), 367.121 (i) (j), F.S. and 350.127 (2) F.S.

The Company filed its' direct testimony in the exact same form as indicated above, and its' tariff in the manner required by the Commission Rules., to Mr. Charlie Pelligrini. Therefore, on November 20, 1997, the Commission without correct information concerning these matters issued incorrectly respectfully without having the facts Order No. PSC - 97 - 1465 - FOF - TI dismissal of the Company's petition for Administrative Hearing, on the grounds of

(5)

## DOCKET NO. 990959 - TP

Commission it falsely appears that the Company has demonstrated a persistent inability to comply with Commission Orders and Rules because of the above chronicled facts. Due to no representation of the true facts as chronicled above as in accordance with the Exhibits as evidence because of cancellation of the formal proceeding pursuant to Rule 25 - 22.029 the Company's conduct was made to appear as though that it amounts to a willful disregard of or gross indifference in which a full apology is provided to the Commissioners for this gross misunderstanding on the Company's parts for their Orders and Rules. Accordingly, this gross misrepresentation of the Company stands corrected within this above chronicled facts during this up and coming Regular Agenda of Docket No. 990959 - TP on 09/07/99 of the Regular Agenda - with the Proposed Agency Action - Commission Decision On Interconnection Agreement. Accordingly the Company's request that due to misinformation that the Commissioner's over rule, and over turn their misinformed finding that lead to a total inappropriate action to impose the sanction in this instance of dismissing the company's petition for a formal Administrative hearing on its application for certification as an Intralata, Interlata, Intrastate, Interexchange Telecommunications Carrier. The company proceeded in absolute direction by instruction of Charlie Peligrini, without willing choice, although the company did submit the appropriate documentation which were in accordance with Order No. PSC - 97 - 1465 - FOF - TI, pp. 5 - 6 with the certified public accountants reviews of Alexander, Aronson, and Finning in the Company's Docket No. 9608111 - TI in accordance with Florida Statutes Section 364.337 (3) which states that in order to be certified as a Intralata, Interlata, Intrastate Carrier the financial capabilities must be (\$25,000.00), and furnished documentation of registration with the Secretary of State, Division of Corporations, to conduct business within the State of Florida as required in Form Psc/CMU 31 (3/96), incorporated by reference in Rule 25 - 24.471 (1), Florida Administrative Code. As chronicled above in the Company's Exhibits. As a result this documentation for some inordinate reason was not received by the Commissioner's from the Staff, and as cause of result, in Proposed Agency Action Order No. PSC - 97 - 0741 - ~~TP~~ - TP, issued June 25, 1997 and this information was not received by the Company until September 1, 1999, the Company's application to provide Intralata, Interlata, Intrastate, Statewide, Interexchange Telecommunications Services was denied as not in the public interest at this same time as in Exhibit D the Commission had ordered a Formal Complaint during May 23 1997 and after on GTE in which the findings are in accordance with many violations on the part of GTE in the Issue of Memorandum TMS 3752. Beginning with question 1 written by Mr. Phil Troublehorn of the Staff is a direct lie by Anthony P. Gillman about the Network Interface Circuitry of 04.DS.9.15, which is a 4 wire Digital signaling 100 ohms and 44.736 Mgb in which Mr. Anthony P. Gillman says is analog, and the account manager Mr. Kirby Cantrell says is Digital and that he incorrectly ordered after processing the ASR and did not understand what needs to be ordered, and in question No. 6 the same Staff member whom wrote the Issue of Memorandum Mr. Phil Troublehorn found that GTE was in direct violation of their Intrastate, and Interstate tariffs for not providing the Company with Cooperative Test Results their Access Customer and then Staff pretends that the Staff recommends closing the Company's complaint in question and answers No. 12, at this time because it can render no further assistance beyond the findings listed above. Staff also recommends closing the complaint because the Company presently has no equipment in place. Although in the Issue of Memorandum 3752 question No. 10 1st sentence after the question the Staff writes that Equipment is not required for IXC's as in the Company's ASR Access Service Request the Percent Interstate Usage is 100% and as an approved F.C.C., Federal Communications Commission No. 11, Tariff, and No. 214, Tariff approved Long Distance Interstate Interexchange Carrier serving just voice transmissions, requiring ~~of~~ access links to the side of the tandem switch, in which GTE sabotaged by placing this circuit into a loop, which when in a loop continues to proceed in that loop infinitesimally, and/or open short circuits, upon these factors together with the attempted coercion of Jon Anderson whom continues to work with the Company as in question No. 3 Mr. Jon Anderson wrote to the Commission Staff Members that this circuit never worked properly and could not receive specific test results the circuit is still active and the staff of the Commission refuse until today to test this circuit, that staff recommends closing the complaint because the Company presently has no equipment in place. The Staff recommends that a new ASR should be prepared with a requested service date when the equipment is back in place. The complete Issue of Memorandum needs to be reviewed by the full Commission in which the request for a formal Administrative hearing as chronicled in Noreen Davis letter entered as Exhibit E state as fact has as well been denied by the Staff.

By letter dated July 23, 1999, BellSouth Telecommunications Inc. filed a notice of the adoption by the Company's of the Interconnection Agreement, entered into by and between BellSouth Telecommunications Inc. and AT&T Communications of the Southern States, Inc., which the Commission approved by Order No. PSC - 97 - FOF - TP issued June 19, 1997. By letter dated July 23, 1999, BellSouth Telecommunications Inc. filed this notice of Adoption by the Company's of the 47 U.S.C. Section 251 (i), and 47 U.S.C. 252 (i) entered into by and between BellSouth and AT&T Communications of the Southern States, Inc., approved by the Commission Order No. PSC - 97 - FOF - TP, issued June 19, 1997.

The Company's has addressed the Commission's as can be clearly seen in the Exhibits as attached however for whatever inordinate reason Staff has not proceeded in providing this documentation to the Commission to address these concerns and to correct the proposed false allegations of the proposed deficiencies in the Company's application for CLEC certification, the Company is already a approved F.C.C. Tariffed No.1, No. 214 National, and International IXC so the Staff has failed to bring these documents to the attention of the Commission, as chronicled above although the Company still remains registered by the Secretary of State, Division of Corporations, to conduct business within the State of Florida as required in Form PSC/CMU 31 (3/96), incorporated by reference in Rule 25 - 24. 471 (1) as both Fibre Channel Networks Inc. in 1999, and Health Liability Management Corporation registered in 1987, and beyond until today, as well in providing the Alexander, Aronson, and Finning certified Public Accountants reviewed financials in accordance with Section 364.337 (3) as can be found with the Exhibits. As of the date of this petition for adoption of the Interconnection Agreement the Company's have applied for certification as a CLEC.

While the Commission has approved all the time Interconnection Agreements to the CLEC being certified, the history according to staff of this particular company has demonstrated a pattern of disregard for Commission Orders, and Rules and for this misunderstanding we, full would appreciate your total forgiveness, and sincerely apologize and get down on our hands and knees and pray to GOD! that this misunderstanding for what ever reason between the Company and the Commissioners never occurs again. So help US GOD! Further both Company's of Fibre Channel Networks Inc. and Health Liability Management Corporation are both registered with the Department of State Secretary of State as a Corporation operating in the State of Florida and doing business as either Fibre Channel Networks Inc. and Health Liability Management Corporation according to staff contrary to the representation in this petition.

Staff believes that the Commission has the authority to reject the Company's adoption of the BellSouth/AT&T agreement, as not consistent with the public interest. 47 U.S.C. Section 251 (i), and 252 (i), of the Telecommunications Act, Bill, and Law, and passed by the Congress, Senators, and President on February 1996. Accordingly the 50 States PURA Notice Of Inquiry. AND THE RULE 98 - 188 OF THE F.C.C. TO ENCOURAGE THE RAPID DEPLOYMENT OF NEW, INNOVATIVE, REVOLUTIONARY, ADVANCED, TELECOMMUNICATIONS TECHNOLOGY, CAPABILITY, AND SERVICES TO ALL AMERICANS IN THE CONVENIENCE, AND NECESSITY FOR THE PUBLICS' INTEREST IN WHICH FIBRECHANNEL IS AN ANSI X3.230, AND OSI 9,000, 9,001, 9,002, AND 14,000 STANDARD FOR. STAFF SAYS THAT SECTION 252 (i) IS SILENT ON A STATES AUTHORITY TO REJECT AN ADOPTION AND WHERE THE ACT DOES SPEAK TO REJECTION OF AN AGREEMENT, BY A STATE COMMISSION, IT SPEAKS TO REJECTING TERMS OF AN AGREEMENT, NOT TO THE REJECTION OF A PARTICULAR COMPANY AS A PARTY TO A CONTRACT. THEREFORE THE CONSTITUTIONAL LAW REDERING OF THE RULING BY SUPREME COURT JUSTICE SCALEA, AND THE 8TH CIRCUIT FEDERAL COURT OF APPEALS RULINGS IN ACCORDANCE. THEREFORE THE STAFF SAYS THAT THEY CONCLUDE THAT THIS COMMISSION IN ALL RESPECT HAS THE AUTHORITY UNDER FLORIDA LAW TO REJECT AN ADOPTION BASED ON THE PRIOR CONDUCT AND ACTIONS OF ONE OF THE PARTIES BEING UNACCEPTABLE AS NOTED IN THE CASE BACKGROUND ACCORDING TO THE STAFF. THIS COMMISSION DENIED THE COMPANY A CERTIFICATE BECAUSE OF THE BACKGROUND MATERIAL THE COMMISSION RECEIVED FAILED TO COMPLETE ITS' APPLICATION AND FAILED TO COMPLETE ITS' APPLICATION AND FAILED TO ESTABLISH THAT IT HAD THE TECHNICAL, FINANCIAL, OR MANAGERIAL CAPABILITY TO OPERATE A TELECOMMUNICATIONS COMPANY. THE TWO FACTORS OF FINANCIAL AND REGISTRATION AS AT THE SECRETARY OF STATE OF FLORIDA DIVISION OF CORPORATIONS HAVE ALREADY BEEN CONFRONTED. THE MANAGEMENT OF THE COMPANY CONSISTS OF MITCHELL, AND ELLINGER AS CEO AND AS A ASSOCIATE GENERAL COUNSEL A LAW FIRM OF OVER 75 YEARS WITH IMPECCABLE CREDIBILITY, AND REPUTATION MR. WILLIAM B. ELLINGER, Mr. Marvin Metheney and Associates Former Chairman of the Lee County Chamber of Commerce, Mrs. Nancy Givens of Hugh Snell and Company computer technological solutions, CPA, Sandler, Travis, Rosenberg, Mr. Lawrence Rosenberg the Senior Partner, and many many others, as chronicled above the technology is called Fibre Channel a ANSI, and a OSI 9,000, 9,001, 9,002 and 14,000 Standard in which these companys' can be found on our WEB Sites of

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WWW.fibrechannel.com of IBM, Cisco, SunMicrosystems, Hewlett Packard, EMC Ancor, Brocade, CNT COMPUTER NETWORK TECHNOLOGY'S, LUCENT, NORTEL, INTEL, 3 COM, EDS, EMULEX, JUST TO LIST A FEW THIS OUGHT TO RESPECTFULLY ADDRESS THE QUESTIONS AND ANSWERS OF TECHNICAL, FINANCIAL, AND MANGERIAL. ALSO WHEN AND IF NEEDED THE COMPANY IS WILLING TO PLACE \$25,000.00 IN THE STATE OF FLORIDA COMMISSION ESCROW ACCOUNT. TO REVEAL IN GOOD FAITH WITH FINANCIAL CAPABILITY'S RESPECTFULLY. The Company as an approved F.C.C. Long Distance F.C.C. No. 1 tariff in this country, and No. 214 internationally does meet the statutory definition of a "Telecommunications Carrier" under Section 47 U.S.C. 153 (44), and can operate as a F.C.C. No.1 Long Distance/Interexchange Carrier for IntraLatas, and InterLatas Interstate Telecommunications Technology's Capability's and Services Respectfully. Because the Company's is willing to comply with any and all Florida State Sections, Laws, Rules, Tariffs, and Codes, and because of improper information being given to the Commissioners! The Company Prays and throws itself on the mercy of the Commissioners to approve the Certificate of Public Convenience and Necessity pursuant to Section 364.337.0 place the FibreChannel Equipment in a virtual Colocation with the Adoption of the Interconnection Agreement of BellSouth/AT&T to completely eliminate the wrong doings of GTE as found in the Commissions TMS 3752 Issue of Memorandum once and for all to rectify a misgiving in GODS GRACE PLEASE! Although 47 U.S.C. Section 251 (i), and 252 (i) before being approved for 47 U.S.C. Section 271 (i), and (e) of the Telecommunications Act, Bill, and Law, for approval of procuring approval from the F.C.C. for providing IntraLata, and InterLata, and Interstate Long Distance Interexchange Technology, capability's, and services' mandates that BellSouth make available its Interconnection Agreement with any company that already is approved under adoption to any requesting "Telecommunications", "Carrier", staff does not believe BellSouth is obligated under the Constitutional Telecommunications Act Bill, and Law as Amended to provide such an duty, and obligation agreement to the Company because it is currently a "F.C.C. approve Tariff NO.1 and No. 214 Current "Telecommunications Carrier", in direct violations of their duty'; and obligations of the Constitutional Telecommunications Act, Bill, and Law of 1996."

Therefore under these current conditions and after complying with the financial, managerial, technological, requirements as chronicled above the Company has already submitted a complete and accurate application for CLEC certification of Convenience and Necessity and is willing to comply again under the direct supervision of the full Commissioners adjudicatory format proceedings to make respectfully assured that these misunderstandings do not occur again for what ever reason. Therefore becoming a Certified CLEC to operate as a corporation under this status will never become questioned again under willful disregard for the Commissioners Orders, and or Florida Statutes Sections, Orders, Rules, and Laws. The Commissioners can feel free to check on the current status with the Secretary Of State of Florida Division of Corporations concerning the current status of Fibre Channel Networks Inc, and Health Liability Management Corporation. Again

Staff Recommends that the adoption of the Interconnection Agreement by the company be denied. Staff believes that approval of this agreement is not consistent with the public interest, convenience, and necessity, and accordingly, staff recommends that the adoption of the BellSouth/AT&T agreement by the company be denied pursuant to Section 252 (e) of the Telecommunications Act, Bill, and Law of 1996.

Staff Analysis: Upon the approval of the staffs recommendation by the Commission, the Interconnection Agreement between BellSouth and the Company will be

**HEALTH LIABILITY MANAGEMENT CORPORATION**

**BALANCE SHEETS**  
**DECEMBER 31, 1999 AND 1998**  
 (See Accountants' Review Report)

<b>ASSETS</b>		
	<u>1999</u>	<u>1998</u>
<b>CURRENT ASSETS:</b>		
Cash		
Accounts receivable, net for allowance for doubtful accounts of \$17,300 and \$11,000 at December 31, 1999 and 1998, respectively	\$ 395	\$ 24,605
Inventories	2,059,670	1,352,361
Prepaid expenses and deposits	1,453,833	1,396,131
Current portion of notes receivable - stockholders	165,486	86,961
	<u>14,261</u>	<u>14,261</u>
Total current assets	<u>3,693,645</u>	<u>2,847,319</u>
<b>FIXED ASSETS, at cost:</b>		
Computers	424,167	209,775
Office furniture, fixtures and equipment	282,808	167,705
Demonstration equipment and tools	217,788	185,649
Leaschold improvements	105,299	105,299
Motor vehicle	7,500	7,500
Equipment under capital lease	-	9,719
	<u>956,762</u>	<u>685,647</u>
Less - accumulated depreciation	<u>531,585</u>	<u>457,729</u>
Net fixed assets	<u>425,177</u>	<u>227,918</u>
<b>OTHER ASSETS:</b>		
Purchased customer base, net of accumulated amortization	78,952	102,638
Notes receivable - stockholders, less current portion	14,071	28,518
Cash surrender value of officer's life insurance	37,230	32,074
Other	<u>13,897</u>	<u>15,699</u>
Total other assets	<u>144,150</u>	<u>178,929</u>
	<u>\$ 4,262,972</u>	<u>\$ 3,281,166</u>
<b>LIABILITIES AND STOCKHOLDERS' EQUITY</b>		
<b>CURRENT LIABILITIES:</b>		
Note payable to a bank	\$ 865,000	\$ 521,000
Current portion of long - term debt	83,517	37,542
Current portion of capital lease obligation	-	9,045
Accounts payable	679,599	384,532
Customer deposits	108,055	89,958
Deferred service contract revenue	487,460	320,369
Accrued expenses	<u>405,016</u>	<u>413,511</u>
Total current liabilities	<u>2,628,647</u>	<u>1,775,957</u>
<b>LONG - TERM DEBT, less current portion</b>	<u>132,549</u>	<u>69,522</u>
<b>CAPITAL LEASE OBLIGATION, less current portion</b>	<u>-</u>	<u>715</u>
<b>STOCKHOLDERS' EQUITY:</b>		
Common stock, no par value, 15,000 shares authorized, 1,260 shares issued and outstanding	205,269	205,269
Retained earnings	<u>1,296,507</u>	<u>1,229,703</u>
Total stockholders' equity	<u>1,501,776</u>	<u>1,434,972</u>
	<u>\$ 4,262,972</u>	<u>\$ 3,281,166</u>

The accompanying notes are an integral part of these statements.



HEALTH LIABILITY MANAGEMENT CORPORATION

STATEMENTS OF OPERATIONS  
FOR THE YEARS ENDED DECEMBER 31, 1999 AND 1998  
 (See Accountants' Review Report)

	1999		1998	
	<u>AMOUNT</u>	<u>RATIO</u>	<u>AMOUNT</u>	<u>RATIO</u>
SALES AND SERVICE	\$11,186,863	79.9%	\$ 8,846,991	74.5%
COMMISSIONS AND ACCOUNT MANAGEMENT FEES	<u>2,806,638</u>	<u>20.1</u>	<u>3,029,854</u>	<u>25.5</u>
Total revenue	13,993,501	100.0	11,876,845	100.0
COST OF SALES AND SERVICE (Schedule I)	<u>8,249,393</u>	<u>58.9</u>	<u>6,599,869</u>	<u>55.6</u>
Gross profit	<u>5,744,108</u>	<u>41.1</u>	<u>5,276,976</u>	<u>44.4</u>
OPERATING EXPENSES:				
Selling expenses (Schedule II)	3,603,674	25.8	2,983,269	25.1
General and administrative expenses (Schedule II)	<u>1,962,448</u>	<u>14.0</u>	<u>1,938,902</u>	<u>16.3</u>
Total operating expenses	<u>5,566,122</u>	<u>39.8</u>	<u>4,922,171</u>	<u>41.4</u>
Operating income	177,986	1.3	354,805	3.0
INTEREST AND OTHER INCOME	12,169	-	17,888	0.2
INTEREST EXPENSE	<u>(69,427)</u>	<u>(0.5)</u>	<u>(52,140)</u>	<u>(0.4)</u>
Income before state income taxes	120,728	0.8	320,553	2.8
STATE INCOME TAXES	<u>7,700</u>	<u>-</u>	<u>3,790</u>	<u>-</u>
Net income	<u>\$ 113,028</u>	<u>0.8%</u>	<u>\$ 316,763</u>	<u>2.8%</u>

The accompanying notes are an integral part of these statements.

**HEALTH LIABILITY MANAGEMENT CORPORATION****STATEMENTS OF CHANGES IN RETAINED EARNINGS**  
**FOR THE YEARS ENDED DECEMBER 31, 1999 AND 1998**

(See Accountants' Review Report)

BALANCE, December 31, 1997	\$1,017,740
Dividends declared and paid	(104,800)
Net income	<u>316,763</u>
BALANCE, December 31, 1998	1,229,703
Dividends declared and paid	(46,224)
Net income	<u>113,028</u>
BALANCE, December 31, 1999	<u>\$1,296,507</u>

The accompanying notes are an integral part of these statements.

HEALTH LIABILITY MANAGEMENT CORPORATION

STATEMENTS OF CASH FLOWS  
FOR THE YEARS ENDED DECEMBER 31, 1999 AND 1998  
 (See Accountants' Review Report)

	1999	1998
<b>CASH FLOWS FROM OPERATING ACTIVITIES:</b>		
Net income	\$113,028	\$316,763
Adjustments to reconcile net income to net cash provided by (used in) operating activities:		
Depreciation and amortization	97,541	87,308
Increase in accounts receivable	(760,009)	(309,969)
Increase in inventories	(57,702)	(133,759)
Increase in prepaid expenses and deposits	(25,825)	(18,068)
Decrease in other assets	1,802	657
Increase in accounts payable	295,067	42,175
Increase in customer deposits	18,097	33,353
Increase in deferred service contract revenue	167,091	87,813
Increase (decrease) in accrued expenses	<u>(8,495)</u>	<u>161,009</u>
Net cash provided by (used in) operating activities	<u>(159,405)</u>	<u>267,282</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES:</b>		
Acquisition of fixed assets	(271,115)	(104,683)
Increase in cash surrender value of officer's life insurance	<u>(5,156)</u>	<u>(4,977)</u>
Net cash used in investing activities	<u>(276,271)</u>	<u>(109,660)</u>
<b>CASH FLOWS FROM FINANCING ACTIVITIES:</b>		
Proceeds from notes receivable - stockholders	14,447	14,262
Increase in note payable to a bank	344,000	306,779
Proceeds from long - term debt	154,495	-
Payments of long - term debt	(46,207)	(37,660)
Decrease in management fee advance	-	(322,460)
Payments of dividends to stockholders	(46,224)	(104,800)
Payments of capital lease obligation	<u>(9,045)</u>	<u>(10,303)</u>
Net cash provided by (used in) financing activities	<u>411,466</u>	<u>(154,182)</u>
<b>NET INCREASE (DECREASE) IN CASH</b>	<b>(24,210)</b>	<b>3,440</b>
<b>CASH, beginning of year</b>	<u>24,605</u>	<u>21,165</u>
<b>CASH, end of year</b>	<u>\$ 395</u>	<u>\$ 24,605</u>
<b>SUPPLEMENTAL DISCLOSURE OF CASH FLOW INFORMATION:</b>		
Cash paid for interest	<u>\$ 69,427</u>	<u>\$ 52,140</u>
Cash paid for state income and excise taxes	<u>\$ 29,142</u>	<u>\$ 2,131</u>

The accompanying notes are an integral part of these statements.

HEALTH LIABILITY MANAGEMENT CORPORATIONSTATEMENTS OF CASH FLOWS  
FOR THE YEARS ENDED DECEMBER 31, 1999 AND 1998  
(See Accountants' Review Report)SCHEDULE I

	<u>1999</u>		<u>1998</u>	
	<u>AMOUNT</u>	<u>RATIO</u>	<u>AMOUNT</u>	<u>RATIO</u>
<b>COST OF SALES AND SERVICE:</b>				
Beginning inventories	\$1,396,131		\$1,262,372	
Purchases	8,093,644		4,561,530	
Freight	<u>16,352</u>		<u>9,885</u>	
Goods available for sale	7,506,157		5,833,887	
Less - ending inventories	<u>1,453,833</u>		<u>1,396,131</u>	
Cost of inventory sold	6,052,324	43.2%	4,437,756	37.4%
Direct labor	1,127,611	8.1	1,150,288	9.8
Subcontracted labor	615,279	4.4	555,709	4.7
Payroll taxes	95,418	0.7	98,751	0.8
Vehicle lease	85,486	0.6	96,890	0.8
Employee benefits and workers' compensation	72,278	0.5	81,061	0.7
Vehicle insurance, maintenance and repairs	67,426	0.5	61,355	0.5
Miscellaneous job costs and other	35,246	0.2	33,828	0.3
Depreciation	28,428	0.2	23,294	0.2
Job travel expense	26,771	0.2	22,895	0.2
Training and development	22,487	0.2	19,979	0.2
Small tools	13,183	0.1	10,987	0.1
Equipment rental	<u>7,456</u>	<u>-</u>	<u>7,076</u>	<u>0.1</u>
Total cost of sales and service	<u>\$8,249,393</u>	<u>58.9%</u>	<u>\$8,599,869</u>	<u>55.6%</u>

The accompanying notes are an integral part of these statements.

HEALTH LIABILITY MANAGEMENT CORPORATION

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DECEMBER 31, 1995 AND 1994

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HEALTH CARE FINANCIAL MANAGEMENT CORPORATION

COMBINING STATEMENT OF CASH FLOWS  
FOR THE YEAR ENDED DECEMBER 31, 1994  
(See Accounting Review Report)

	HLMC NETWORK SYSTEMS	HLMC TELECOM SYSTEMS	INTERCOMPANY ELIMINATIONS	COMBINED TOTALS
<b>CASH FLOWS FROM OPERATING ACTIVITIES:</b>				
Net income	\$ 53,645	\$ 8,341	\$ -	\$ 61,986
Non-cash expenses, revenues, losses and gains included in income:				
Depreciation and amortization	62,868	16,942	-	79,810
(Increase) decrease in accounts receivable	16,526	(9,292)	-	7,234
(Increase) decrease in inventories	147,861	(258,981)	-	(111,120)
Increase in prepaid expenses	(26,325)	(12,930)	-	(39,255)
Increase in other assets	(599)	-	-	(599)
Increase in accounts payable	11,435	98,737	-	110,172
Increase in customer deposits	19,507	16,583	-	36,090
Increase in deferred service contract revenue	4,937	25,055	-	29,992
Increase (decrease) in accrued expenses	(16,668)	27,787	-	11,119
Net cash provided by (used in) operating activities	<u>273,187</u>	<u>(87,750)</u>		<u>185,429</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES:</b>				
Acquisition of fixed assets	(33,878)	(44,107)		(77,985)
Increase in cash surrender value of officer's life insurance	(4,689)	-		(4,689)
Net cash used in investing activities	<u>(38,567)</u>	<u>(44,107)</u>		<u>(82,674)</u>
<b>CASH FLOWS FROM FINANCING ACTIVITIES:</b>				
Increase (decrease) in due to affiliated companies	25,931	(180,596)	154,665	
Increase (decrease) in due from affiliated companies	180,596	(25,931)	(154,665)	
Proceeds from notes receivable - stockholders	12,713	1,547	-	14,260
Decrease in notes payable to a bank	(597,016)	(78,600)	-	(675,616)
Proceeds from long-term debt	400,000	-	-	400,000
Payments of long-term debt	(447,642)	-	-	(447,642)
Increase in management fee advance	-	322,460	-	322,460
Payments of capital lease obligation	-	(9,520)	-	(9,520)
Additional capital contributed	-	46,186	-	46,186
Net cash provided by (used in) financing activities	<u>(425,418)</u>	<u>75,546</u>		<u>(349,872)</u>
<b>NET DECREASE IN CASH</b>	<b>(190,798)</b>	<b>(56,319)</b>		<b>(247,117)</b>
<b>CASH, at beginning of year</b>	<u><b>203,370</b></u>	<u><b>64,912</b></u>		<u><b>268,282</b></u>
<b>CASH, at end of year</b>	<u><b>\$ 12,572</b></u>	<u><b>\$ 8,593</b></u>	<u><b>\$ -</b></u>	<u><b>\$ 21,165</b></u>

The accompanying notes are an integral part of these combining statements.

HEALTH LIABILITY MANAGEMENT CORPORATIONBALANCE SHEETSDECEMBER 31, 1995 AND 1994

(See Accountants' Review Report)

	<u>ASSETS</u>	
	1995	1994
<b>CURRENT ASSETS:</b>		
Cash	\$ 24,605	\$ 21,165
Accounts receivable, net of allowance for doubtful accounts of \$11,000 and \$12,280 at December 31, 1995 and 1994, respectively	1,299,661	1,042,392
Inventories	1,396,131	1,262,372
Prepaid expenses	139,661	68,893
Current portion of notes receivable - stockholders	<u>14,261</u>	<u>14,261</u>
Total current assets	<u>2,874,319</u>	<u>2,409,083</u>
<b>FIXED ASSETS, at cost:</b>		
Computers	209,775	180,025
Office furniture, fixtures and equipment	167,705	182,808
Demonstration equipment and tools	185,649	96,860
Leasehold improvements	105,299	105,299
Equipment under capital lease	9,719	9,719
Motor vehicle	<u>7,500</u>	<u>7,500</u>
	685,647	582,211
Less - accumulated depreciation	<u>457,729</u>	<u>396,353</u>
Net fixed assets	<u>227,918</u>	<u>186,858</u>
<b>OTHER ASSETS:</b>		
Purchased customer base, net of accumulated amortization of \$63,161 and \$39,476 at December 31, 1995 and 1994, respectively	102,638	126,323
Notes receivable - stockholders, less current portion	28,518	42,780
Cash surrender value of officer's life insurance	32,074	27,097
Other	<u>15,699</u>	<u>16,356</u>
Total other assets	<u>178,929</u>	<u>212,556</u>
	<u>\$3,281,166</u>	<u>\$2,808,497</u>

LIABILITIES AND STOCKHOLDERS' EQUITY

<b>CURRENT LIABILITIES:</b>		
Notes payable to a bank	\$ 521,000	\$ 214,221
Current portion of long-term debt	37,542	33,894
Current portion of capital lease obligation	9,045	9,045
Accounts payable	384,532	342,357
Customer deposits	89,958	56,605
Deferred service contract revenue	320,369	232,556
Account management fee advance	-	322,460
Accrued expenses	<u>413,511</u>	<u>252,502</u>
Total current liabilities	<u>1,775,957</u>	<u>1,463,640</u>
LONG-TERM DEBT, less current portion	<u>69,522</u>	<u>110,830</u>
CAPITAL LEASE OBLIGATION, less current portion	<u>715</u>	<u>11,018</u>
<b>STOCKHOLDERS' EQUITY:</b>		
Common stock, no par value, 27,500 shares authorized, 1,500 shares issued and outstanding	205,269	205,269
Retained earnings	<u>1,229,703</u>	<u>1,017,740</u>
Total stockholders' equity	<u>1,434,972</u>	<u>1,223,009</u>
	<u>\$3,281,166</u>	<u>\$2,808,497</u>

The accompanying notes are an integral part of these statements.

HEALTH LIABILITY MANAGEMENT CORPORATION

STATEMENTS OF CASH FLOWS  
FOR THE YEARS ENDED DECEMBER 31, 1995 AND 1994  
(See Accountants' Review Report)

	<u>1995</u>	<u>1994</u>
<b>CASH FLOWS FROM OPERATING ACTIVITIES:</b>		
Net income	\$316,763	\$ 61,986
Adjustment to reconcile net income to net cash provided by operating activities:		
Depreciation and amortization	87,308	79,810
(Increase) decrease in accounts receivable	(257,289)	7,234
Increase in inventories	(133,759)	(111,120)
Increase in prepaid expenses	(70,768)	(39,255)
(Increase) decrease in other assets	657	(599)
Increase in accounts payable	42,175	110,172
Increase in customer deposits	33,353	36,090
Increase in deferred service contract revenue	87,813	29,992
Increase in accrued expenses	<u>161,009</u>	<u>11,119</u>
Net cash provided by operating activities	<u>267,282</u>	<u>185,429</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES:</b>		
Acquisition of fixed assets	(104,683)	(77,985)
Increase in cash surrender value of officer's life insurance	<u>(4,877)</u>	<u>(4,889)</u>
Net cash used in investing activities	<u>(109,660)</u>	<u>(82,674)</u>
<b>CASH FLOWS FROM FINANCING ACTIVITIES:</b>		
Proceeds from notes receivable - stockholders	14,262	14,260
Increase (decrease) in notes payable to a bank	306,779	(675,616)
Proceeds from long-term debt	-	400,000
Payments of long-term debt	(37,660)	(447,642)
Increase (decrease) in management fee advance	(322,480)	322,480
Payments of dividends to stockholders	(104,800)	-
Payments of capital lease obligation	(10,303)	(9,520)
Additional capital contributed	<u>-</u>	<u>46,188</u>
Net cash used in financing activities	<u>(154,182)</u>	<u>(349,872)</u>
<b>NET INCREASE (DECREASE) IN CASH</b>	<b>3,440</b>	<b>(247,117)</b>
CASH, beginning of year	<u>21,165</u>	<u>268,282</u>
CASH, at end of year	<u>\$ 24,605</u>	<u>\$ 21,165</u>
<b>SUPPLEMENTAL DISCLOSURE OF CASH FLOW INFORMATION:</b>		
Cash paid for interest	<u>\$ 52,140</u>	<u>\$ 80,350</u>
Cash paid for state excise tax	<u>\$ 2,131</u>	<u>\$ 8,210</u>

The accompanying notes are an integral part of these statements.



SCHEDULE IHEALTH LIABILITY MANAGEMENT CORPORATION

SCHEDULES OF COST OF SALES AND SERVICE  
FOR THE YEARS ENDED DECEMBER 31, 1995 AND 1994  
 (See Accountants' Review Report)

	<u>1995</u>		<u>1994</u>	
	<u>AMOUNT</u>	<u>RATIO</u>	<u>AMOUNT</u>	<u>RATIO</u>
<b>COST OF SALES AND SERVICE:</b>				
Beginning inventories	\$1,262,372		\$1,151,252	
Purchases	4,561,530		2,109,832	
Factory repairs	-		-84,986	
Freight	<u>9,985</u>		<u>19,972</u>	
Goods available for sale	5,833,887		3,366,042	
Less - ending inventories	<u>1,396,131</u>		<u>1,262,372</u>	
Cost of inventory sold	4,437,756	37.4%	2,103,670	25.1%
Direct labor	1,150,288	9.6	1,094,546	13.0
Subcontracted labor	555,709	4.7	296,575	3.5
Payroll taxes	98,751	0.8	93,118	1.1
Vehicle leases	96,890	0.8	84,460	1.0
Employee benefits and workers' compensation	81,061	0.7	76,560	0.9
Vehicle insurance, maintenance and repairs	61,355	0.5	73,168	0.9
Miscellaneous job costs and other	33,828	0.5	21,176	0.3
Depreciation	23,294	0.2	15,792	0.2
Job travel expense	22,895	0.2	33,981	0.4
Training and development	19,979	0.2	18,103	0.2
Small tools	10,987	0.1	13,330	0.2
Equipment rental	<u>7,076</u>	<u>0.1</u>	<u>13,437</u>	<u>0.2</u>
Total cost of sales and service	<u>\$6,599,869</u>	<u>55.6%</u>	<u>\$3,937,916</u>	<u>47.0%</u>

The accompanying notes are an integral part of these statements.

**STATEMENTS OF OPERATIONS**  
**FOR THE YEARS ENDED DECEMBER 31, 1995 AND 1994**  
(See Accountants' Review Report)

	1995		1994	
	AMOUNT	RATIO	AMOUNT	RATIO
SALES AND SERVICE	\$ 8,846,891	74.5%	\$ 5,332,821	63.4%
COMMISSIONS AND ACCOUNT MANAGEMENT FEES	<u>3,029,854</u>	<u>25.5</u>	<u>3,041,685</u>	<u>36.6</u>
Total Revenue	11,876,845	100.0	8,374,506	100.0
COST OF SALES AND SERVICE (Schedule I)	<u>6,599,869</u>	<u>55.6</u>	<u>937,916</u>	<u>47.0</u>
Gross profit	<u>5,276,976</u>	<u>44.4</u>	<u>4,436,590</u>	<u>53.0</u>
OPERATING EXPENSES:				
Selling expenses (Schedule II)	2,924,555	24.6	2,726,865	32.6
General and administrative expenses (Schedule II)	<u>2,001,406</u>	<u>6.9</u>	<u>1,584,042</u>	<u>18.9</u>
Total operating expenses	<u>4,925,961</u>	<u>41.5</u>	<u>4,310,907</u>	<u>51.5</u>
Operating income	351,015	2.9	125,683	1.5
INTEREST AND OTHER INCOME	17,888	0.2	16,653	0.2
INTEREST EXPENSE	(52,140)	(0.4)	(80,350)	(1.0)
Net income	<u>\$ 316,763</u>	<u>2.7%</u>	<u>\$ 61,986</u>	<u>0.7%</u>

The accompanying notes are an integral part of these statements.

NOTES TO FINANCIAL STATEMENTSDECEMBER 31, 1995 AND 1994

(See Accountants' Review Report)

(Continued)

## (1) OPERATIONS AND MERGER, SIGNIFICANT REPORTING AND ACCOUNTING POLICIES

OPERATIONS AND MERGER

Health Liability Management Corporation (formerly HLMC Telecommunications Services, Inc.) (the Company) is a telecommunications company providing computer and communication network solutions. The Company sells and services wide area and premises networking which allows for the interoperability of computer and telecommunication systems. The Company also carries on the business operations of Executone Inc. (see below). Effective January 3, 1996, the Company changed its name from HLMC Telecommunications Services, Inc. to Health Liability Management Corporation.

Effective December 31, 1995, HLMC Network Services, Inc., a company which was affiliated by common ownership and management, merged into the Company. The accompanying financial statements reflect the combined operations of both companies for 1995 and 1994, and the combined financial position as of December 31, 1994. The following is a summary of the separate company results of operations and financial position.

SUMMARY RESULTS OF OPERATIONS

	<u>HLMC Telecomm</u>		<u>HLMC Telecomm</u>	
	<u>1995</u>	<u>1994</u>	<u>1995</u>	<u>1994</u>
Total revenue	\$9,016,950	\$5,597,661	\$2,859,695	\$2,776,845
Costs and expenses	<u>8,780,924</u>	<u>5,578,099</u>	<u>744,906</u>	<u>670,724</u>
Operating income	236,026	19,562	114,989	106,121
Interest and other	<u>(21,491)</u>	<u>(11,221)</u>	<u>(12,761)</u>	<u>(52,476)</u>
Net income	<u>\$ 214,535</u>	<u>\$ 8,341</u>	<u>\$ 102,228</u>	<u>\$ 53,645</u>

SUMMARY FINANCIAL POSITION

	<u>HLMC Telecomm</u>		<u>HLMC Telecomm</u>	
	<u>1995</u>	<u>1994</u>	<u>1995</u>	<u>1994</u>
Current assets	\$1,833,095	\$1,322,905	\$1,195,153	\$1,112,109
Fixed assets, net	128,648	62,983	99,270	123,875
Other assets	<u>9,635</u>	<u>4,641</u>	<u>169,294</u>	<u>207,915</u>
	<u>\$1,971,378</u>	<u>\$1,390,529</u>	<u>\$1,463,717</u>	<u>\$1,443,899</u>
Current liabilities	\$1,308,904	\$ 932,280	\$ 620,987	\$ 557,291
Long term debt	715	11,018	69,522	110,830
Total	1,309,619	943,298	690,509	668,121
Stockholders' Equity	<u>661,759</u>	<u>447,231</u>	<u>773,208</u>	<u>775,778</u>
	<u>\$1,971,378</u>	<u>\$1,390,529</u>	<u>\$1,463,717</u>	<u>\$1,443,899</u>

All significant intercompany transactions have been eliminated in the combined financial statements.

HEALTH LIABILITY MANAGEMENT CORPORATION

COMBINING BALANCE SHEETS  
DECEMBER 31, 1991 AND 1990  
(See Accounting Review Report)

ASSETS  
(Notes 2 And 3)

1991

1990

	HLMC NETWORK SYSTEMS	HLMC TELCOM SYSTEMS	INTERCOMPANY ELIMINATIONS	COMBINED TOTALS	HLMC NETWORK SYSTEMS	HLMC TELCOM SYSTEMS	INTERCOMPANY ELIMINATIONS	COMBINED TOTALS
<b>CURRENT ASSETS:</b>								
Cash	\$ 32,372	\$ 2,293	\$ -	\$ 21,165	\$ 203,370	\$ 64,912	\$ -	\$ 268,282
Accounts receivable, net of allowance for doubtful accounts of \$12,700 and \$19,000 at December 31, 1991 and 1990, respectively	265,232	774,670	-	3,042,392	287,240	767,370	-	1,049,610
Due from affiliated company (Note 1)	-	25,931	(25,931)	-	160,594	(160,594)	-	-
Inventories (Note 1)	771,436	400,716	-	1,767,372	671,517	220,725	-	1,538,252
Prepaid expenses	47,444	21,447	-	68,893	21,421	8,517	-	29,938
Current portion of notes receivable - stockholders (Note 3)	12,713	1,340	-	14,261	12,213	1,340	-	14,261
Total current assets	<u>1,117,207</u>	<u>1,226,387</u>	<u>(122,931)</u>	<u>3,407,001</u>	<u>1,077,363</u>	<u>1,077,056</u>	<u>(160,594)</u>	<u>2,311,055</u>
<b>PROP ASSETS, at cost (Notes 1 and 2):</b>								
Computers	155,320	24,697	-	180,023	151,235	-	-	154,135
Office furniture, fixtures and equipment	156,404	20,404	-	187,808	146,759	11,269	-	157,428
Communication equipment and tools	69,005	27,733	-	96,760	67,635	17,094	-	70,759
Leasehold improvements	105,299	-	-	105,299	92,550	-	-	82,550
Equipment under capital lease	-	9,710	-	9,710	-	22,325	-	22,325
Motor vehicle	7,300	-	-	7,300	7,500	-	-	7,500
Less - accumulated depreciation	(481,616)	(90,295)	-	(571,911)	(487,000)	(50,696)	-	(537,696)
Net fixed assets	<u>297,713</u>	<u>62,216</u>	<u>-</u>	<u>359,929</u>	<u>270,179</u>	<u>81,718</u>	<u>-</u>	<u>351,897</u>
<b>TIME ASSETS:</b>								
Forfeited customer base, net of accumulated amortization of \$19,430 and \$15,700 in 1991 and 1990, respectively (Note 4)	120,323	-	-	794,323	150,000	-	-	150,000
Notes receivable - stockholders, less current portion (Note 3)	20,130	1,641	-	42,700	50,832	4,180	-	57,040
Cash surrender value of officer's life insurance (Note 1)	21,007	-	-	27,007	21,400	-	-	22,400
Other	14,236	-	-	18,216	15,737	-	-	15,737
Total time assets	<u>165,703</u>	<u>1,641</u>	<u>-</u>	<u>882,246</u>	<u>737,969</u>	<u>4,180</u>	<u>-</u>	<u>795,257</u>
	<u>\$1,452,922</u>	<u>\$1,290,327</u>	<u>\$(122,931)</u>	<u>\$2,620,572</u>	<u>\$1,909,729</u>	<u>\$1,115,074</u>	<u>\$(160,594)</u>	<u>\$2,923,729</u>

LIABILITIES AND STOCKHOLDERS' EQUITY

<b>CURRENT LIABILITIES:</b>								
Notes payable to a bank (Note 2)	\$ 70,221	\$ 135,000	\$ -	\$ 314,723	\$ 674,233	\$ 213,600	\$ -	\$ 887,833
Current portion of long-term debt (Note 2)	31,094	-	-	31,094	43,894	-	-	43,894
Current portion of capital lease obligation (Note 3)	-	9,045	-	9,045	-	10,140	-	10,140
Accounts payable	70,201	269,126	-	242,332	61,766	170,419	-	232,185
Customer deposits	20,914	20,409	-	36,005	20,400	10,204	-	20,313
Unearned service contract revenues (Note 1)	707,501	25,023	-	232,356	202,366	-	-	202,366
Account management fee advance (Note 1)	-	322,460	-	322,460	-	-	-	-
Accrued expenses	307,677	144,875	-	232,302	324,203	117,040	-	261,161
Due to affiliated company (Note 1)	10,031	-	(10,031)	-	160,396	(160,396)	-	-
Total current liabilities	<u>1,407,739</u>	<u>927,923</u>	<u>\$(10,031)</u>	<u>1,407,631</u>	<u>1,319,702</u>	<u>500,459</u>	<u>\$(160,594)</u>	<u>1,659,567</u>
<b>LONG TERM DEBT, less current portion (Note 2)</b>	<u>100,020</u>	<u>-</u>	<u>-</u>	<u>100,020</u>	<u>140,622</u>	<u>-</u>	<u>-</u>	<u>140,622</u>
<b>TOTAL DEBT OBLIGATION, less current portion (Note 2)</b>	<u>150,759</u>	<u>31,000</u>	<u>-</u>	<u>210,651</u>	<u>250,324</u>	<u>10,140</u>	<u>-</u>	<u>191,189</u>
<b>STOCKHOLDERS' EQUITY (Notes 1 and 3):</b>								
Common stock, no par value	121,703	83,564	-	703,269	121,703	37,300	-	159,003
Retained earnings	456,075	367,665	-	1,012,740	600,430	233,374	-	833,754
Total stockholders' equity	<u>577,778</u>	<u>451,229</u>	<u>-</u>	<u>1,716,009</u>	<u>722,133</u>	<u>270,674</u>	<u>-</u>	<u>992,757</u>
	<u>\$1,452,922</u>	<u>\$1,290,327</u>	<u>\$(122,931)</u>	<u>\$2,620,572</u>	<u>\$1,909,729</u>	<u>\$1,115,074</u>	<u>\$(160,594)</u>	<u>\$2,923,729</u>

The accompanying notes are an integral part of these combining statements.

NOTES TO FINANCIAL STATEMENTSDECEMBER 31, 1995 AND 1994

(See Accountants' Review Report)

(Continued)

(1) OPERATIONS AND MERGER, SIGNIFICANT REPORTING AND ACCOUNTING POLICIES

(Continued)

OPERATIONS AND MERGER (Continued)

HLMC's business operations includes providing business telephone systems and related products and services. They have exclusive rights to sell, deliver, install and maintain, in substantially all of Central and Western Massachusetts, telephone products and systems manufactured and supported by Executone's agreement which will remain in force until terminated by thirty days written notice by their party. Under the agreement, the Company purchases Executone's systems and products at prices set out in price lists which may change without notice. It is not required to maintain a shelf stock and there are no franchise or other fees payable under this agreement. The Company may not sell, pledge, assign or transfer its common stock in any way which will change its controlling interest without prior written consent. The Company is also subject to several other operating restrictions as detailed in the agreement.

SIGNIFICANT REPORTING AND ACCOUNTING POLICIESSales

Sales are recognized upon completion of a job or when substantially all job related costs are incurred for major jobs in process. Service contract revenue is recognized evenly over the period of the contract. Commission and account management fees are recognized as sales upon receiving a signed order confirmation from the customer.

During the years ended December 31, 1995 and 1994, the Company derived commissions and fees of approximately \$2,165,000 and \$2,625,000, respectively, from one customer and approximately \$787,000 and \$417,000, respectively, from another customer. Contracts with these customers expire from one to three years. The larger contract may be cancelled by the customer with one year's notice or by the payment of one year's commission.

During 1994, the Company received an advance of \$322,460 from one of the significant customers. This amount was paid back to the customer in equal monthly payments during 1995.

Income Taxes

The Company, with the consent of its stockholders, has elected to be treated for income tax purposes as an "S" corporation under the Internal Revenue Service Code. Profits, losses, tax credits, etc., are allocated to and reported in the tax filings of the Company's stockholders. The Company and HLMC Telecommunications Services, (also an "S" corporation prior to the merger) filed separate tax returns through 1995.

Inventories

Inventories are stated at the lower of average actual cost or market and consist of the following:

	<u>1995</u>	<u>1994</u>
Telephone systems and related parts and components for sale and service	\$ 586,499	\$ 757,352
Cable runs and network equipment for sale and service	603,659	362,088
Jobs - in - process	<u>205,973</u>	<u>142,932</u>
	<u>\$1,396,131</u>	<u>\$1,262,372</u>

NOTES TO FINANCIAL STATEMENTSDECEMBER 31, 1995 AND 1994

(See Accountants' Review Report)

The Company also maintains a deferred compensation plan which covers substantially all employees. Under the plan, the Company matches up to 25% of the employees' voluntary contributions.

All contributions vest immediately. The Company's aggregate contribution to these plans for the years ended December 31, 1995 and 1994, was \$ 44,658 and \$ 33,258, respectively.

(5) STOCK PURCHASE AGREEMENT

In September, 1991, the Company entered into stock purchase agreements whereby two officers purchased an aggregate of 326 shares of the Company's common stock for \$118,210. The amount is payable in eight equal annual installments along with interest at the Company's bank's base lending rate. The amount due from the officers has been reflected as notes receivable - stockholders in the accompanying balance sheet. Upon the death, disability, or termination of any stockholder, the Company must buy back their stock at various prices in accordance with the provisions of the agreement. Certain life insurance policies are maintained to fund the acquisition of the stock in the event of death. (See note 9).

(6) PURCHASED CUSTOMER BASE

In April, 1993, the Company purchased an existing customer base and related assets from HLMC Telecommunications Services. The Company has the rights to service the existing customer base in all of central and western Massachusetts. The Company paid \$140,050, net of \$30,149 in related liabilities for warranty contracts.

Of the total amount paid for the system base, \$4,400 has been reflected as goodwill (other assets) and the remainder has been reflected as the purchased customer base in the accompanying balance sheets. The customer base is being amortized on a straight - line basis over seven years.

(7) LEASE AGREEMENTS

The Company leases its main facility which is owned by the principal stockholder. The annual rental rate is \$85,596 for the years ended December 31, 1995 and 1994. This lease provides that the Company pay real estate taxes and utilities. The annual rental rate through 1998, the expiration of the lease, is \$85,596.

The Company leases a second facility under a five - year agreement through December, 1996. Annual rental payments were \$18,504 for the years ended December 31, 1995 and 1994. This lease provides that the Company pay utilities and the rent is subject to escalation annually beginning in 1995, based on the increase in the consumer price index. The base rent is \$18,504 for 1996.

In January, 1994, the Company entered into a one - year agreement to lease a third facility at an annual rental of \$14,843. This lease provided that the Company pay a pro - rata portion of operating expenses and utilities. This lease was terminated. In January, 1995, the Company entered into an agreement to lease another facility at a monthly rate of \$2,600. Under this lease, which expires November 30, 1996, the Company is to maintain certain insurance coverage and pay a pro - rata portion of operating expenses and utilities. This lease may be terminated by the Company, with a cancellation penalty equal to two months rent, after one - year with ninety days written notice. In addition, the Company has an option to extended this lease for an additional three years at a rate to be negotiated.

The Company leased additional office space at a monthly rental of \$1,660 for six months in 1994.

In February, 1996, the Company entered into an agreement to rent additional office and warehouse space at a monthly rental of \$2,000. The Company is a tenant - at - wil.

The Company leases certain equipment and vehicles under various operating lease agreements that expire at various dates through 1998.

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March 1, 1997

To the Stockholders of Health Liability Management Corporation:

We have reviewed the accompanying balance sheets of Health Liability management Corporation as of December 31, 1996 and 1995, and the related statements of operations, changes in retained earnings, cash flows and schedules of cost of sales and service and selling, general and administrative expenses for the years then ended, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. All information included in these financial statements is the representation of the management of the Company.

A review consists principally of inquiries of company personnel and analytical procedures applied to financial data. It is substantially less in scope than an audit in accordance with generally auditing standards, the objective of which is the expression of an opinion regarding the financial statements taken as a whole. Accordingly, we do not express such an opinion.

Based on our reviews, we are not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in conformity with generally accepted accounting principles.

*Alexander, Aronson, Finning & Co., P.C.*





HEALTH LIABILITY MANAGEMENT CORPORATION

STATEMENTS OF OPERATIONS  
FOR THE YEARS ENDED DECEMBER 31, 1999 AND 1998  
(See Accountants' Review Report)

	1999		1998	
	<u>AMOUNT</u>	<u>RATIO</u>	<u>AMOUNT</u>	<u>RATIO</u>
SALES AND SERVICE	\$11,186,863	79.9%	\$ 8,846,991	74.5%
COMMISSIONS AND ACCOUNT MANAGEMENT FEES	<u>2,806,638</u>	<u>20.1</u>	<u>3,029,854</u>	<u>25.5</u>
Total revenue	13,993,501	100.0	11,876,845	100.0
COST OF SALES AND SERVICE (Schedule I)	<u>8,249,393</u>	<u>58.9</u>	<u>6,599,869</u>	<u>55.6</u>
Gross profit	<u>5,744,108</u>	<u>41.1</u>	<u>5,276,976</u>	<u>44.4</u>
OPERATING EXPENSES:				
Selling expenses (Schedule II)	3,603,674	25.8	2,983,269	25.1
General and administrative expenses (Schedule II)	<u>1,962,448</u>	<u>14.0</u>	<u>1,938,902</u>	<u>16.3</u>
Total operating expenses	<u>5,566,122</u>	<u>39.8</u>	<u>4,922,171</u>	<u>41.4</u>
Operating income	177,986	1.3	354,805	3.0
INTEREST AND OTHER INCOME	12,169	-	17,888	0.2
INTEREST EXPENSE	<u>(69,427)</u>	<u>(0.5)</u>	<u>(52,140)</u>	<u>(0.4)</u>
Income before state income taxes	120,728	0.8	320,553	2.8
STATE INCOME TAXES	<u>7,700</u>	<u>-</u>	<u>3,790</u>	<u>-</u>
Net income	<u>\$ 113,028</u>	<u>0.8%</u>	<u>\$ 316,763</u>	<u>2.8%</u>

The accompanying notes are an integral part of these statements.

HEALTH LIABILITY MANAGEMENT CORPORATIONSTATEMENTS OF CHANGES IN RETAINED EARNINGS  
FOR THE YEARS ENDED DECEMBER 31, 1999 AND 1998  
(See Accountants' Review Report)

BALANCE, December 31, 1997	\$1,017,740
Dividends declared and paid	(104,800)
Net income	<u>316,763</u>
BALANCE, December 31, 1998	1,229,703
Dividends declared and paid	(46,224)
Net income	<u>113,028</u>
BALANCE, December 31, 1999	<u>\$1,296,507</u>

The accompanying notes are an integral part of these statements.

**HEALTH LIABILITY MANAGEMENT CORPORATION**  
**STATEMENTS OF CASH FLOWS**  
**FOR THE YEARS ENDED DECEMBER 31, 1999 AND 1998**  
(See Accountants' Review Report)

	<u>1999</u>	<u>1998</u>
<b>CASH FLOWS FROM OPERATING ACTIVITIES:</b>		
Net income	\$113,028	\$316,763
Adjustments to reconcile net income to net cash provided by (used in) operating activities:		
Depreciation and amortization	97,541	87,308
Increase in accounts receivable	(760,009)	(309,969)
Increase in inventories	(57,702)	(133,759)
Increase in prepaid expenses and deposits	(25,825)	(18,068)
Decrease in other assets	1,802	657
Increase in accounts payable	295,067	42,175
Increase in customer deposits	18,097	33,353
Increase in deferred service contract revenue	167,091	87,813
Increase (decrease) in accrued expenses	<u>(8,495)</u>	<u>161,009</u>
Net cash provided by (used in) operating activities	<u>(159,405)</u>	<u>267,282</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES:</b>		
Acquisition of fixed assets	(271,115)	(104,683)
Increase in cash surrender value of officer's life insurance	<u>(5,156)</u>	<u>(4,977)</u>
Net cash used in investing activities	<u>(276,271)</u>	<u>(109,660)</u>
<b>CASH FLOWS FROM FINANCING ACTIVITIES:</b>		
Proceeds from notes receivable - stockholders	14,447	14,262
Increase in note payable to a bank	344,000	306,779
Proceeds from long - term debt	154,495	-
Payments of long - term debt	(46,207)	(37,660)
Decrease in management fee advance	-	(322,460)
Payments of dividends to stockholders	(46,224)	(104,800)
Payments of capital lease obligation	<u>(9,045)</u>	<u>(10,303)</u>
Net cash provided by (used in) financing activities	<u>411,466</u>	<u>(154,182)</u>
<b>NET INCREASE (DECREASE) IN CASH</b>	<b>(24,210)</b>	<b>3,440</b>
<b>CASH, beginning of year</b>	<b><u>24,605</u></b>	<b><u>21,165</u></b>
<b>CASH, end of year</b>	<b><u>\$ 395</u></b>	<b><u>\$ 24,605</u></b>
<b>SUPPLEMENTAL DISCLOSURE OF CASH FLOW INFORMATION:</b>		
Cash paid for interest	<u>\$ 69,427</u>	<u>\$ 52,140</u>
Cash paid for state income and excise taxes	<u>\$ 29,142</u>	<u>\$ 2,131</u>

The accompanying notes are an integral part of these statements.

**HEALTH LIABILITY MANAGEMENT CORPORATION****STATEMENTS OF CASH FLOWS  
FOR THE YEARS ENDED DECEMBER 31, 1999 AND 1998  
(See Accountants' Review Report)****SCHEDULE I**

	<u>1999</u>		<u>1998</u>	
	AMOUNT	RATIO	AMOUNT	RATIO
<b>COST OF SALES AND SERVICE:</b>				
Beginning inventories	\$1,398,131		\$1,262,372	
Purchases	6,093,644		4,561,530	
Freight	<u>16,382</u>		<u>9,985</u>	
Goods available for sale	7,508,157		5,833,887	
Less - ending inventories	<u>1,453,833</u>		<u>1,396,131</u>	
Cost of inventory sold	6,052,324	43.2%	4,437,756	37.4%
Direct labor	1,127,611	8.1	1,150,288	9.6
Subcontracted labor	615,279	4.4	555,709	4.7
Payroll taxes	95,418	0.7	98,751	0.8
Vehicle lease	85,486	0.6	96,890	0.8
Employee benefits and workers' compensation	72,278	0.5	81,061	0.7
Vehicle insurance, maintenance and repairs	67,426	0.5	61,355	0.5
Miscellaneous job costs and other	35,248	0.2	33,828	0.3
Depreciation	28,428	0.2	23,294	0.2
Job travel expense	26,771	0.2	22,895	0.2
Training and development	22,487	0.2	19,979	0.2
Small tools	13,183	0.1	10,987	0.1
Equipment rental	<u>7,456</u>	-	<u>7,076</u>	0.1
Total cost of sales and service	<u>\$8,249,393</u>	<u>58.9%</u>	<u>\$8,599,869</u>	<u>55.6%</u>

The accompanying notes are an integral part of these statements.

HEALTH LIABILITY MANAGEMENT CORPORATIONSCHEDULES OF SELLING, GENERAL AND ADMINISTRATIVE EXPENSES  
FOR THE YEARS ENDED DECEMBER 31, 1999 AND 1998  
(See Accountants' Review Report)SCHEDULE II

	<u>1999</u>		<u>1998</u>	
	<u>AMOUNT</u>	<u>RATIO</u>	<u>AMOUNT</u>	<u>RATIO</u>
<b>SELLING EXPENSES:</b>				
Sales salaries and commissions	\$2,910,024	20.8%	\$2,335,435	19.7%
Payroll taxes	240,932	1.7	183,120	1.5
Travel and entertainment	206,020	1.5	172,245	1.5
Employee benefits and workers' compensation	134,336	1.0	119,132	1.0
Advertising and promotion	56,640	0.4	70,913	0.6
Training and development	50,699	0.3	21,253	0.2
Recruitment and temporary help	36,599	0.3	29,042	0.2
Telephone	27,083	0.2	5,281	-
Sales material and printing	17,820	0.1	46,029	0.4
Miscellaneous	13,415	0.1	819	-
Cooperative advertising related cost reimbursements	<u>(89,894)</u>	<u>(0.6)</u>	<u>-</u>	<u>-</u>
<b>Total selling expenses</b>	<b><u>\$3,603,674</u></b>	<b><u>25.8%</u></b>	<b><u>\$2,603,269</u></b>	<b><u>25.1%</u></b>
<b>GENERAL AND ADMINISTRATIVE EXPENSES:</b>				
Administrative salaries	\$ 687,423	4.9%	\$ 721,597	6.1%
Telephone and Utilities	230,891	1.6	224,115	1.9
Rent	156,524	1.1	132,948	1.1
Insurance	132,220	1.0	138,782	1.2
Repairs and maintenance	98,273	0.7	54,216	0.5
Office supplies and postage	78,381	0.6	71,896	0.6
Legal, accounting and contract services	54,760	0.4	71,722	0.6
Profit sharing and deferred compensation contribution	53,175	0.4	44,658	0.4
Bad debts	50,700	0.4	50,008	0.4
Travel and entertainment	50,627	0.4	69,332	0.6
Payroll taxes	49,318	0.4	54,016	0.5
Employee benefits and workers' compensation	48,520	0.3	41,364	0.4
Equipment leases	46,379	0.3	38,970	0.3
Depreciation	45,428	0.3	40,329	0.3
Miscellaneous	32,540	0.2	40,128	0.3
Recruitment and temporary help	24,704	0.2	15,642	0.1
Dues and subscriptions	24,667	0.2	28,609	0.2
Amortization of customer base	23,685	0.2	23,685	0.2
Exercise and other taxes	21,767	0.1	-	-
Computer supplies	14,764	0.1	23,514	0.2
Vehicle leases	14,043	0.1	11,160	0.1
Training and development	12,016	0.1	26,842	0.2
Real estate taxes	8,300	-	11,453	0.1
Vehicle maintenance and repairs	<u>3,345</u>	<u>-</u>	<u>3,914</u>	<u>-</u>
<b>Total general and administrative expenses</b>	<b><u>\$1,962,448</u></b>	<b><u>14.0%</u></b>	<b><u>\$1,938,902</u></b>	<b><u>16.3%</u></b>

The accompanying notes are an integral part of these statements.

HEALTH LIABILITY MANAGEMENT CORPORATION

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DECEMBER 31, 1995 AND 1994

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HEALTH LIABILITY MANAGEMENT CORPORATION

COMBINING STATEMENTS OF CASH FLOWS  
FOR THE YEAR ENDED DECEMBER 31, 1984  
(See Accounting Series Report)

	HLMC NETWORK SYSTEMS	HLMC TELECOM SYSTEMS	INTERCOMPANY ELIMINATIONS	COMBINED TOTALS
<b>CASH FLOWS FROM OPERATING ACTIVITIES:</b>				
Net income	\$ 53,645	\$ 8,341	\$ -	\$ 61,986
Non-cash expenses, revenues, losses and gains included in income:				
Depreciation and amortization	62,868	16,942	-	79,810
(Increase) decrease in accounts receivable	16,526	(9,292)	-	7,234
(Increase) decrease in inventories	147,861	(258,981)	-	(111,120)
Increase in prepaid expenses	(26,325)	(12,930)	-	(39,255)
Increase in other assets	(599)	-	-	(599)
Increase in accounts payable	11,435	98,737	-	110,172
Increase in customer deposits	19,507	16,583	-	36,090
Increase in deferred service contract revenue	4,937	25,055	-	29,992
Increase (decrease) in accrued expenses	(16,668)	27,787	-	11,119
Net cash provided by (used in) operating activities	<u>273,187</u>	<u>(87,758)</u>		<u>185,429</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES:</b>				
Acquisition of fixed assets	(33,878)	(44,107)		(77,985)
Increase in cash surrender value of officer's life insurance	(4,689)	-		(4,689)
Net cash used in investing activities	<u>(38,567)</u>	<u>(44,107)</u>		<u>(82,674)</u>
<b>CASH FLOWS FROM FINANCING ACTIVITIES:</b>				
Increase (decrease) in due to affiliated companies	25,931	(180,596)	154,665	
Increase (decrease) in due from affiliated companies	180,596	(25,931)	(154,665)	
Proceeds from notes receivable - stockholders	12,713	1,547	-	14,260
Decrease in notes payable to a bank	(597,036)	(78,608)	-	(675,644)
Proceeds from long-term debt	400,000	-	-	400,000
Payments of long-term debt	(467,642)	-	-	(467,642)
Increase in management fee advance	-	322,460	-	322,460
Payments of capital lease obligation	-	(9,520)	-	(9,520)
Additional capital contributed	-	46,186	-	46,186
Net cash provided by (used in) financing activities	<u>(423,418)</u>	<u>75,546</u>		<u>(347,872)</u>
<b>NET DECREASE IN CASH</b>	<b>(190,798)</b>	<b>(56,319)</b>		<b>(247,117)</b>
CASH, at beginning of year	<u>203,370</u>	<u>64,912</u>		<u>268,282</u>
CASH, at end of year	<u>\$ 12,572</u>	<u>\$ 8,593</u>	<u>\$ -</u>	<u>\$ 21,165</u>

The accompanying notes are an integral part of these combining statements.

HEALTH LIABILITY MANAGEMENT CORPORATION

BALANCE SHEETS  
DECEMBER 31, 1995 AND 1994  
(See Accountants' Review Report)

	<u>ASSETS</u>	
	1995	1994
<b>CURRENT ASSETS:</b>		
Cash	\$ 24,605	\$ 21,165
Accounts receivable, net of allowance for doubtful accounts of \$11,000 and \$12,280 at December 31, 1995 and 1994, respectively	1,299,661	1,042,392
Inventories	1,396,131	1,262,372
Prepaid expenses	139,661	68,893
Current portion of notes receivable - stockholders	<u>14,261</u>	<u>14,261</u>
Total current assets	<u>2,874,319</u>	<u>2,409,083</u>
<b>FIXED ASSETS, at cost:</b>		
Computers	209,775	180,025
Office furniture, fixtures and equipment	167,705	182,808
Demonstration equipment and tools	185,649	96,860
Leasehold improvements	105,299	105,299
Equipment under capital lease	9,719	9,719
Motor vehicle	<u>7,500</u>	<u>7,500</u>
	685,647	582,211
Less - accumulated depreciation	<u>457,729</u>	<u>395,363</u>
Net fixed assets	<u>227,918</u>	<u>186,858</u>
<b>OTHER ASSETS:</b>		
Purchased customer base, net of accumulated amortization of \$63,161 and \$39,476 at December 31, 1995 and 1994, respectively	102,638	126,323
Notes receivable - stockholders, less current portion	28,518	42,780
Cash surrender value of officer's life insurance	32,074	27,097
Other	<u>15,699</u>	<u>16,356</u>
Total other assets	<u>178,929</u>	<u>212,556</u>
	<u>\$3,281,166</u>	<u>\$2,808,497</u>
	<u>LIABILITIES AND STOCKHOLDERS' EQUITY</u>	
<b>CURRENT LIABILITIES:</b>		
Notes payable to a bank	\$ 521,000	\$ 214,221
Current portion of long-term debt	37,542	33,894
Current portion of capital lease obligation	9,045	9,045
Accounts payable	384,532	342,357
Customer deposits	89,958	56,605
Deferred service contract revenue	320,369	232,556
Account management fee advance	-	322,460
Accrued expenses	<u>413,511</u>	<u>252,502</u>
Total current liabilities	<u>1,775,957</u>	<u>1,463,640</u>
LONG-TERM DEBT, less current portion	<u>69,522</u>	<u>110,830</u>
CAPITAL LEASE OBLIGATION, less current portion	<u>715</u>	<u>11,018</u>
<b>STOCKHOLDERS' EQUITY:</b>		
Common stock, no par value, 27,500 shares authorized, 1,500 shares issued and outstanding	205,269	205,269
Retained earnings	<u>1,229,703</u>	<u>1,017,740</u>
Total stockholders' equity	<u>1,434,972</u>	<u>1,223,009</u>
	<u>\$3,281,166</u>	<u>\$2,808,497</u>

The accompanying notes are an integral part of these statements.



HEALTH LIABILITY MANAGEMENT CORPORATION

COMBINED BALANCE SHEETS  
DECEMBER 31, 1991 AND 1990  
(See Accounting Review Report)

ASSETS  
(Notes 1 and 3)

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	1991				1990			
	HL/MC NETWORK SYSTEMS	HL/MC TELECOM SYSTEMS	INTERCOMPANY ELIMINATIONS	COMBINED TOTALS	HL/MC NETWORK SYSTEMS	HL/MC TELECOM SYSTEMS	INTERCOMPANY ELIMINATIONS	COMBINED TOTALS
<b>CURRENT ASSETS:</b>								
Cash	\$ 32,372	\$ 8,297	\$ -	\$ 28,165	\$ 287,370	\$ 64,912	\$ -	\$ 248,282
Accounts receivable, net of allowance for doubtful accounts of \$12,288 and \$19,088 at December 31, 1991 and 1990, respectively	265,712	774,670	-	1,042,382	287,248	767,378	-	1,049,626
Due from affiliated company (Note 1)	771,636	409,716	(25,921)	1,362,372	971,517	229,325	(188,396)	1,312,352
Inventory (Note 1)	47,446	21,447	-	68,893	21,821	8,517	-	29,638
Prepaid expenses	-	-	-	-	-	-	-	-
Current portion of notes receivable - stockholders (Note 1)	82,712	1,348	-	74,261	12,713	1,348	-	14,261
Total current assets	<u>1,199,878</u>	<u>1,215,478</u>	<u>(25,921)</u>	<u>1,409,435</u>	<u>1,600,761</u>	<u>1,072,600</u>	<u>(188,396)</u>	<u>1,514,965</u>
<b>NON-CURRENT ASSETS, at cost (Notes 1 and 2):</b>								
Computers	153,320	24,697	-	180,017	154,232	-	-	154,232
Office furniture, fixtures and equipment	151,481	20,404	-	187,886	142,158	11,249	-	157,427
Communication equipment and tools	69,085	27,773	-	96,858	41,535	17,006	-	58,541
Leasehold improvements	103,799	-	-	103,799	92,339	-	-	92,339
Equipment under capital lease	-	9,719	-	9,719	-	22,323	-	22,323
Motor vehicle	1,300	-	-	1,300	1,300	-	-	1,300
	489,905	60,393	-	550,298	439,564	30,688	-	470,252
Less - accumulated depreciation Net fixed assets	<u>(297,327)</u>	<u>(27,612)</u>	<u>-</u>	<u>(324,939)</u>	<u>(229,629)</u>	<u>(14,872)</u>	<u>-</u>	<u>(244,501)</u>
<b>OTHER ASSETS:</b>								
Deferred customer base, net of accumulated amortization of \$79,476 and \$83,700 in 1991 and 1990, respectively (Note 2)	120,323	-	-	120,323	120,000	-	-	120,000
Notes receivable - stockholders, less current portion (Note 1)	30,130	4,641	-	42,788	30,832	4,180	-	37,018
Cash surrender value of officer's life insurance (Note 1)	21,097	-	-	21,097	21,400	-	-	21,400
Other	16,816	-	-	16,816	11,737	-	-	11,737
Total other assets	<u>194,366</u>	<u>4,641</u>	<u>-</u>	<u>199,007</u>	<u>173,969</u>	<u>4,180</u>	<u>-</u>	<u>178,149</u>
	<u>\$1,594,244</u>	<u>\$1,229,522</u>	<u>\$(22,921)</u>	<u>\$1,800,845</u>	<u>\$1,909,720</u>	<u>\$1,115,972</u>	<u>\$(188,396)</u>	<u>\$1,721,324</u>
<b>LIABILITIES AND STOCKHOLDERS' EQUITY</b>								
<b>CURRENT LIABILITIES:</b>								
Notes payable to a bank (Note 2)	\$ 76,221	\$ 133,000	\$ -	\$ 214,221	\$ 476,227	\$ 211,600	\$ -	\$ 687,827
Current portion of long-term debt (Note 2)	31,896	-	-	31,896	43,894	-	-	43,894
Current portion of capital lease obligation (Note 1)	-	9,045	-	9,045	-	10,140	-	10,140
Accounts payable	33,261	364,156	-	397,417	61,766	170,439	-	232,205
Customer deposits	24,916	20,689	-	45,605	10,400	10,104	-	20,504
Deferred service contract revenue (Note 1)	200,501	27,033	-	227,534	201,364	-	-	201,364
Account management fee advance (Note 1)	-	372,466	-	372,466	-	-	-	-
Accrued expenses	107,627	116,875	-	224,502	124,293	117,060	-	241,353
Due to affiliated company (Note 1)	25,921	-	(25,921)	-	-	169,294	(188,396)	-
Total current liabilities	<u>779,343</u>	<u>1,013,019</u>	<u>(25,921)</u>	<u>1,466,441</u>	<u>1,176,784</u>	<u>708,607</u>	<u>(188,396)</u>	<u>1,388,995</u>
LONG-TERM DEBT, less current portion (Note 2)	160,620	-	-	160,620	160,622	-	-	160,622
TOTAL LEASE OBLIGATION, less current portion (Note 2)	-	11,018	-	11,018	-	19,443	-	19,443
<b>STOCKHOLDERS' EQUITY (Notes 1 and 3):</b>								
Common stock, no par value	121,703	87,366	-	209,069	121,703	27,300	-	149,003
Retained earnings	651,025	347,851	-	998,876	609,130	155,371	-	764,501
Total stockholders' equity	<u>772,728</u>	<u>435,217</u>	<u>-</u>	<u>1,208,045</u>	<u>730,833</u>	<u>182,671</u>	<u>-</u>	<u>913,504</u>
	<u>\$1,594,244</u>	<u>\$1,229,522</u>	<u>\$(22,921)</u>	<u>\$1,800,845</u>	<u>\$1,909,720</u>	<u>\$1,115,972</u>	<u>\$(188,396)</u>	<u>\$1,721,324</u>

The accompanying notes are an integral part of these combining statements.

HEALTH LIABILITY MANAGEMENT CORPORATION

STATEMENTS OF CASH FLOWS  
FOR THE YEARS ENDED DECEMBER 31, 1995 AND 1994  
(See Accountants' Review Report)

	<u>1995</u>	<u>1994</u>
<b>CASH FLOWS FROM OPERATING ACTIVITIES:</b>		
Net income	\$316,763	\$ 61,986
Adjustment to reconcile net income to net cash provided by operating activities:		
Depreciation and amortization	87,308	79,810
(Increase) decrease in accounts receivable	(257,269)	7,234
Increase in inventories	(133,759)	(111,120)
Increase in prepaid expenses	(70,768)	(39,255)
(Increase) decrease in other assets	657	(599)
Increase in accounts payable	42,175	110,172
Increase in customer deposits	33,353	38,090
Increase in deferred service contract revenue	87,813	29,992
Increase in accrued expenses	<u>161,009</u>	<u>11,119</u>
Net cash provided by operating activities	<u>267,282</u>	<u>185,429</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES:</b>		
Acquisition of fixed assets	(104,683)	(77,985)
Increase in cash surrender value of officer's life insurance	<u>(4,977)</u>	<u>(4,689)</u>
Net cash used in investing activities	<u>(109,660)</u>	<u>(82,674)</u>
<b>CASH FLOWS FROM FINANCING ACTIVITIES:</b>		
Proceeds from notes receivable - stockholders	14,262	14,260
Increase (decrease) in notes payable to a bank	306,779	(675,616)
Proceeds from long-term debt	-	400,000
Payments of long-term debt	(37,660)	(447,642)
Increase (decrease) in management fee advance	(322,460)	322,460
Payments of dividends to stockholders	(104,800)	-
Payments of capital lease obligation	(10,303)	(9,520)
Additional capital contributed	<u>-</u>	<u>46,186</u>
Net cash used in financing activities	<u>(154,182)</u>	<u>(349,872)</u>
NET INCREASE (DECREASE) IN CASH	3,440	(247,117)
CASH, beginning of year	<u>21,165</u>	<u>268,282</u>
CASH, at end of year	<u>\$ 24,605</u>	<u>\$ 21,165</u>
<b>SUPPLEMENTAL DISCLOSURE OF CASH FLOW INFORMATION:</b>		
Cash paid for interest	<u>\$ 52,140</u>	<u>\$ 80,350</u>
Cash paid for state excise tax	<u>\$ 2,131</u>	<u>\$ 6,210</u>

The accompanying notes are an integral part of these statements.

SCHEDULE 1HEALTH LIABILITY MANAGEMENT CORPORATION

SCHEDULES OF COST OF SALES AND SERVICE  
FOR THE YEARS ENDED DECEMBER 31, 1995 AND 1994  
 (See Accountants' Review Report)

	<u>1995</u>		<u>1994</u>	
	<u>AMOUNT</u>	<u>RATIO</u>	<u>AMOUNT</u>	<u>RATIO</u>
<b>COST OF SALES AND SERVICE:</b>				
Beginning inventories	\$1,262,372		\$1,151,252	
Purchases	4,561,530		2,109,832	
Factory repairs	-		-84,986	
Freight	<u>9,985</u>		<u>19,972</u>	
Goods available for sale	5,833,887		3,366,042	
Less - ending inventories	<u>1,396,131</u>		<u>1,262,372</u>	
Cost of inventory sold	4,437,756	37.4%	2,103,670	25.1%
Direct labor	1,150,288	9.6	1,094,546	13.0
Subcontracted labor	555,709	4.7	296,575	3.5
Payroll taxes	98,751	0.8	93,118	1.1
Vehicle leases	96,890	0.8	84,460	1.0
Employee benefits and workers' compensation	81,061	0.7	76,560	0.9
Vehicle insurance, maintenance and repairs	61,355	0.5	73,168	0.9
Miscellaneous job costs and other	33,828	0.5	21,176	0.3
Depreciation	23,294	0.2	15,792	0.2
Job travel expense	22,895	0.2	33,981	0.4
Training and development	19,979	0.2	18,103	0.2
Small tools	10,987	0.1	13,330	0.2
Equipment rental	<u>7,076</u>	<u>0.1</u>	<u>13,437</u>	<u>0.2</u>
Total cost of sales and service	<u>\$6,509,869</u>	<u>55.6%</u>	<u>\$3,937,916</u>	<u>47.0%</u>

The accompanying notes are an integral part of these statements.

**STATEMENTS OF OPERATIONS**  
**FOR THE YEARS ENDED DECEMBER 31, 1995 AND 1994**  
(See Accountants' Review Report)

	1995		1994	
	AMOUNT	RATIO	AMOUNT	RATIO
SALES AND SERVICE	\$ 8,846,991	74.5%	\$ 5,332,821	63.4%
COMMISSIONS AND ACCOUNT MANAGEMENT FEES	<u>3,029,854</u>	<u>25.5</u>	<u>3,041,685</u>	<u>36.6</u>
Total Revenue	11,876,845	100.0	8,374,506	100.0
COST OF SALES AND SERVICE (Schedule I)	<u>6,599,869</u>	<u>55.6</u>	<u>837,916</u>	<u>47.0</u>
Gross profit	<u>5,276,976</u>	<u>44.4</u>	<u>4,436,590</u>	<u>53.0</u>
OPERATING EXPENSES:				
Selling expenses (Schedule II)	2,924,555	24.6	2,726,865	32.6
General and administrative expenses (Schedule II)	<u>2,001,406</u>	<u>6.9</u>	<u>1,584,042</u>	<u>18.9</u>
Total operating expenses	<u>4,925,961</u>	<u>41.5</u>	<u>4,310,907</u>	<u>51.5</u>
Operating income	351,015	2.9	125,683	1.5
INTEREST AND OTHER INCOME	17,888	0.2	16,653	0.2
INTEREST EXPENSE	(52,140)	(0.4)	(80,350)	(1.0)
Net income	<u>\$ 316,763</u>	<u>2.7%</u>	<u>\$ 61,986</u>	<u>0.7%</u>

The accompanying notes are an integral part of these statements.

NOTES TO FINANCIAL STATEMENTSDECEMBER 31, 1995 AND 1994

(See Accountants' Review Report)

(Continued)

## (1) OPERATIONS AND MERGER, SIGNIFICANT REPORTING AND ACCOUNTING POLICIES

OPERATIONS AND MERGER

Health Liability Management Corporation (formerly HLMC Telecommunications Services, Inc.) (the Company) is a telecommunications company providing computer and communication network solutions. The Company sells and services wide area and premises networking which allows for the interoperability of computer and telecommunication systems. The Company also carries on the business operations of Executone Inc. (see below). Effective January 3, 1996, the Company changed its name from HLMC Telecommunications Services, Inc. to Health Liability Management Corporation.

Effective December 31, 1995, HLMC Network Services, Inc., a company which was affiliated by common ownership and management, merged into the Company. The accompanying financial statements reflect the combined operations of both companies for 1995 and 1994, and the combined financial position as of December 31, 1994. The following is a summary of the separate company results of operations and financial position.

SUMMARY RESULTS OF OPERATIONS

	<u>HLMC Telecomm</u>		<u>HLMC Telecomm</u>	
	<u>1995</u>	<u>1994</u>	<u>1995</u>	<u>1994</u>
Total revenue	\$9,016,950	\$5,597,661	\$2,859,895	\$2,776,645
Costs and expenses	<u>8,780,924</u>	<u>5,578,099</u>	<u>744,906</u>	<u>670,724</u>
Operating income	236,026	19,562	114,989	106,121
Interest and other	<u>(21,491)</u>	<u>(11,221)</u>	<u>(12,761)</u>	<u>(52,476)</u>
Net income	<u>\$ 214,535</u>	<u>\$ 8,341</u>	<u>\$ 102,228</u>	<u>\$ 53,645</u>

SUMMARY FINANCIAL POSITION

	<u>HLMC Telecomm</u>		<u>HLMC Telecomm</u>	
	<u>1995</u>	<u>1994</u>	<u>1995</u>	<u>1994</u>
Current assets	\$1,833,095	\$1,322,905	\$1,195,153	\$1,112,109
Fixed assets, net	128,648	62,983	99,270	123,875
Other assets	<u>9,636</u>	<u>4,641</u>	<u>169,294</u>	<u>207,915</u>
	<u>\$1,971,378</u>	<u>\$1,390,529</u>	<u>\$1,463,717</u>	<u>\$1,443,899</u>
Current liabilities	\$1,308,904	\$ 932,280	\$ 620,987	\$ 557,291
Long term debt	715	11,018	69,522	110,630
Total	1,309,619	943,298	690,509	668,121
Stockholders' Equity	<u>661,759</u>	<u>447,231</u>	<u>773,208</u>	<u>775,778</u>
	<u>\$1,971,378</u>	<u>\$1,390,529</u>	<u>\$1,463,717</u>	<u>\$1,443,899</u>

All significant intercompany transactions have been eliminated in the combined financial statements.

NOTES TO FINANCIAL STATEMENTSDECEMBER 31, 1995 AND 1994

(See Accountants' Review Report)

(Continued)

(1) OPERATIONS AND MERGER, SIGNIFICANT REPORTING AND ACCOUNTING POLICIES

(Continued)

OPERATIONS AND MERGER (Continued)

HLMC's business operations includes providing business telephone systems and related products and services. They have exclusive rights to sell, deliver, install and maintain, in substantially all of Central and Western Massachusetts, telephone products and systems manufactured and supported by Executone's agreement which will remain in force until terminated by thirty days written notice by their party. Under the agreement, the Company purchases Executone's systems and products at prices set out in price lists which may change without notice. It is not required to maintain a shelf stock and there are no franchise or other fees payable under this agreement. The Company may not sell, pledge, assign or transfer its common stock in any way which will change its controlling interest without prior written consent. The Company is also subject to several other operating restrictions as detailed in the agreement.

SIGNIFICANT REPORTING AND ACCOUNTING POLICIESSales

Sales are recognized upon completion of a job or when substantially all job related costs are incurred for major jobs in process. Service contract revenue is recognized evenly over the period of the contract. Commission and account management fees are recognized as sales upon receiving a signed order confirmation from the customer.

During the years ended December 31, 1995 and 1994, the Company derived commissions and fees of approximately \$2,165,000 and \$2,625,000, respectively, from one customer and approximately \$787,000 and \$417,000, respectively, from another customer. Contracts with these customers expire from one to three years. The larger contract may be cancelled by the customer with one year's notice or by the payment of one year's commission.

During 1994, the Company received an advance of \$322,460 from one of the significant customers. This amount was paid back to the customer in equal monthly payments during 1995.

Income Taxes

The Company, with the consent of its stockholders, has elected to be treated for income tax purposes as an "S" corporation under the Internal Revenue Service Code. Profits, losses, tax credits, etc., are allocated to and reported in the tax filings of the Company's stockholders. The Company and HLMC Telecommunications Services, (also an "S" corporation prior to the merger) filed separate tax returns through 1995.

Inventories

Inventories are stated at the lower of average actual cost or market and consist of the following:

	<u>1995</u>	<u>1994</u>
Telephone systems and related parts and components for sale and service	\$ 586,499	\$ 757,352
Cable runs and network equipment for sale and service	603,659	362,088
Jobs - in - process	<u>205,973</u>	<u>142,932</u>
	<b><u>\$1,396,131</u></b>	<b><u>\$1,262,372</u></b>

NOTES TO FINANCIAL STATEMENTSDECEMBER 31, 1995 AND 1994

(See Accountants' Review Report)

The Company also maintains a deferred compensation plan which covers substantially all employees. Under the plan, the Company matches up to 25% of the employees' voluntary contributions.

All contributions vest immediately. The Company's aggregate contribution to these plans for the years ended December 31, 1995 and 1994, was \$ 44,858 and \$ 33,258, respectively.

(5) STOCK PURCHASE AGREEMENT

In September, 1991, the Company entered into stock purchase agreements whereby two officers purchased an aggregate of 326 shares of the Company's common stock for \$118,210. The amount is payable in eight equal annual installments along with interest at the Company's bank's base lending rate. The amount due from the officers has been reflected as notes receivable - stockholders in the accompanying balance sheet. Upon the death, disability, or termination of any stockholder, the Company must buy back their stock at various prices in accordance with the provisions of the agreement. Certain life insurance policies are maintained to fund the acquisition of the stock in the event of death. (See note 9).

(6) PURCHASED CUSTOMER BASE

In April, 1993, the Company purchased an existing customer base and related assets from HLMC Telecommunications Services. The Company has the rights to service the existing customer base in all of central and western Massachusetts. The Company paid \$140,050, net of \$30,149 in related liabilities for warranty contracts.

Of the total amount paid for the system base, \$4,400 has been reflected as goodwill (other assets) and the remainder has been reflected as the purchased customer base in the accompanying balance sheets. The customer base is being amortized on a straight - line basis over seven years.

(7) LEASE AGREEMENTS

The Company leases its main facility which is owned by the principal stockholder. The annual rental rate is \$85,596 for the years ended December 31, 1995 and 1994. This lease provides that the Company pay real estate taxes and utilities. The annual rental rate through 1998, the expiration of the lease, is \$85,596.

The Company leases a second facility under a five - year agreement through December, 1996. Annual rental payments were \$18,504 for the years ended December 31, 1995 and 1994. This lease provides that the Company pay utilities and the rent is subject to escalation annually beginning in 1995, based on the increase in the consumer price index. The base rent is \$18,504 for 1996.

In January, 1994, the Company entered into a one - year agreement to lease a third facility at an annual rental of \$14,843. This lease provided that the Company pay a pro - rata portion of operating expenses and utilities. This lease was terminated. In January, 1995, the Company entered into an agreement to lease another facility at a monthly rate of \$2,600. Under this lease, which expires November 30, 1996, the Company is to maintain certain insurance coverage and pay a pro - rata portion of operating expenses and utilities. This lease may be terminated by the Company, with a cancellation penalty equal to two months rent, after one - year with ninety days written notice. In addition, the Company has an option to extended this lease for an additional three years at a rate to be negotiated.

The Company leased additional office space at a monthly rental of \$1,660 for six months in 1994.

In February, 1996, the Company entered into an agreement to rent additional office and warehouse space at a monthly rental of \$2,000. The Company is a tenant - at - will.

The Company leases certain equipment and vehicles under various operating lease agreements that expire at various dates through 1998.



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March 1, 1997

To the Stockholders of Health Liability Management Corporation:

We have reviewed the accompanying balance sheets of Health Liability management Corporation as of December 31, 1996 and 1995, and the related statements of operations, changes in retained earnings, cash flows and schedules of cost of sales and service and selling, general and administrative expenses for the years then ended, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants. All information included in these financial statements is the representation of the management of the Company.

A review consists principally of inquiries of company personnel and analytical procedures applied to financial data. It is substantially less in scope than an audit in accordance with generally auditing standards, the objective of which is the expression of an opinion regarding the financial statements taken as a whole. Accordingly, we do not express such an opinion.

Based on our reviews, we are not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in conformity with generally accepted accounting principles.

*Alexander, Aronson, Finning & Co., P.C.*



HEALTH LIABILITY MANAGEMENT CORPORATION

FINANCIAL STATEMENTS  
AS OF DECEMBER 31, 1995  
TOGETHER WITH  
ACCOUNTANT'S REVIEW REPORT

HEALTH LIABILITY MANAGEMENT CORPORATION

FINANCIAL STATEMENTS  
AS OF DECEMBER 31, 1996  
TOGETHER WITH  
ACCOUNTANT'S REVIEW REPORT

**NOTES TO FINANCIAL STATEMENTS****DECEMBER 31, 1996 AND 1995**

(See Accountants' Review Report)

(Continued)

**(3) NOTE PAYABLE TO A BANK (Continued)**

The line of credit agreement provides, among other things, that the Company may not, without prior written approval by the lender, incur certain additional borrowings, enter into additional lease commitments, pay dividends (except as related to certain stockholder taxes), issue additional shares of stock, make loans or advances or organize a subsidiary. Restrictions are also placed on the sale and lease of property and on officer compensation. The Company must maintain certain financial ratios and levels of working capital as specified in the agreement.

**(4) PROFIT SHARING AND DEFERRED COMPENSATION PLAN**

The Company maintains a qualified defined contribution profit sharing retirement plan which covers substantially all employees. Under the plan, the Company may contribute an amount up to 15% of qualified salaries. This contribution is determined annually at the discretion of the Board of Directors. The Company also maintains a deferred compensation plan which covers substantially all employees. Under the plan, the Company matches up to 25% of the employees' voluntary contributions.

All contributions vest immediate. The Company's aggregate contribution to these plans for the years ended December 31, 1996 and 1995, was \$53,175 and \$44,658, respectively.

**(5) STOCKHOLDER AGREEMENTS**

In September, 1991, the Company entered into stock purchase agreements whereby two officers purchased an aggregate of 328 shares of the Company's common stock for \$118,210. The amount is payable in eight equal annual installments along with interest at the Company's bank's base lending rate. The amount due from the officers has been reflected as notes receivable - stockholders in the accompanying balance sheets.

Upon the death, disability, or termination of any of the Company's stockholders, the Company must buy back their stock at various prices in accordance with the provisions of a stock buy-back agreement. Certain life insurance policies are maintained to fund the acquisition of the stock in the event of death (see Note 7).

From time to time, the Company makes advances to stockholders. The amounts outstanding at December 31, 1996 and 1995 of \$44,797 and \$52,700, respectively, are included in accounts receivable in the accompanying balance sheets.

HEALTH LIABILITY MANAGEMENT CORPORATION

STATEMENTS OF OPERATIONS  
FOR THE YEARS ENDED DECEMBER 31, 1996 AND 1995  
(See Accountants' Review Report)

	1996		1995	
	<u>AMOUNT</u>	<u>RATIO</u>	<u>AMOUNT</u>	<u>RATIO</u>
SALES AND SERVICE	\$11,186,863	79.9%	\$ 8,846,991	74.5%
COMMISSIONS AND ACCOUNT MANAGEMENT FEES	<u>2,806,638</u>	<u>20.1</u>	<u>3,029,854</u>	<u>25.5</u>
Total revenue	13,993,501	100.0	11,876,845	100.0
COST OF SALES AND SERVICE (Schedule I)	<u>8,249,393</u>	<u>58.9</u>	<u>6,599,869</u>	<u>55.6</u>
Gross profit	<u>5,744,108</u>	<u>41.1</u>	<u>5,276,976</u>	<u>44.4</u>
OPERATING EXPENSES:				
Selling expenses (Schedule II)	3,603,674	25.8	2,983,269	25.1
General and administrative expenses (Schedule II)	<u>1,962,448</u>	<u>14.0</u>	<u>1,938,902</u>	<u>16.3</u>
Total operating expenses	<u>5,566,122</u>	<u>39.8</u>	<u>4,922,171</u>	<u>41.4</u>
Operating income	177,986	1.3	354,805	3.0
INTEREST AND OTHER INCOME	12,169	-	17,888	0.2
INTEREST EXPENSE	<u>(69,427)</u>	<u>(0.5)</u>	<u>(52,140)</u>	<u>(0.4)</u>
Income before state income taxes	120,728	0.8	320,553	2.8
STATE INCOME TAXES	<u>7,700</u>	<u>-</u>	<u>3,790</u>	<u>-</u>
Net income	<u>\$ 113,028</u>	<u>0.8%</u>	<u>\$ 316,763</u>	<u>2.8%</u>

The accompanying notes are an integral part of these statements.

**NOTES TO FINANCIAL STATEMENTS**  
**DECEMBER 31, 1996 AND 1995**  
**(See Accountants' Review Report)**

(1) **OPERATIONS, SIGNIFICANT REPORTING AND ACCOUNTING POLICIES**

**OPERATIONS**

HLMC (the Company) is a telecommunications company providing computer and communication network solutions. The Company sells and services wide area and premises networking which allows for the interoperability of computer and telecommunication systems.

The Company also provides business telephone systems and related products and services. They have open brokerage rights to sell, deliver, install and maintain, in substantially all of central and western Massachusetts, telephone products, and systems manufactured and supported by Executone and Lucent Technologies, Inc.. This agreement will remain in force until terminated by thirty days written notice by either party. Under the agreement, the Company purchases Executone's systems and products at prices set out in price lists which may change without notice. It is not required to maintain a shelf stock and there are no franchise or other fees payable under this agreement. The Company may not sell, pledge, assign or transfer its common stock in any way which will change its controlling interest without prior written consent. The Company is also subject to several other operating restrictions as detailed in the agreement.

Effective January 3, 1996, the Company changed its name from Network Services, Inc., to HLMC Telecommunications Services.

Effective December 31, 1995, HLMC Telecommunications Services, a company which was affiliated by common ownership and management, merged into the Company. The accompanying financial statements reflect the combined operations of both companies for 1995.

**SIGNIFICANT REPORTING AND ACCOUNTING POLICIES**

**Sales**

Sales are recognized upon completion of a job or when substantially all job related costs are incurred for major jobs in process. Service contract revenue is recognized evenly over the period of the contract. Commission and account management fees are recognized as sales upon receiving a signed order confirmation from the customer.

During the years ended December 31, 1996 and 1995, the Company derived commissions and fees of approximately \$2,130,000 and \$2,165,000, respectively, from one customer and approximately \$672,000 and \$787,000, respectively, from another customer. Contracts with these customers expire over periods ranging from one to three years. The larger contract may be cancelled by the customer with one year's notice or by the payment of one year's commission.

HEALTH LIABILITY MANAGEMENT CORPORATIONSCHEDULES OF SELLING, GENERAL AND ADMINISTRATIVE EXPENSESFOR THE YEARS ENDED DECEMBER 31, 1996 AND 1995

(See Accountants' Review Report)

SCHEDULE II

	1996		1995	
	AMOUNT	RATIO	AMOUNT	RATIO
<b>SELLING EXPENSES:</b>				
Sales salaries and commissions	\$2,910,024	20.8%	\$2,335,435	19.7%
Payroll taxes	240,932	1.7	183,120	1.5
Travel and entertainment	206,020	1.5	172,245	1.5
Employee benefits and workers' compensation	134,336	1.0	119,132	1.0
Advertising and promotion	56,640	0.4	70,913	0.6
Training and development	50,699	0.3	21,253	0.2
Recruitment and temporary help	36,599	0.3	29,042	0.2
Telephone	27,083	0.2	5,281	-
Sales material and printing	17,820	0.1	46,029	0.4
Miscellaneous	13,415	0.1	819	-
Cooperative advertising related cost reimbursements	<u>(89,894)</u>	<u>(0.6)</u>	<u>-</u>	<u>-</u>
<b>Total selling expenses</b>	<b><u>\$3,603,674</u></b>	<b><u>25.8%</u></b>	<b><u>\$2,603,269</u></b>	<b><u>25.1%</u></b>
<b>GENERAL AND ADMINISTRATIVE EXPENSES:</b>				
Administrative salaries	\$ 687,423	4.9%	\$ 721,597	6.1%
Telephone and Utilities	230,891	1.8	224,115	1.9
Rent	156,524	1.1	132,948	1.1
Insurance	132,220	1.0	138,782	1.2
Repairs and maintenance	98,273	0.7	54,218	0.5
Office supplies and postage	78,381	0.6	71,896	0.6
Legal, accounting and contract services	54,760	0.4	71,722	0.6
Profit sharing and deferred compensation contribution	53,175	0.4	44,658	0.4
Bad debts	50,700	0.4	50,008	0.4
Travel and entertainment	50,627	0.4	69,332	0.6
Payroll taxes	49,316	0.4	54,016	0.5
Employee benefits and workers' compensation	48,520	0.3	41,364	0.4
Equipment leases	46,379	0.3	38,970	0.3
Depreciation	45,428	0.3	40,329	0.3
Miscellaneous	32,540	0.2	40,128	0.3
Recruitment and temporary help	24,704	0.2	15,642	0.1
Dues and subscriptions	24,667	0.2	28,609	0.2
Amortization of customer base	23,685	0.2	23,685	0.2
Exercise and other taxes	21,767	0.1	-	-
Computer supplies	14,764	0.1	23,514	0.2
Vehicle leases	14,043	0.1	11,160	0.1
Training and development	12,016	0.1	26,842	0.2
Real estate taxes	8,300	-	11,453	0.1
Vehicle maintenance and repairs	<u>3,345</u>	<u>-</u>	<u>3,914</u>	<u>-</u>
<b>Total general and administrative expenses</b>	<b><u>\$1,962,448</u></b>	<b><u>14.0%</u></b>	<b><u>\$1,938,902</u></b>	<b><u>16.3%</u></b>

The accompanying notes are an integral part of these statements.

**HEALTH LIABILITY MANAGEMENT CORPORATION****STATEMENTS OF CHANGES IN RETAINED EARNINGS  
FOR THE YEARS ENDED DECEMBER 31, 1996 AND 1995****(See Accountants' Review Report)**

BALANCE, December 31, 1994	\$1,017,740
Dividends declared and paid	(104,800)
Net income	<u>316,763</u>
BALANCE, December 31, 1995	1,229,703
Dividends declared and paid	(46,224)
Net income	<u>113,028</u>
BALANCE, December 31, 1996	<u>\$1,296,507</u>

The accompanying notes are an integral part of these statements.

**HEALTH LIABILITY MANAGEMENT CORPORATION**

**STATEMENTS OF CASH FLOWS**  
**FOR THE YEARS ENDED DECEMBER 31, 1996 AND 1995**  
(See Accountants' Review Report)

	1996	1995
<b>CASH FLOWS FROM OPERATING ACTIVITIES:</b>		
Net income	\$113,028	\$316,763
Adjustments to reconcile net income to net cash provided by (used in) operating activities:		
Depreciation and amortization	97,541	87,308
Increase in accounts receivable	(760,009)	(309,969)
Increase in inventories	(57,702)	(133,759)
Increase in prepaid expenses and deposits	(25,825)	(18,068)
Decrease in other assets	1,802	657
Increase in accounts payable	295,067	42,175
Increase in customer deposits	18,097	33,353
Increase in deferred service contract revenue	167,091	87,813
Increase (decrease) in accrued expenses	<u>(8,495)</u>	<u>161,009</u>
Net cash provided by (used in) operating activities	<u>(159,405)</u>	<u>267,282</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES:</b>		
Acquisition of fixed assets	(271,115)	(104,683)
Increase in cash surrender value of officer's life insurance	<u>(5,156)</u>	<u>(4,977)</u>
Net cash used in investing activities	<u>(276,271)</u>	<u>(109,660)</u>
<b>CASH FLOWS FROM FINANCING ACTIVITIES:</b>		
Proceeds from notes receivable - stockholders	14,447	14,262
Increase in note payable to a bank	344,000	306,779
Proceeds from long - term debt	154,495	-
Payments of long - term debt	(46,207)	(37,660)
Decrease in management fee advance	-	(322,460)
Payments of dividends to stockholders	(46,224)	(104,800)
Payments of capital lease obligation	<u>(9,045)</u>	<u>(10,303)</u>
Net cash provided by (used in) financing activities	<u>411,466</u>	<u>(154,182)</u>
<b>NET INCREASE (DECREASE) IN CASH</b>	<b>(24,210)</b>	<b>3,440</b>
CASH, beginning of year	<u>24,605</u>	<u>21,165</u>
CASH, end of year	<u>\$ 395</u>	<u>\$ 24,605</u>
<b>SUPPLEMENTAL DISCLOSURE OF CASH FLOW INFORMATION:</b>		
Cash paid for interest	<u>\$ 69,427</u>	<u>\$ 52,140</u>
Cash paid for state income and excise taxes	<u>\$ 29,142</u>	<u>\$ 2,131</u>

The accompanying notes are an integral part of these statements.



**NOTES TO FINANCIAL STATEMENTS**  
**DECEMBER 31, 1996 AND 1995**  
(See Accountants' Review Report)  
(Continued)

(6) **LEASE AGREEMENTS**

The Company leases its main facility from a realty trust of which the principal stockholder is the sole beneficiary. The annual rental rate is \$85,596 through 1998. This lease provides that the Company also pay real estate taxes and utilities. Subsequent to year end, the Company entered into negotiations for a new agreement at a different facility. The Company will continue to be responsible for paying the rent on the current facility until the term expires or the facility is sold or leased by the realty trust. The proposed terms of the agreement being negotiated include a lease with an option to buy the property. The proposed lease terms include rent at approximately \$162,000 annually, plus utilities, insurance, real estate taxes and other operating costs, for seven years, with the first three months free. The option to purchase the property is proposed to be for any time during the first year of the lease at a price of \$1,900,000.

The Company leased a second facility under a five-year agreement through December, 1996. Annual rental payments were \$18,504 for the years ended December 31, 1996 and 1995. This lease provided that the Company pay utilities. This lease was not renewed.

From January, 1995, until November 30, 1996, the Company leased a third facility at a monthly rate of \$2,600. The Company was also responsible for its proportionate share of operating costs. On December 1, 1996, the Company entered into an agreement for an annual rental of \$33,885, increasing by \$1,130 per year, through December 1, 1999. The Company is also responsible for its proportionate share of operating costs.

In February, 1996, the Company entered into an agreement to rent additional office and warehouse space at a monthly rental of \$2,000. The Company is a tenant-at-will. As of December 1, 1996, this rent was increased to \$3,000 per month.

In January, 1997, the Company entered into a one-year agreement to rent storage space for \$200 per month.

The Company leases certain equipment and vehicles under various operating lease agreements that expire at various dates through 2000.

**NOTES TO FINANCIAL STATEMENTS**  
**DECEMBER 31, 1996 AND 1995**  
 (See Accountants' Review Report)  
 (Continued)

(2) **LONG-TERM DEBT**

Long-term debt consists of the following:

	<u>1996</u>	<u>1995</u>
Note payable to a bank, due in equal monthly installments of \$5,100 beginning February, 1997, including principal and interest at 8.25%, through November 1999. Interest only is due from October, 1996 to January, 1997. The note is secured by certain equipment and is guaranteed by the principal stockholder. The Company may borrow an additional \$95,505 on this note. Subsequent to December 31, 1996, the Company borrowed an additional \$15,000 on this note	<u>\$154,495</u>	-----
Note payable to a bank, due in equal monthly installments of \$4,131, including principal and interest at 9.25%, through May, 1998, secured by substantially all assets of the Company and guaranteed by the principal stockholder	<u>61,571</u>	<u>107,064</u>
Less - current portion	<u>216,066</u> <u>83,517</u>	<u>107,064</u> <u>37,542</u>
	<u>\$132,549</u>	<u>\$ 69,522</u>

Remaining maturities of long-term debt are as follows:

<u>Year</u>	<u>Amount</u>
1997	\$83,517
1998	\$78,298
1999	\$54,251

(3) **NOTE PAYABLE TO A BANK**

The Company has a \$1,300,000 line of credit agreement with a bank. Borrowings are due on demand and are secured by substantially all assets of the Company. The Company may borrow the lesser of \$1,300,000 or 80% and 50%, respectively, of eligible accounts receivable and inventory, as defined in the agreement. Interest is payable monthly at 1% above the bank's base lending rate (6% at December 31, 1996 and 1995). In February, 1997, the Company and the bank renewed this line of credit at \$1,800,000, with substantially all the same terms.

The note payable is personally guaranteed by the principal stockholder and is collateralized by all the outstanding shares of the Company held by the principal stockholder.



FLORIDA DEPARTMENT OF STATE  
Sandra B. Mortham  
Secretary of State

July 19, 1996

HEALTH LIABILITY MANAGEMENT CORPORATION  
13738 OXBOW ROAD  
#100  
FORT MYERS, FL 33905

SUBJECT: HEALTH LIABILITY MANAGEMENT CORPORATION  
Ref. Number: P93000088530

We have received your document for HEALTH LIABILITY MANAGEMENT CORPORATION and check(s) totaling \$750.00. However, your check(s) and document are being returned for the following:

THERE WERE TWO CHECKS SUBMITTED WITH THE REINSTATEMENT FOR THE ABOVE CORPORATION. THE TOTAL REINSTATEMENT FEE WAS ONLY \$775.00, THEREFORE THE ADDITIONAL CHECK FOR \$750.00 IS BEING RETURNED.

If you have any questions concerning the filing of your document, please call (904) 487-6059.

Andy Dunlap  
Document Specialist

Letter Number: 296A00035004

<b>AIDA M. WEILER OR MICHAEL WILERT, MD</b> 941-282-0002 1137 HILLTOP DR. NAPLES, FL 33940		0172 05/03/1996 03-713/870 13
PAY TO THE ORDER OF <u>Florida Department of State</u> \$ <u>750.00</u>		
<u>Seven hundred-fifty dollars &amp; <sup>00</sup>/<sub>100</sub> cents</u> DOLLARS		
983-812 17126 San Carlos Boulevard Fort Myers Beach, Florida 33901	FOR <u>REDACTED</u> <i>ZH</i>	

U

Company Record  
NAME: HEALTH LIABILITY MGT CORP

ADDRESS: 1137 HILLTOP DR

CITY: NAPLES

STATE: FL ZIP CODE: 33940

CONTROL DATE: 1993

STATE INCORP: FL

PHONE NUMBER: 813 252-0002

FAX #: 82-613-0909

COUNTY: COLLIER

ASSETS: 1900,700,000

EMP. TOTAL: 0 EMP. HERE: 0

NAME OF BUSINESS: TELEPHONE COMMUNICATIONS

L SIC'S: 48130101

IMPORT EXPORT: NEITHER

PUBLIC IND: PRIVATE

STOCK:

ORGANIZATION: SINGLE ENTITY

SUBSIDIARY IND: NOT AVAILABLE

PARENT COMPANY:

OFFICERS:

MICHAEL SHAW, PRES (D); BONNIE WAGONER, TREAS (D); FREDERICK S. WAGONER, SEC (D); MICHAEL WEILERT MD, PRINCIPAL (D); Michael Shaw, Bonnie Wagoner, and Frederick S. Harb.

MICHAEL SHAW YEAR OF BIRTH: 0000 1936-present also active as an officer here. 1965-present has been active as an insurance broker for John Hancock Insurance, Sarasota, FL. On Jun 10 1994, the personnel department at John Hancock Insurance, Sarasota, FL indicated Michael Shaw, principal, was employed from Oct 01 1990-May 15 1992 as a marketing rep.

BONNIE WAGONER YEAR OF BIRTH: 0000 Antecedents are undetermined.

LINK:

ACCOUNTANT:

205 FAX  
MIKE 521 4390  
WILBORN

5-20-96  
TO: RONDA,  
TAMPA -05  
FR: RESEARCH

RE: ATTACHED.

**HMSV****Health Liability Management Corporation  
Health Management Systems Inc.**13738 Oxbow Road Suite 100 - Fort Myers, Florida 33905 ~ U.S.A.  
Phone 941-694-0084 ~ Fax 941-542-5202 ~ Email <http://www.cec.ucl.edu/indiv/hood/rhonorarc.doc.htm>

August 03, 1999

Name: Noreen S. Davis  
Director, Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399 - 0850

Dear Noreen,

The message you received on July 27, 1999, inquiring about the status of the Formal Complaint with the Issues of Memorandum TMS 3752 against GTE, which was processed and served by the State of Florida Public Service Commission Division of Consumer Affairs was because of the following reasons. This review of your records should have indicated that on May 26, 1998, a staff member from the Division of Communications wrote a letter explaining that the staff member Phil Trublehorn recommends closing the complaint because it can no longer render any further assistance beyond the findings listed above in the Issues of Memorandum TMS 3752, of the Formal Complaint. In accordance with S 120.57 a timely request was made to Charlie Pellegrini, LEG for a hearing within thirty days of this recommendation, and unless otherwise provided by a Commission order, the proposed recommendation, and/or action, shall become effective because the time within which to request a hearing never expired before the request. (Law Implemented 120.53 F.S., Specific Authority: 120.53, F.S.).

Further in accordance with 25-22.032: the commissions staff member shall propose a resolution of the complaint based on his findings, applicable state laws, the utility tariff, and Commission rules, regulations, and orders. The proposed resolution may be communicated to the parties orally or in writing. In this case our party objected to the proposed resolution, so we filed a request for an informal conference on the complaint. The request was in writing and was filed with both Charlie Pellegrini, and the Division of Consumer Affairs within thirty days after the proposed resolution was communicated to the parties. Upon receipt of the request the Director of the Division was to appoint a staff member to conduct the informal conference or the the Director may make a recommendation to the Commission for dismissal based on a finding that the complaint state no basis for relief under the Florida Statutes, Commission rules, or orders, or the applicable tariffs. The relief under the Florida Statutes, Commission rules or orders or the applicable tariffs are as stated in the Issues of Memorandum TMS3752 of the Formal Complaint in question number six (6), was GTE to provide the cooperative test results? YES. Were these tests provided? NO. Can GTE provide them now? NO. GTE Intrastate Access tariffs require giving cooperative test results. Cooperative test results were not given and cannot be given now as GTE reports that it did not retain them. This is truly in direct violation of the Florida Statutes, Commission rules or orders, or the applicable tariffs. Complete failure to comply with this request for informal conference is evident because confirmation of the informal conference was never received of whether granted or not granted. This is clearly indicative because if the informal conference had been granted the appointed staff member shall have no prior contact with the complaint. The appointed staff member never consulted with the parties and a written notice to the parties setting forth the procedures to be employed was never received with dates written materials to be filed and time and place for the informal conference notice of no sooner than (10) ten days following the notice. Therefor a settlement has not been reached, and the 20 days following the informal conference or the last post - conference filing filing, without the proper appointment of the staff member never submitted a recommendation to the Commission and no mail copies of the recommendation to the parties. The Commission has never disposed of the matter at the next available agenda conference by issuing a notice of proposed agency action or by setting the matter for hearing pursuant to section 120.57, Florida Statutes. For certain there never has been a settlement to this complaint by either party concerning this dispute and the parties and their representatives have never filed with the Division of

Consumer Affairs a written statement to that effect of a settlement which would be binding on both parties and neither party has waived any right to further review or action by the Commission. The Division has not submitted the Complaint nor any Statement to the Commission for action after the request for proposed action after timely request in accordance with S120.57 formerly 25-22.29. Since no settlement statement from either party to the Commission for approval from the Division and the Division has not provided notice acknowledging any settlement statement by either party by letter to the parties in accordance with 120.53 (1), 120.57, 120.59 (4), 350.127(2), after timely request for a hearing being made to Charlie Pellegrini, LEG, and Alan Taylor CMU. As in accordance with the 25-22.034 Discovery is requested by the parties through the means and in the manner provided in Rules 1.280 through 1.400 Florida Rules of Civil Procedure. Within this Florida Rules of Civil Procedure this request is to issue appropriate orders to effectuate the purposes of discovery and prevent any further delay and may impose appropriate sanctions under Rule 1.380, Florida Rules of Civil Procedure, and for the presiding officer to be appointed immediately in accordance with Rules 1.280, and 1.400, Florida Rules of Civil Procedure in which the party requests' the order of effectuating the purposes of Discovery. The presiding officer to issue appropriate orders to effectuate the purposes of 1.380, Florida Rules of Civil Procedure, except that such sanctions may not include contempt or the award of expenses unless specifically authorized by statute. Sanctions include the following 120.53, F.S. Sanctions may also include dismissal under Rule 25 - 22.0422.

In accordance with Rule 25 - 22 .033 Communications between Commission Employees and Parties have been neglected and through negligence denied within this complaint. The Commission recognize that Commission employees must exchange information with parties who have an interest in Commission proceedings including timely rrequest for informal conference, and hearing in front of the Commission. However the Commission also recognizes that all parties to adjudicatory proceedings need to be notified and given an opportunity to participate in certain communications including formal complaints and timely request for adjudicatory hearing processes, procedures, and proceedings. The intent of this rule is not to prevent or hinder in any way the exchange of information, but to provide all parties to adjudicatory proceedings notification of and the opportunity to participate in certain communications. This correspondence reconfirms that their was a timely request for hearing and the exercise for the Florida Rules of Civil Procedure, and adjudicatory proceedings with the full Commission to present the information in support of 120.53 F.S., 120.57 S., hearing and 25 - 22.030 within the Issues of Memorandum TMS 3752 of the Formal Complaint of the State of Florida Public Service Commission, and in compliance with 25 - 22.031 with this unresolved dispute and in seeking relief in specific authority of Laws implemented as 364.015, 366.05 (10), 367.121(i) j), F.S. and 350.127(2), F.S. and conducting a hearing after timely response in accordance with and pursuant to Chapter 120, Florida Statues.

Start typing your letter here.

Sincerely,



Your name goes here

effect of a settlement which would be binding on both parties and neither party has waived any right to further review or action by the Commission. The Division has not submitted the Complaint nor any Statement to the Commission for action after the request for proposed action after timely request in accordance with S120.57 formerly 25-22.29. Since no settlement statement from either party to the Commission for approval from the Division and the Division has not provided notice acknowledging any settlement statement by either party by letter to the parties in accordance with 120.53 (1), 120.57, 120.59 (4), 350.127(2), after timely request for a hearing being made to Charlie Pellegrini, LEG, and Alan Taylor CMU.

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Start typing your letter here.

Sincerely,



Your name goes here

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

## -M-E-M-O-R-A-N-D-U-M-

**DATE:** AUGUST 26, 1999

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

**FROM:** DIVISION OF COMMUNICATIONS (HINTON) *CH RNT*  
DIVISION OF LEGAL SERVICES (BEDELL) *CB*

**RE:** DOCKET NO. 990959-TP - REQUEST BY BELLSOUTH TELECOMMUNICATIONS, INC. FOR APPROVAL OF INTERCONNECTION, UNBUNDLING, AND RESALE AGREEMENT WITH HEALTHCARE LIABILITY MANAGEMENT CORPORATIONS D/B/A FIBRE CHANNEL NETWORKS, INC. AND HEALTH MANAGEMENT SYSTEMS, INC.

**AGENDA:** 09/07/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - COMMISSION DECISION ON INTERCONNECTION AGREEMENT

**CRITICAL DATES:** INTERCONNECTION AGREEMENT - COMMISSION MUST APPROVE OR DENY BY OCTOBER 23, 1999

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\990959.RCM



DOCKET NO. 990959-TP  
DATE: August 26, 1999

#### CASE BACKGROUND

On July 8, 1996, Health Liability Management Corporations (HLMC) filed an application for a certificate of Public Convenience and Necessity to provide statewide interexchange telecommunications service (Docket No. 960811-TI). The application lacked information to support a finding of financial capability as required by Section 364.337(3), Florida Statutes. HLMC also failed to furnish documentation of registration with the Secretary of State, Division of Corporations, to conduct business within the State of Florida as required in Form PSC/CMU 31 (3/96), incorporated by reference in Rule 25-24.471(1), Florida Administrative Code. As a result, in Proposed Agency Action Order No. PSC-97-0741-FOF-TI, issued June 25, 1997, HLMC's application to provide statewide interexchange telecommunications service was denied as not in the public interest.

On July 21, 1997, HLMC filed a petition for a formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code. On November 20, 1997, the Commission issued Order No. PSC-97-1465-FOF-TI dismissing the petition for Administrative Hearing on the grounds that the company had shown a willful disregard for the Commission's Orders and rules pursuant to Rule 25-22.042, Florida Administrative Code. Order No. PSC-97-0741-FOF-TI became final and effective as of November 4, 1997, and the docket was closed.

By letter dated July 23, 1999, BellSouth Telecommunications, Inc. filed a Notice of the adoption by HLMC of the Interconnection, Unbundling, and Resale Agreement entered into by and between BellSouth Telecommunications, Inc. and AT&T Communications of the Southern States, Inc., which the Commission approved by Order No. PSC-97-0724-FOF-TP issued June 19, 1997.

DOCKET NO. 990959-TP  
DATE: August 26, 1999

### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission deny the Notice of Adoption of the BellSouth/AT&T Interconnection, Unbundling, and Resale Agreement by Healthcare Liability Management Corporations d/b/a Fibre Channel Networks, Inc., and Health Management Systems, Inc., filed by BellSouth Telecommunications, Inc.

**RECOMMENDATION:** Yes. The Commission should deny the Notice of Adoption of the BellSouth/AT&T Interconnection, Unbundling, and Resale Agreement by Healthcare Liability Management Corporations d/b/a Fibre Channel Networks, Inc. and Health Management Systems, Inc., filed by BellSouth Telecommunications, Inc. (HINTON)

### STAFF ANALYSIS:

As stated in the Case Background, on July 8, 1996, Health Liability Management Corporation (HLMC) filed an application for a certificate of Public Convenience and Necessity to provide statewide interexchange telecommunications service (Docket No. 960811-TI). The application lacked information to support a finding of financial capability as required by Section 364.337(3), Florida Statutes. HLMC also failed to furnish documentation of registration with the Secretary of State, Division of Corporations, to conduct business within the State of Florida as required in Form PSC/CMU 31 (3/96), incorporated by reference in Rule 25-24.471(1), Florida Administrative Code. As a result, in Proposed Agency Action Order No. PSC-97-0741-FOF-TI, issued June 25, 1997, HLMC's application was denied stating, "it is not in the public interest to grant a certificate to provide interexchange telecommunications service to HLMC." (Order at p.2)

On July 21, 1997, HLMC filed a petition for a formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code. Accordingly, the matter was set for a formal administrative hearing on October 22, 1997. The Prehearing Officer issued Order No. PSC-97-0979-FOF-TI on August 14, 1997, establishing the procedure for the case.

DOCKET NO. 990959-TP  
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Staff made several efforts to explain to HLMC the deficiencies in its application, and indicated that if these deficiencies were rectified, staff would reevaluate the company's application and possibly avoid a hearing. "The company denied that its application was deficient and expressed a desire to proceed to hearing." (Order No. PSC-97-1465-FOF-TI, p.2)

After repeated requests by staff and extensions of the deadline, HLMC failed to file its direct testimony and its proposed tariff in the manner required by Commission rule. Therefore, on November 20, 1997, the Commission issued Order No. PSC-97-1465-FOF-TI, dismissing HLMC's petition for administrative hearing, on the grounds that the company had shown a willful disregard for the Commission's Orders and Rules, pursuant to Rule 25-22.042, Florida Administrative Code.

The Commission's Order stated that:

As we have chronicled above, HLMC has demonstrated a persistent inability to comply with Commission Orders and rules. We find that the company's cumulative conduct amounts to a wilful disregard of or gross indifference to those Orders and rules. Accordingly, we find that it is appropriate to impose the sanction in this instance of dismissing the company's petition for a formal administrative hearing on its application for certification as an interexchange telecommunications carrier. (Order No. PSC-97-1465-FOF-TI, pp. 5-6)

Proposed Agency Action Order No. PSC-97-0741-FOF-TI, denying HLMC's application, was made final as of November 4, 1997, and the docket was closed.

By letter dated July 23, 1999, BellSouth Telecommunications, Inc. (BellSouth), filed a Notice of Adoption by HLMC of the Interconnection, Unbundling, and Resale Agreement entered into by and between BellSouth and AT&T Communications of the Southern

DOCKET NO. 990959-TP  
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States, Inc., approved by Commission Order No. PSC-97-0724-FOF-TP, issued June 19, 1997. HLMC remains uncertificated.

HLMC has had ample time to address the Commission's and staff's concerns and to correct the deficiencies in its application for IXC certification, but it has failed to do so. As of the date of this recommendation, HLMC has not applied for ALEC Certification either. While the Commission has approved Agreements prior to the ALEC being certificated, the history of this particular company has demonstrated a pattern of disregard for Commission Orders and Rules. Further, HLMC is not registered with the Department of State as a Corporation operating in the State of Florida and doing business as either Fibre Channel Networks, Inc. or Health Management Systems, Inc. contrary to the representation in this petition.

Staff believes that the Commission has the authority to reject HLMC's adoption of the BellSouth/AT&T agreement as not consistent with the public interest. Section 252(i) of the Act is silent on a state's authority to reject an adoption and where the Act does speak to rejection of an agreement by a state commission, such as in Section 252(e)(2), it speaks to rejecting terms of an agreement, not to the rejection of a particular company as a party to a contract. Therefore, we conclude that this Commission has the authority under Florida law to reject an adoption based on the prior conduct and actions of one of the parties being unacceptable. As noted in the Case Background, this Commission denied HLMC a certificate because HLMC failed to complete its application and failed to establish that it had the technical, financial or managerial capability to operate a telecommunications company. Because HLMC has failed to obtain a Certificate of Public Convenience and Necessity pursuant to Section 364.337, Florida Statutes, HLMC cannot provide telecommunications services in Florida, and therefore, does not meet the statutory definition of a "telecommunications carrier" under Section 47 USC 153 (44), nor can it operate as an interexchange carrier in Florida. Although Section 252(i) of the Act mandates that BellSouth make available its interconnection agreement with AT&T to any requesting "telecommunications carrier," staff does not believe BellSouth is

DOCKET NO. 990959-TP  
DATE: August 26, 1999

obligated to provide such an agreement to HLMC because it is not currently a "telecommunications Carrier."

Therefore, until such time as HLMC submits a complete and accurate application for ALEC certification in accordance with Commission Rules, and is properly registered to operate as a corporation within the State of Florida, staff recommends that the adoption of an interconnection agreement by HLMC be denied. Staff believes that approval of this agreement is not consistent with the public interest, convenience and necessity, and accordingly, staff recommends that the adoption of the BellSouth/AT&T agreement by HLMC be denied pursuant to Section 252(e) of the Telecommunications Act of 1996.

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes. Upon the approval of staff's recommendation by the Commission, the Interconnection Agreement between BellSouth and HMLC will be denied and the docket should be closed.

**STAFF ANALYSIS:**

Upon the approval of staff's recommendation by the Commission, the Interconnection Agreement between BellSouth and HMLC will be denied and the docket should be closed.

## STATE OF FLORIDA

Commissioners:  
JULIA L. JOHNSON, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.



DIVISION OF COMMUNICATIONS  
WALTER D'HAESELEER  
DIRECTOR  
(850) 413-6600

**Public Service Commission**

May 26, 1998

Dr. Michael Weilert  
Health Liability Management Corporation  
13738 Oxbow Road  
Ft. Myers, Florida 33905

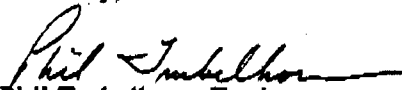
Dear Dr. Weilert:

We have completed our investigation of your service complaint against GTE Florida, Inc. (GTE). The enclosed Issues Memorandum contains our findings. Also enclosed are GTE's responses to our investigatory letters, dated March 17, 1998, and April 8, 1998.

We concur with GTE's intent to disconnect the analog FGD trunk at 202 E. Madison Street. We recommend that you prepare a new Access Service Request for the digital FGD trunk or trunks needed, and that you meet with GTE to ensure understanding of your service request and needs. We will participate in this meeting if asked by you or GTE. Please communicate the following to GTE clearly and completely: which GTE service(s) you require and when and where you require them. Since GTE needs equipment and signaling data to provide the service requested, you need, as is normally required, to respond fully to GTE's requests for such data. In order to improve communications between HLMC and GTE, we recommend that you follow the negotiation procedures outlined in GTE's September 3, 1997 letter by calling only the two primary contacts listed and by writing all communications to GTE about your service request.

We are closing your complaint as we are unable to provide further assistance and since you have no equipment presently in place. If you have questions, please call me at 850/413-6592.

Sincerely,

  
Phil Trubelhorn, Engineer  
Bureau of Service Evaluation

Enclosures: 1. Issues Memorandum  
2. GTE's March 17, 1998 letter  
3. GTE's April 8, 1998 letter

cc: Mr. Anthony Gillman, GTE Florida, Inc.  
Alan Taylor, CMU; Charlie Pellegrini, LEG  
File: TMS # 3752

## STATE OF FLORIDA

Commissioners:  
JOE GARCIA, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
JULIA L. JOHNSON  
E. LEON JACOBS, JR.



DIVISION OF LEGAL SERVICES  
NOREEN S. DAVIS  
DIRECTOR  
(850) 413-6199

**Public Service Commission**

July 29, 1999

Dr. Michael Weilert  
Health Liability Management Corporation  
13738 Oxbow Road  
Ft. Myers, Florida 33905

Dear Dr. Weilert:

I received the message that you had called on July 27, 1999, inquiring about the status of your complaint against GTE. A review of our files indicate that on May 26, 1998, a staff member from the Commission's Division of Communications wrote a letter to you explaining that your complaint was being closed for the reasons set forth in the letter. Thus, a hearing was not scheduled. A copy of the letter, with its attachments is enclosed.

850 413 6087

Yours truly,

A handwritten signature in cursive script that reads "Noreen S. Davis".

Noreen S. Davis  
Director, Division of Legal Services

NSD/anc  
Enclosures

STATE OF FLORIDA

Commissioners:  
JULIA L. JOHNSON, CHAIRMAN  
J. TERRY DEASON  
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JOE GARCIA  
E. LEON JACOBS, JR.



DIVISION OF COMMUNICATIONS  
WALTER D'HAESELEER  
DIRECTOR  
(850) 413-6600

**Public Service Commission**

February 27, 1998

Dr. Michael Weilert  
13738 Oxbow Rd.  
Ft. Myers, FL 33905

Re: Complaint

Dear Dr. Weilert:

The Florida Public Service Commission is actively working with your complaint. Staff is currently pursuing information from GTE in an effort to quickly resolve the problems set forth in your complaint. Mr. Phil Trubelhorn will be handling the complaint now that Mr. Wade has terminated employment with the Florida Public Service Commission.

Sincerely,

Don McDonald  
U.S./Communications Eng-Supr

DMD:cfw

cc: Alan Taylor, Phil Trubelhorn  
file:tm3752.pt



Dr. Michael Weilert  
TMS # 3752  
May 22, 1998

## ISSUES MEMORANDUM

**1. Did Dr. Weilert order an analog or digital FGD trunk? Indeterminable. (GTE provided an analog trunk)**

Staff found only one Access Service Request (ASR) and GTE prepared it, not Dr. Weilert. His orders for a million trunks and then 24 trunks have not been provided and were, according to GTE, incomplete.

*Staff infers from Dr. Weilert's February 12, 1998 inquiry to the Commission that he expected a digital trunk- FGD DS1 level tandem switched transport DS3 Level Provisioning. The fax however is very difficult to read due to its small font size and poor transmission quality.*

*In a February 6, 1998 letter, GTE's Mr. Gillman, Esq., reports that Dr. Weilert submitted an ASR on January 14, 1996 for over a million Feature Group A, B, and D trunks and access at every tandem in the nation. Dr. Weilert reports that he placed this order for Fibre Channel Association. GTE claims that this ASR was incomplete and improperly formatted. Dr. Weilert claims it was proper. He then submitted an ASR for 24 FGD trunks equipped with SS7. GTE claims that it too was incomplete because it lacked signaling information; GTE requested this information in a June 12, 1996 letter. Dr. Weilert claims that the signaling information was not required and that the ASR correctly ordered DS-1 service. GTE cannot provide copies of either ASR, nor has Dr. Weilert provided copies. When BellCore wrote Dr. Weilert on April 7, 1997 to reclaim his CIC code for lack of FGD access service from a LEC, GTE's Mr. Cantrell prepared an ASR for Dr. Weilert in May 1997 that ordered a digital trunk. Mr Gillman writes that the ASR ordered an analog trunk; Mr. Cantrell says he incorrectly ordered a digital trunk as he had difficulty knowing what Dr. Weilert wanted.*

**2. Does the analog circuit provided by GTE work properly? Yes.**

GTE: GTE reports that it works properly and that it proved its proper working to Mr. Anderson, HLMC's representative, on January 20, 1998.

Dr. Weilert: Dr. Weilert asserts that the analog circuit is completely inoperable and that GTE showed nothing to Mr. Anderson's satisfaction since it provided an analog circuit.  
Mr. Anderson reports that he cannot verify whether the circuit worked or

Dr. Michael Weilert  
TMS # 3752  
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Mr. Anderson reports that he cannot verify whether the circuit worked or

not. He saw a transmitted and received 407/XXX-XXX call but can't be sure where the call went. He is untrained in Central Office. No HLMC equipment was in place during the test.

Per Dr. Weilert's February 12, 1998 FAX: GTE has blocked, impeded, restricted HLMC from receiving basic telecommunications offerings, and the development of new, revolutionary American telecommunications technologies... by furnishing completely inoperable... access... trunk transport circuit.

3. What tests were done on the analog trunk provided by GTE? Indeterminable.

GTE reports in its April 8, 1998, letter that it completed all the basic tests (required in Section 6.2.1 (D) (13) of its Intrastate Access tariff) on several occasions, but can produce no written results. GTE reports that it completed the cooperative testing required in Section 6.2.7 to the extent possible, and that it completed the cooperative testing in Section 13.6.(A)(1) by simulating Dr. Weilert's equipment with the test equipment mentioned below. Dr. Weilert claims no tests were done, that GTE refused to test and failed to cooperate.

GTE states that it turned up analog FGD service on May 23, 1997 at 412 E. Madison per Dr. Weilert's request where there was no HLMC equipment or HLMC presence. GTE tested the trunk on May 23, 1997- standard BellCore tests and tests in GTE intrastate access tariffs- to the maximum point of penetration. Service was then installed November 4, 1997 at 202 E. Madison with HLMC equipment in place. GTE tested the trunk to the HLMC jack on November 4, 1997 and again on January 20, 1998 with Mr. Anderson representing HLMC. GTE reports satisfactory results for all tests, but has no written record of the specific results.

BEDFORD NH 603-626-5607 800-758-4827 800-252-1758  
TOP WATSON P. EDWARDS SERVICE NA= WILLE TEX.  
4. What test equipment was used to simulate HLMC's equipment: No comment.  
603-626-5607 429 408 4255 LONDON DR-1 TELEPHIC SAC PER RFA PAS ROEN CAL. 9006  
WORTHERN TELECOM GTE: Northeast Electronics DP-MF-DTMF Signalling Display, Model #2763; Concord, NH, 1-800-222-4124. 603-437-0103 COOACS  
Dr. Weilert: Northeastern Electronics DP-MF-DTMF exists not. NUCLEAR MEDIC EQUIPM  
CAROLYN DOES NOT EXIST 603 068-6080 603-555-1212 800 4 NORTE

5. Did Dr. Weilert miss appointments for cooperative testing with GTE? Yes.

LAWREN GTE: Dr. Weilert missed appointments on January 15, January 20, and January 21, 1998; Mr. Anderson represented him on January 20, 1998.  
972 684-7393  
Dr. Weilert: GTE put a hold on the January 15, 1998 meeting the night before.

613 763 7331

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Dr. Weilert: GTE put a hold on the January 15, 1998 meeting the night before.

6. Was GTE to provide the basic test results to Dr. Weilert? No. Was GTE to provide cooperative test results to Dr. Weilert? Yes. Were these results provided? No. Can GTE provide them now? No.

GTE's Intrastate Access tariffs do not require giving the basic test results to Dr. Weilert. They do however require giving cooperative test results. Cooperative test results were not given to Dr. Weilert and cannot be given now as GTE reports that it did not retain them.

7. Does Dr. Weilert's equipment work with analog trunks? Indeterminable. Does a FGD trunk provide Dial Tone (DT)? No, the End Office provides the DT.

GTE: Calls could not be made over HLMC equipment at 202 E. Madison. Determined to be HLMC's problem since its equipment cannot interface with analog FGD circuit; HLMC's Ethernet 10MB card incompatible with GTE formats. GTE considered providing Dr. Weilert a digital trunk, but concluded it also would not work since he had wrong interface card (the Ethernet card) installed.

Dr. Weilert: Dr. Weilert says his Fibre Channel equipment works with all standards. His Equipment vendor says its server works with both analog and digital service, reporting that its equipment failed to work since it did not get Dial Tone.

8. Did GTE destroy or sabotage HLMC property at 202 E. Madison Street in January, 1998? No evidence.

Dr. Weilert reports that GTE tore a RB66 drop box plus bus bar and pins off the wall. GTE reports that no bus bar bridge was missing and that it demonstrated same to Mr. Anderson.

9. Have GTE and Dr. Weilert complained of harassment and abuse? Yes.

Staff has no evidence of harassment or abuse, but believes that relations have been difficult for both parties.

Staff believes that GTE acted in good faith to resolve Dr. Weilert's charges when Mr. Gillman, Associate General Counsel, wrote on September 3, 1997 to establish negotiation procedures for future negotiations between the two parties. GTE established primary contacts for interconnection and collocation concerns and that future requests need to be written to avoid further miscommunications. GTE also wrote to the Commission on February 6, 1998, requesting that we intervene to resolve the dispute.

*Service Evaluation staff has received 34 telephone calls from Dr. Weilert from March 11, 1998 to May 20, 1998.*

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Equipment is not required for IXCs serving just voice transmissions, requiring only access trunks to the trunk side of the tandem. But companies wanting to carry data and wanting to switch calls themselves require equipment to the line side of the end office, in addition to the aforementioned trunks.

GTE: In a September 11, 1997 letter, Mr. Cantrell informed HLMC that it needed to install terminating equipment providing signaling supervision and other associated functions in order to complete a call to his FGD trunk. In an October 6, 1997 letter, Mr. Gillman informed Dr. Weilert of HLMC's responsibility to hook up its equipment on its side of the demarcation point.

Dr. Weilert: Equipment is not required for other access customers called switchless, facility-less local and long distance customers.

11. Are the FPSC, GTE, and Mr. Chet Wade (formerly of our Service Evaluation Bureau) guilty of "conflict of interests?" No. POWER BALL'S FPSC

B INGO

Mr. Wade called off the testing planned for February 20, 1998, when notified by Dr. Weilert's Equipment vendor that his Fibre Channel equipment was being repossessed. Since the equipment was needed to conduct the tests, Mr. Wade planned to reschedule the tests when the equipment was in place again. It is simply coincidence that Mr. Wade notified the Commission of his resignation on February 24, 1998.

Dr. Weilert: Dr. Weilert alleges that GTE bought out Mr. Wade by providing "a golden parachute full of golden strings with a 6 figure salary, company car, paid for residential mortgage . . ." He believes that Mr. Wade called off testing of Dr. Weilert's FGD service when GTE offered the above rehiring package.

12. Should the Commission close Dr. Weilert's service complaint against GTE at this time? Yes.

Staff recommends closing Dr. Weilert's complaint at this time because it can render no further assistance beyond the findings listed above. Staff also recommends closing the complaint because Dr. Weilert presently has no equipment in place. Dr. Weilert should prepare a new ASR with a requested service date when his equipment is back in place.

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**GTE SERVICE CORPORATION**

One Tampa City Center  
201 North Franklin Street (33602)  
Post Office Box 110, FLTC0007  
Tampa, Florida 33601-0110  
813-483-2606  
813-204-8870 (Facsimile)

**Marcell Morrell\*\***  
Area Vice President & Associate General Counsel-  
Regional Operations (East)

**Anthony P. Gillman\*\***  
Assistant General Counsel

**Attorneys\***  
Kimberly Caswell  
M. Eric Edgington  
Ernesto Mayor, Jr.  
Elizabeth Biemer Sanchez

\* Licensed in Florida  
\*\* Certified in Florida as Authorized House Counsel

**RECEIVED**

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SERVICE COMMISSION  
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MAIL ROOM

**Mr. Phil Trubelhorn**  
Engineer, Bureau of Service Evaluation  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**CMD**

April 8, 1998

Dear Mr. Trubelhorn:

This letter is in response to yours dated March 25, 1998 to Beverly Y. Menard, asking for additional information about the testing completed by GTE upon the single analog Feature Group D (FGD) circuit provided to Health Liability Management Corporation (HLMC). GTE's primary contact with HLMC is Dr. Michael Weilert.

This circuit was initially installed on May 23, 1997. As previously noted, as part of its installation, GTE conducted all standard testing required under BellCore specifications, as well as GTE's intrastate access tariff. Section 6.2.1(D)(13) of that tariff describes the basic testing that must be completed without charge upon installation of an access circuit. GTE conducted each of the required tests, as explained in more detail below.

As part of its initial installation of the circuit, GTE tested for loss deviation and verified that any loss was within BellCore requirements (no deviation greater than plus or minus 1db for 1000 cycles). GTE also conducted a 3-tone slope testing from 300 kHz to 3000 kHz, the results of which were satisfactory. GTE also tested the noise levels with a tone (the C-notched test) and without a tone (the C-message test). DC continuity and milliwatt tests were also completed, verifying that no foreign voltage (which could cause crosstalk or humming) existed on the loop. Testing was also completed to ensure the proper balance of the circuit and GTE verified that no foreign battery or ground existed at any point on the facilities. The results of all of these basic installation tests were satisfactory.

Mr. Phil Trubelhorn

April 8, 1998

Page 2

No other testing was required when the circuit was first installed. Because HLMC did not have any equipment at this time, GTE could not test the signalling because HLMC's equipment was to provide such signalling. Furthermore, none of the testing noted in Sections 6.2.1(D)(13)(a) and (b) of GTE's tariff was required or could be completed.

HLMC did not request GTE to conduct any cooperative testing at this point, as set forth in Section 6.2.1(D)(13)(c). Also, because HLMC did not order SS7 signalling, the tests specified in Section 6.2.1(D)(13)(d) were not applicable.

The Company also complied with Section 6.2.7 of its access tariff, which requires the Company to test up to the customer's point of termination in accordance with Section 6.2.7(A). Because GTE conducted the tests to the maximum point of penetration, it performed an "end-to-end" test to the extent possible at the time.

All tests mentioned in the first sentence of Section 6.2.7(B) were conducted with acceptable results. Because the interface arrangement was established at the point of demarcation, not at the Company's first point of switching, the second sentence of 6.2.7(B) was not applicable. Likewise, the third sentence was also not pertinent because HLMC's configuration did not include a "four-wire to two-wire conversion at the point of termination."

This same battery of basic installation tests was repeated on November 4, 1997 when the circuit was relocated to 202 East Madison. The only difference from this round of testing was that the circuit was tested all the way up to HLMC's jack in the 202 East Madison building. The tests all verified that the circuit was working in accordance with GTE's tariffs and BellCore specifications. Dr. Weilert requested no additional testing at this time.

GTE conducted numerous additional tests when Dr. Weilert complained in January of 1998 that HLMC's circuit was not working properly. Over a several day period in January, GTE technicians performed several tests and had repeated conversations with Dr. Weilert in an effort to resolve his complaint. In addition to repeating the basic tests noted above, GTE also verified that there was no trouble in the serving central office. GTE also reviewed the database configuration for this circuit and found it to be fully within expectations.

At this time, GTE also performed additional cooperative testing as set forth in Section 13.6(A)(1) of its access tariff. Because HLMC did not provide its own testing equipment as required under this tariff provision, GTE installed its own termination equipment to verify the facilities while testing with an office technician. The equipment included a Northeastern Electronics DP-MF-DTMF Signalling Display to display the

Mr. Phil Trubelhorn

April 8, 1998

Page 3

multi-frequency digits coming to the demarcation point, a BE 9000 box to check the E & M signaling from the office channel unit, and a Hewlett Packard test box to verify the facilities while testing with an office technician. The equipment was plugged into the demarcation jack and simulated the customer's equipment. With the use of this equipment, GTE was able to dial HLMC's CIC code without failure, demonstrating that no problem existed on GTE's side of the network.

Section 13.6(A)(1) also requires GTE technicians to meet with the customer to perform the additional testing. GTE technicians scheduled a meeting with Dr. Weilert at the HLMC premises on January 15, 1998. However, Dr. Weilert did not show and the technicians left after waiting two hours. A subsequent meeting was scheduled at the site on January 20, 1998. HLMC's telecommunications consultant, Jon Anderson, met with GTE technicians, who conducted the testing in Mr. Anderson's presence. Using the special test equipment noted above, GTE technicians demonstrated to Mr. Anderson's satisfaction that the circuit was working properly. Although Mr. Anderson agreed to advise Dr. Weilert accordingly, it is GTE's understanding that Mr. Anderson is now no longer working on behalf of HLMC.

GTE attempted to schedule another meeting for cooperative testing with Dr. Weilert. A meeting was scheduled at the site on January 21, 1998. Dr. Weilert did not show up at the appointed time and the GTE technicians left after waiting forty-five minutes.

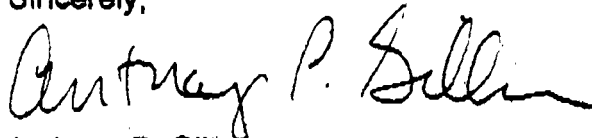
All of the tests conducted by GTE verified that the complaints made by Dr. Weilert were not the result of any trouble on GTE's side of the demarcation point. GTE believes that calls cannot be completed because HLMC's equipment (manufactured by Sun Microsystems) was not designed to interface properly with the analog FGD circuit provided by GTE. Although GTE technicians discussed Dr. Weilert's complaints with Sun Microsystems personnel during its investigation, GTE is not aware if Sun Microsystems was ever contacted by Dr. Weilert to address such complaints.

No additional testing was conducted after January 20. The circuit is still terminated at HLMC's suite at 202 East Madison. Although it is GTE's understanding that HLMC's equipment has been repossessed, Dr. Weilert has not ordered GTE to cancel the service. As noted in GTE's March 17, 1998 letter, GTE intends to disconnect this circuit, unless advised otherwise by the Commission.

Mr. Phil Trubelhorn  
April 8, 1998  
Page 4

Please call me if you have any questions.

Sincerely,



Anthony P. Gillman  
Assistant General Counsel

**SENT VIA FAX AND OVERNIGHT MAIL**

c: Kirby Cantrell - FLTC0009 - Tampa, FL  
Ann Lowery - NC999142 - Durham, NC  
Beverly Menard - FLTC0616 - Tampa, FL



Anthony P. Gillman\*  
Assistant General Counsel - Florida

\* Certified in Florida as Authorized House Counsel

One Tampa City Center  
201 North Franklin Street (33602)  
Post Office Box 110, FLTC0007  
Tampa, Florida 33601-0110  
813-483-2615  
813-204-8870 (Facsimile)

March 17, 1998

Mr. Don McDonald  
U.S./Communications Eng-Supr  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

**RECEIVED**

MAR 18 1998

CMU

Re: Dr. Michael Weilert  
Health Liability Management, Inc.

Dear Mr. McDonald:

This letter is in response to yours dated February 27, 1998 to Beverly Menard requesting information regarding Dr. Weilert's ordering of Feature Group D (FGD) access service from GTE. The information requested is provided below.

1. *What exactly did he order?*

As set forth in the attached ASR, Dr. Weilert ordered a single, analog FGD access trunk with MF signalling from the Tampa tandem office.

2. *When was it installed?*

The service was turned up on May 23, 1997. However, the circuit was not connected to any HLMC terminating equipment. In fact, it is GTE's understanding that HLMC had no presence in Tampa at the time. Although Dr. Weilert told GTE he intended to lease space at 412 East Madison in downtown Tampa, he never provided GTE with any suite number. As such, GTE ran the circuit to the 412 East Madison building, but was unable to terminate it to any piece of equipment, pending further instructions from Dr. Weilert. He eventually leased space at 202 East Madison and installed the HLMC equipment in a suite on the second floor of this building. On October 24, 1997, Dr. Weilert requested that the circuit be terminated at this suite. GTE complied with this request on November 4, 1997.

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SERVICE COMMISSION  
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MAIL ROOM

Mr. Don McDonald  
March 17, 1998  
Page 2

3. *What tests were run and when.*

HLMC's circuit was tested when it was initially installed on May 23, 1997. GTE technicians conducted the standard tests required under BellCore specifications. As part of this testing, GTE hooked up a transmission set and verified that the switch and circuit were working properly to the maximum point of penetration possible. The same battery of tests was conducted when the circuit was relocated at 202 East Madison Street on November 4, 1997. This time, the circuit tested properly all the way up to HLMC's jack.

GTE tested the circuit again when Dr. Weilert complained in January of this year. In addition to rechecking the circuit, GTE also verified that there were no problems in the serving central office. GTE's database configuration for this circuit was also reviewed and found to be fully within expectations. GTE also installed a special piece of test equipment (a Noreast Electronics DP-MF-DTMF Signalling Display, Model 2763) and was able to dial HLMC's CIC code without failure, demonstrating that no problem existed on GTE's side of the network. With the use of this equipment, GTE verified that all digits were being properly transmitted by the central office at the correct levels and in the right format and that they were being properly received all the way to HLMC's jack.

On January 20, 1998, this test was repeated in the presence of Jon Anderson, who was described by Dr. Weilert as an HLMC board member and telecommunications consultant. Mr. Anderson expressed satisfaction with the testing demonstrated to him and agreed to advise Dr. Weilert accordingly. However, it is GTE's understanding that Mr. Anderson is no longer working on behalf of HLMC.

4. *What problems remain to be resolved.*

GTE does not dispute Dr. Weilert's claims that calls could not be placed over HLMC's equipment which was previously located at 202 East Madison. However, GTE conclusively determined that the problem was not in GTE's network. It is GTE's belief that the calls could not be completed because HLMC's equipment was not designed to interface with the analog FGD circuit ordered by Dr. Weilert.

In your letter you state that Staff has been informed by Dr. Weilert's vendor that the equipment located at 202 East Madison Street has been repossessed. As such, the only service problem now appears to be moot. Because HLMC's equipment has been removed, there is no reason why GTE should continue to provide HLMC with this circuit. Therefore, to avoid this circuit from being stranded, GTE intends to disconnect it. If Dr. Weilert installs new equipment in the suite, he can order additional circuits and

Mr. Don McDonald  
March 17, 1998  
Page 3

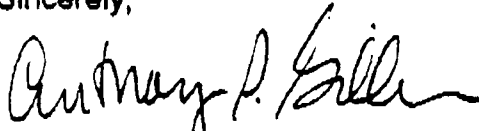
services as requested upon completion of the proper ordering forms and compliance with all Commission rules and Company tariffs.

5. *Payment History*

HLMC is charged a monthly fee for the trunk facility as well as a per minute rate for all traffic carried over that trunk. HLMC has not paid its bill since January of this year and presently owes \$225.03 in charges. Of this amount, \$150.61 is overdue. HLMC's bill includes \$93.12 in usage charges. Because HLMC never carried any traffic, the only minutes of use carried over the circuit were caused by test calls. As such, GTE is willing to credit HLMC's account \$93.12 for this usage. With this credit, HLMC owes GTE \$131.91.

If you have any questions or would like to discuss this matter in more detail, please feel free to give me a call.

Sincerely,



Anthony P. Gillman  
Assistant General Counsel

APG:tas  
Attachment  
VIA FACSIMILE AND OVERNIGHT DELIVERY

c: Alan Taylor, Florida Public Service Commission (w/a)  
Kirby Cantrell - FLTC0009 - Tampa, FL (w/a)  
Ann Lowery - NC999142 - Durham, NC (w/a)  
Beverly Menard - FLTC0616 - Tampa, FL (w/a)

(Insert Y Company Logo)

# Access Service Request

V13  
112-94

**Administrative Section** CCNA HLM PON HLM5381 VER AD ASR NO SPA ICSC FLO1

DTSEMI 05-08-97 CA 05-23-97 FOT PROJECT PPTD  
 PFIID NOR LUP NSA RECEIPT ACT SUP AFG TO EMP AENG ALBA AQUALTH DATED

CIST HEALTH LIABILITY MANAGEMENT

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CITY 011 BAN AGG BIC BIC TEL BIC ID TEC

ACTL LA APTI ROAD HPCN

CCCN ASCGD TOP BAN AFG SPEC

REMARKS ESTABLISH 1 FCD TK TO TERM TAMFLXMOIT - Term World com POP - 412 MADISON ST  
UTILIZE MF SIGNALING.

## BMI Section

BMLN1 HEALTH LIABILITY MANAGEMENT SBMLN1 MICHAEL WEILERT ACNA HLM TE EBP

STREET 13738 OXBOW ROAD FLOOR 1.00 CITY FT MYERS STATE FL

ZIP CODE 33905 BMLCN1 MICHAEL WEILERT TEL NO 941-693-2962 DMT SCL VIA

## Contact Section

NAME MICHAEL WEILERT TEL NO 941-693-2962 STREET 13738 OXBOW Rd Suite 100

FLOOR ROOM CITY FT MYERS FL STATE ZIP CODE FL 33905

UNDCN1 MICHAEL WEILERT TEL NO 941-693-2962 STREET 13738 OXBOW Rd UN1

FLOOR ROOM CITY FT MYERS STATE ZIP CODE FL 33905 OFFICE HLM-OFFICE

BMLCN1 MICHAEL WEILERT TEL NO 941-693-2962 OFFICE TEL NO

PAGE 48

FCN1 HLMC

694 0084

01/15/2000 18:44



Mr. Don McDonald  
March 17, 1998  
Page 2

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Mr. Don McDonald  
March 17, 1998  
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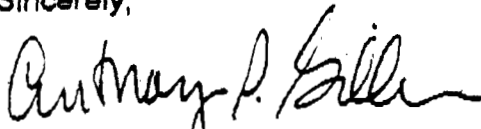
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Sincerely,



Anthony P. Gillman  
Assistant General Counsel

APG:tas  
Attachment  
VIA FACSIMILE AND OVERNIGHT DELIVERY

c: ~~Alan Taylor, Florida Public Service Commission (w/a)~~  
Kirby Cantrell - FLTC0009 - Tampa, FL (w/a)  
Ann Lowery - NC999142 - Durham, NC (w/a)  
Beverly Menard - FLTC0616 - Tampa, FL (w/a)

(Insert Y Company Logo)

# Access Service Request

V12  
112-04

**Administrative Section** CCNA HLM PCN HLM5381 VER AD ABR NO SPA ICSC FLO1

DISCMT 105-08-97 QA 000 05-23-97 FDI PROJECT PPTD  
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CUST HEALTH LIABILITY MANAGEMENT  
 CNR UNIT PRJ LTP 100 CF

ECCKE CITY SAN ABB SAC SAC TEL SAC ID TSC

ACTL LA APOS ROAD RPON

CCMN ASC-EC TEP SAN AFG SPEC

REMARKS ESTABLISH 1 FGD TK TO TERM TAMPFLEXMOIT - Term World com POP - 412 MADISON ST  
 UTILIZE MF SIGNALING.

## Bill Section

ORGAN HEALTH LIABILITY MANAGEMENT SERIALS MICHAEL WEILERT ACNA HLM TE EBP

STREET 13738 OXBOW ROAD FLOOR ROOM CITY FT MYERS STATE FL

ZIP CODE 33905 NAME MICHAEL WEILERT TEL NO 889-693-2962 DMT SCL VIA

## Contact Section

NAME MICHAEL WEILERT TEL NO 889-693-2962 STREET 13738 OXBOW Rd Suite 100

FLOOR ROOM CITY FT MYERS FL STATE ZIP CODE FL 33905

UNDOCN MICHAEL WEILERT TEL NO 889-693-2962 STREET 13738 OXBOW Rd ENG

FLOOR ROOM CITY FT MYERS STATE ZIP CODE FL 33905 NAME HLM-OFFICE

IMPCCN MICHAEL WEILERT TEL NO 889-693-2962 DTREC TEL NO

PAGE 03

PAGE 03

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(Insert Your Company Logo)

# End Office Detail

438  
(12-98)

## Administrative Section

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 #LM #LM 5381 (AD)

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**REMARKS**  
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01/15/2000 18:49 894 0084 FUNL HLNU PAGE 03



HMSY

**Health Liability Management Corporation  
Health Management Systems Inc.**

13738 Oxbow Road Suite 100 ~ Fort Myers, Florida 33905 ~ U.S.A.  
Phone 941-694-0084 ~ Fax 941-542-5202 ~ Email <http://www.osc.uci.edu/indivahood/mhonorc.doc.htm>

August 03, 1999

Name: Noreen S. Davis  
Director, Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399 - 0850

Dear Noreen,

The message you received on July 27, 1999, inquiring about the status of the Formal Complaint with the Issues of Memorandum TMS 3752 against GTE, which was processed and served by the State of Florida Public Service Commission Division of Consumer Affairs was because of the following reasons. This review of your records should have indicated that on May 26, 1998, a staff member from the Division of Communications wrote a letter explaining that the staff member Phil Trublehorn recommends closing the complaint because it can no longer render any further assistance beyond the findings listed above in the Issues of Memorandum TMS 3752, of the Formal Complaint. In accordance with § 120.57 a timely request was made to Charlie Pellegrini, LEG for a hearing within thirty days of this recommendation, and unless otherwise provided by a Commission order, the proposed recommendation, and/or action, shall become effective because the time within which to request a hearing never expired before the request. (Law Implemented 120.53 F.S., Specific Authority: 120.53, F.S.).

Further in accordance with 25-22.032:the commissions staff member shall propose a resolution of the complaint based on his findings, applicable state laws, the utility tariff, and Commission rules, regulations, and orders. The proposed resolution may be communicated to the parties orally or in writing. In this case our party objected to the proposed resolution, so we filed a request for an informal conference on the complaint. The request was in writing and was filed with both Charlie Pellegrini, and the Division of Consumer Affairs within thirty days after the proposed resolution was communicated to the parties. Upon receipt of the request the Director of the Division was to appoint a staff member to conduct the informal conference or the Director may make a recommendation to the Commission for dismissal based on a finding that the complaint state no basis for relief under the Florida Statutes, Commission rules, or orders, or the applicable tariffs. The relief under the Florida Statutes, Commission rules or orders or the applicable tariffs are as stated in the Issues of Memorandum TMS3752 of the Formal Complaint in question number six (6), was GTE to provide the cooperative test results? YES. Were these tests provided?NO. Can GTE provide them now?NO. GTE Intrastate Access tariffs require giving cooperative test results. Cooperative test results were not given and cannot be given now as GTE reports that it did not retain them. This is truly in direct violation of the Florida Statutes, Commission rules or orders, or the applicable tariffs. Complete failure to comply with this request for informal conference is evident because confirmation of the informal conference was never received of whether granted or not granted. This is clearly indicative because if the informal conference had been granted the appointed staff member shall have no prior contact with the complaint. The appointed staff member never consulted with the parties and a written notice to the parties setting forth the procedures to be employed was never received with dates written materials to be filed and time and place for the informal conference notice of no sooner than (10) ten days following the notice. Therefor a settlement has not been reached, and the 20 days following the informal conference or the last post - conference filing filing, without the proper appointment of the staff member never submitted a recommendation to the Commission and no mail copies of the recommendation to the parties. The Commission has never disposed of the matter at the next available agenda conference by issuing a notice of proposed agency action or by setting the matter for hearing pursuant to section 120.57, Florida Statues. For certain there never has been a settlement to this complaint by either party concerning this dispute and the parties and their representatives have never filed with the Division of Consumer Affairs a written statement to that

For certain there never has been a settlement to this complaint by either party concerning this dispute and the parties and their representatives have never filed with the Division of Consumer Affairs a written statement to that effect of a settlement which would be binding on both parties and neither party has waived any right to further review or action by the Commission. The Division has not submitted the Complaint nor any Statement to the Commission for action after the request for proposed action after timely request in accordance with S120.57 formerly 25-22.29. Since no settlement statement from either party to the Commission for approval from the Division and the Division has not provided notice acknowledging any settlement statement by either party by letter to the parties in accordance with 120.53 (1), 120.57, 120.59 (4), 350.127(2), after timely request for a hearing being made to Charlie Pellegrini, LEG, and Alan Taylor CMU.

As in accordance with the 25-22.034 Discovery is requested by the parties through the means and in the manner provided in Rules 1.280 through 1.400 Florida Rules of Civil Procedure. Within this Florida Rules of Civil Procedure this request is to issue appropriate orders to effectuate the purposes of discovery and prevent any further delay and may impose appropriate sanctions under Rule 1.380, Florida Rules of Civil Procedure, and for the presiding officer to be appointed immediately in accordance with Rules 1.280, and 1.400, Florida Rules of Civil Procedure in which the party requests' the order of effectuating the purposes of Discovery . The presiding officer to issue appropriate orders to effectuate the purposes of 1.380, Florida Rules of Civil Procedure, except that such sanctions may not include contempt or the award of expenses unless specifically authorized by statute. Sanctions include the following 120.53, F.S. Sanctions may also include dismissal under Rule 25 - 22.0422.

In accordance with Rule 25 - 22 .033 Communications between Commission Employees and Parties have been neglected and through negligence denied within this complaint. The Commission recognize that Commission employees must exchange information with parties who have an interest in Commission proceedings including timely request for informal conference, and hearing in front of the Commission. However the Commission also recognizes that all parties to adjudicatory proceedings need to be notified and given an opportunity to participate in certain communications including formal complaints and timely request for adjudicatory hearing processes, procedures, and proceedings. The intent of this rule is not to prevent or hinder in any way the exchange of information, but to provide all parties to adjudicatory proceedings notification of and the opportunity to participate in certain communications. This correspondence reconfirms that their was a timely request for hearing and the exercise for the Florida Rules of Civil Procedure, and adjudicatory proceedings with the full Commission to present the information in support of 120.53 F.S., 120.57 S., hearing and 25 - 22.030 within the Issues of Memorandum TMS 3752 of the Formal Complaint of the State of Florida Public Service Commission, and in compliance with 25 - 22.031 with this unresolved dispute and in seeking relief in specific authority of Laws implemented as 364.015, 366.05 (10), 367.121(i) ( j), F.S. and 350.127(2), F.S. and conducting a hearing after timely response in accordance with and pursuant to Chapter 120, Florida Statues.

Start typing your letter here.

Sincerely,



Your name goes here



prior contact with the complaint. After consulting with the parties, the appointed staff member shall issue a written notice to the parties setting forth the procedures to be employed, the dates by which written materials are to be filed, and the time and place for the informal conference, which shall be held in the service area, or such other convenient location to which the parties agree, no sooner than 10 days following the notice.

(5) In conjunction with conducting the informal conference, the appointed staff member may:

(a) Require the utility to provide any information in its possession which may be relevant to the complaint and may specify the form in which such information is to be provided;

(b) Request a customer to provide any information in the customer's possession which is necessary to prove any facts the customer may assert in support of his position;

(c) Direct the utility to conduct meter tests and inspections, diversion of service inspections, and other tests the appointed staff member deems necessary or appropriate;

(d) Question the parties directly regarding all matters related to the case.

(6) At the conference, the parties shall have the opportunity to present information, orally or in writing, in support of their positions. During the conference, the appointed staff member may encourage the parties to discuss and resolve their dispute. The Commission shall be responsible for tape-recording, but not transcribing, the informal conference. A party may arrange for transcription at his own expense.

(7) The appointed staff member may permit any party to file, following the conference, further information, documentation, or arguments. The opposing party shall have an opportunity to file a response.

(8) If a settlement is not reached, then within 20 days following the informal conference or the last post-conference filing, the appointed staff member shall submit a recommendation to the Commission and shall mail copies of the recommendation to the parties. The Commission shall dispose of the matter at the next available agenda conference by issuing a notice of proposed agency action or by setting the matter for hearing pursuant to section 120.57, Florida Statutes. The Commission may permit the parties to respond to the recommendation at the agenda conference.

(9) At any point during the complaint proceedings, a party has the right to be represented by an attorney or other qualified representative. For purposes of this rule a qualified representative may be any person the party chooses, unless the Commission sets the matter for hearing. At such hearing the parties must be represented by an attorney or Class B practitioner as provided for in Rule 25-22.008 or may represent themselves. Each party shall be responsible for his own expenses in the handling of the complaint.

(10) During the pendency of the complaint proceedings, a utility shall not discontinue service to a customer because of an unpaid disputed bill. However, the utility may require the customer to pay that part of a bill which is not in dispute. If the parties cannot agree as to the amount in dispute, the staff member will make a reasonable estimate to establish an interim disputed amount until the complaint is resolved. If the customer fails to pay the undisputed portion of the bill the utility may discontinue the customer's service pursuant to Commission rules.

(11) At any time the parties may agree to settle their dispute. If a settlement is reached, the parties or their representatives shall file with the Division of Consumer Affairs a written statement to that effect. The statement shall indicate that the settlement is binding on both parties and that the parties waive any right to further review or action by the Commission. The Division shall, if the complaint has been docketed, submit the statement to the Commission for

(6) In the absence of a timely request for a \$120.57 hearing, and unless otherwise provided by a Commission order, the proposed action shall become effective upon the expiration of the time within which to request a hearing.  
Specific Authority: 120.53, F.S.  
Law Implemented: 120.53, F.S.  
History: New 12/21/81, formerly 25-22.29, Amended 7/8/92.

#### 25-22.030 Injunctions.

(1) The Commission may seek relief in circuit court in the form of temporary or permanent injunctions, restraining orders or other appropriate orders where:

(a) The Commission finds that any entity within its jurisdiction has violated or is in violation of a Commission Order or rule; and

(b) The Commission finds that said violation impairs the operations or service of any entity over which it has jurisdiction.

(2) In any instance where there is an immediate threat to the public health, safety or welfare, no notice shall be required prior to the Commission's decision to seek the relief described in subsection (1).

(3) Seeking relief in circuit court is not conditioned on conducting a hearing pursuant to Chapter 120, Florida Statutes.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.015, 366.05(10), 367.121(i)(j), F.S. (1993)

History: New 3/21/94.

#### 25-22.031 Reserved.

#### 25-22.032 Customer Complaints.

(1) Any customer of a utility regulated by this Commission may file a complaint with the Division of Consumer Affairs whenever he has an unresolved dispute with the utility regarding his electric, gas, telephone, water, or wastewater service. The complaint may be communicated orally or in writing. Upon receipt of the complaint a staff member designated by the Director of the Division shall notify the utility of the complaint and request a response. The response should explain the utility's actions in the disputed matter and the extent to which those actions were consistent with the utility's tariffs and procedures, applicable state laws, and Commission rules, regulations, and orders.

(2) The designated staff member shall investigate the complaint and attempt to resolve the dispute informally. To that end, the staff member may request the parties to provide copies of bills, billing statements, field reports, written documents, or other information in their possession which may be necessary to resolve the dispute. The staff member may perform such tests, on-site inspections, and reviews of utility records as he considers appropriate and may request the utility to collect data and to perform tests which are necessary to aid in the resolution of the dispute.

(3) As soon as possible the staff member shall propose a resolution of the complaint based on his findings, applicable state laws, the utility's tariffs, and Commission rules, regulations, and orders. The proposed resolution may be communicated to the parties orally or in writing. Upon request, either party shall be entitled to a written copy of the proposed resolution, which shall be delivered by first-class mail.

(4) If a party objects to the proposed resolution, he may file a request for an informal conference on the complaint. The request shall be in writing and should be filed with the Division of Consumer Affairs within 30 days after the proposed resolution is mailed or personally communicated to the parties. Upon receipt of the request the Director of the Division may appoint a staff member to conduct the informal conference or the Director may make a recommendation to the Commission for dismissal based on a finding that the complaint states no basis for relief under the Florida Statutes, Commission rules or orders, or the applicable tariffs. If a conference is granted the appointed staff member shall have had no

approval. If the complaint has not been docketed, then the Division shall acknowledge the statement of settlement by letter to the parties.

Specific Authority: 120.53(1), 350.127(2), F.S.  
Law Implemented: 120.53(1), 120.57, 120.59(4), F.S.  
History: New 1/3/89, Amended 10/28/93.

**Rule 25-22.033 - Communications Between Commission Employees and Parties -** The Commission recognizes that Commission employees must exchange information with parties who have an interest in Commission proceedings. However, the Commission also recognizes that all parties to adjudicatory proceedings need to be notified and given an opportunity to participate in certain communications. The intent of this rule is not to prevent or hinder in any way the exchange of information, but to provide all parties to adjudicatory proceedings notification of and the opportunity to participate in certain communications.

(1) This rule shall govern communications between Commission employees and parties to docketed proceedings before the Commission. This rule shall not apply in proceedings under sections 120.54, 120.565, 367.0814, Fla. Stat., proposed agency action proceedings before the Commission has voted to issue a proposed agency action order, non-rate case tariffs, workshops or internal affairs meetings. Also exempted are docketed and undocketed audits, telephone service evaluations, and electric and gas safety inspections. Nothing in this rule is intended to modify or supersede the procedural requirements for formal discovery under the Commission's rules and applicable provisions of the Florida Rules of Civil Procedure, or affect communications regarding discovery requests, procedure, or other matters not concerned with the merits of a case.

(2) **Written Communications -** Notice of any written communication between Commission employees and parties shall be transmitted to all other parties at the same time as the written communication, whether by U. S. Mail or other means.

(3) **Scheduled Meetings and Conference Calls -** All parties to the proceeding shall be given reasonable notice of the time and place of any scheduled meeting or conference call between Commission employees and parties. For purposes of this subsection, a conference call is defined as a telephone call involving three or more persons.

(4) **Response to Communications -** Any party to a proceeding may prepare a written response to any communication between a Commission employee and another party. Notice of any such response shall be transmitted to all parties.

(5) **Prohibited Communications -** No Commission employee shall directly or indirectly relay to a Commissioner any communication from a party or an interested person which would otherwise be a prohibited ex parte communication under section 350.042, Fla. Stat. Nothing in this subsection shall preclude non-testifying advisory staff members from discussing the merits of a pending case with a Commissioner, provided the communication is not otherwise prohibited by law. However, a staff member who testifies in a case shall not discuss the merits of that case with any Commissioner during the pendency of that case.

Specific Authority: 120.53, F.S.  
Law Implemented: 120.53, F.S.  
History: New 3/24/93

**25-22.034 Discovery.** Parties may obtain discovery through the means and in the manner provided in Rules 1.280 through 1.400, Florida Rules of Civil Procedure. The presiding officer may issue appropriate orders to effectuate the purposes of discovery and to prevent delay and may impose appropriate sanctions under Rule 1.380, Florida Rules of Civil Procedure, except that such sanctions may not include contempt or the award of expenses unless specifically authorized by statute. Sanctions may also include dismissal under Rule 25-22.042.

Specific Authority: 120.53, F.S.  
Law Implemented: 120.53, F.S.  
History: New 12/21/81, formerly 25-22.34.

STATE OF FLORIDA

Commissioners:  
JOE GARCIA, CHAIRMAN  
J. TERRY DEASON  
SUSAN F. CLARK  
JULIA L. JOHNSON  
E. LEON JACOBS, JR.



DIVISION OF LEGAL SERVICES  
NOREEN S. DAVIS  
DIRECTOR  
(850) 413-6199

Public Service Commission

August 27, 1999

850 413 7218 FAX RECORDS  
870 413 6250 FAX LEGAL  
850 413 6523

Dr. Michael Weilert  
Health Liability Management Corporation  
13738 Oxbow Road  
Ft. Myers, Florida 33905

Dear Dr. Weilert:

This is in response to the fax you sent me on August 3, 1999 regarding your "Formal Complaint" against GTE and your statement that you made a timely request to Charlie Pellegrini for a hearing. I have looked into the points you raised, and having concluded my review, respond as follows:

On June 12, 1998, you sent a letter by fax to Beverly DeMello and Charlie Pellegrini. In it, you requested an Informal Conference

because of the dissatisfaction with the so-called completed investigation of the Formal Service Complaint against GTE Florida, Inc. and the enclosed Issues of Memorandum contradictions on May 26, 1998; and to GTE's enclosed responses to the FPSC investigation in their investigatory letters dated March 17, 1998 and April 8, 1998.

Please note that an informal conference is not a hearing as that term is used in Chapter 120, Florida Statutes. It is as the name connotes, an informal conference, which is attended by staff, the consumer and the utility's representative.

I have spoken with Ms. DeMello regarding your June 12, 1998 request for an informal conference. The request was not granted because there was nothing to go forward with as there was no open complaint. The May 26, 1998 letter to you from the Commission's Division of Communications closed the complaint because there was no further assistance that could be rendered to you.

I am sorry that there is nothing further that can be done regarding your complaint against GTE, but a thorough investigation was conducted by the staff with the expertise and responsibility to do so, and their conclusion is as stated in the May 26, 1998 letter to you.

Yours truly,

Noreen S. Davis  
Director, Division of Legal Services

NSD:sa

**HMSY****Health Liability Management Corporation  
Health Management Systems Inc.**13736 Oxbow Road Suite 100 ~ Fort Myers, Florida 33905 ~ U.S.A.  
Phone 941-694-0084 ~ Fax 941-542-5202 ~ Email <http://www.oci.uci.edu/indiv/ehood/mhonarc.doc.htm>

August 03, 1999

Name: Noreen S. Davis  
Director, Division of Legal Services  
FPSC  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399 - 0850

Dear Noreen,

The message you received on July 27, 1999, inquiring about the status of the Formal Complaint with the Issues of Memorandum TMS 3752 against GTE, which was processed and served by the State of Florida Public Service Commission Division of Consumer Affairs was because of the following reasons. This review of your records should have indicated that on May 26, 1998, a staff member from the Division of Communications wrote a letter explaining that the staff member Phil Trumblehorn recommends closing the complaint because it can no longer render any further assistance beyond the findings listed above in the Issues of Memorandum TMS 3752, of the Formal Complaint. In accordance with S 120.57 a timely request was made to Charlie Pellegrini, LEG for a hearing within thirty days of this recommendation, and unless otherwise provided by a Commission order, the proposed recommendation, and/or action, shall not become effective because the time within which to request a hearing never expired before the request was made. (Law Implemented 120.53 F.S., Specific Authority: 120.53, F.S.).

Further in accordance with 25-22.032:the commissions staff member shall propose a resolution of the complaint based on his findings, applicable state laws, the utility tariff, and Commission rules, regulations, and orders. The proposed resolution may be communicated to the parties orally or in writing. In this case our party objected to the proposed resolution, so we filed a request for an informal conference on the complaint. The request was in writing and was filed with both Charlie Pellegrini, and the Division of Consumer Affairs within thirty days after the proposed resolution was communicated to the parties. Upon receipt of the request the Director of the Division was to appoint a staff member to conduct the informal conference or the Director may make a recommendation to the Commission for dismissal based on a finding that the complaint state no basis for relief under the Florida Statues, Commission rules, or orders, or the applicable tariffs. The relief under the Florida Statues , Commission rules or orders or the applicable tariffs are as stated in the Issues of Memorandum TMS3752 of the Formal Complaint in question number six (6), was GTE to provide the cooperative test results? YES. Were these tests provided?NO. Can GTE provide them now?NO. GTE Intrastate Access tariffs require giving cooperative test results. Cooperative test results were not given and cannot be given now as GTE reports that it did not retain them. This is truly in direct violation of the Florida Statues, Commission rules or orders, or the applicable tariffs. Complete failure to comply with this request for informal conference is evident because confirmation of the informal conference was never received of whether granted or not granted. This is clearly indicative because if the informal conference had been granted the appointed staff member shall have no prior contact with the complaint. The appointed staff member never consulted with the parties and a written notice to the parties setting forth the procedures to be employed was never received with dates written materials to be filed and time and place for the informal conference notice of no sooner than (10) ten days following the notice. Therefor a settlement has not been reached, and the 20 days following the informal conference or the last post - conference filing filing, without the proper appointment of the staff member never submitted a recommendation to the Commission and no mail copies of the recommendation to the parties. The Commission has never disposed of the matter at the next available agenda conference by issuing a notice of proposed agency action or by setting the matter for hearing pursuant to section 120.57, Florida Statues.

DOCKET NO. 990959 - TP

**HMSY****Health Liability Management Corporation  
Health Management Systems Inc.**

401 Park Avenue South ~ 13241 University Drive Suite 100 ~ New York, New York, Fort Myers, Fla. ~ U.S.A.  
 Phone 941 - 694 - 0084 ~ Fax 941 - 488 - 1504 ~ Email <http://www.osc.ucl.edu/indiv/ehood/mhlonarc.doc.html>  
<http://www.fiberchannelnetworks.com>  
[www.fiberchannels.com](http://www.fiberchannels.com)

September 02, 1999

DOCKET NO. 990959 -TP

DATE: August 26 , 1999

To: Commission

DIVISION OF COMMUNICATIONS (HINTON)  
 DIVISION OF LEGAL SERVICES (BEDELL)  
 DIVISION OF RECORDS (BAYO')

RE: DOCKET NO. 990959 - TP - REQUEST BY BELLSOUTH TELECOMMUNICATIONS, INC. FOR APPROVAL OF INTERCONNECTION, UNBUNDLING, AND RESALE AGREEMENT WITH HEALTH LIABILITY MANAGEMENT CORPORATIONS D/B/A FIBRE CHANNEL NETWORKS, INC. AND HEALTH MANAGEMENT SYSTEMS INC.

AGENDA: 09/07/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - COMMISSION DECISION ON INTERCONNECTION AGREEMENT

CRITICAL DATES: INTERCONNECTION AGREEMENT - COMMISSION MUST APPROVE OR DENY BY OCTOBER 23, 1999

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\990959.RCM

CASE BACKGROUND

On July 8, 1996, Health Liability Management Corporations (HLMC) filed an application for a Certificate of Public Convenience and Necessity to provide intralata, and interlata statewide intrastate interexchange Telecommunications Service (Docket No. 960811 -TI). The application had sufficient information to support a finding of financial solvency of proof to the specifications as required for the capability to provide Intrastate Telecommunications Service (\$25,000.00 +), as required in Section 364.337 (3), Florida Statutes. This information was provided in the form of both taxes, and a Certified Public Accountants Alexander Aronson Finning 1993, 1994, 1995, and 1996 review. HLMC also furnished documentation of Florida Department of State Sandra B. Mortham Secretary of State Letter No. 296A00035004, and Reference No. P93000088530 registration to conduct business within the State of Florida as required in Form PSC/CMu 31 (3/96), incorporated by reference in Rule 25-24.471 (1), Florida Administrative Code entered as Exhibit B. As a result, in Proposed Agency Action Order No. PSC - 97 - 0741 - FOF - TI, issued June 25, 1997 Staff dismissed HLMC's application to provide Statewide

DOCKET NO. 990959 - TP

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~~Intralata, Interlata, Intrastate, Interexchange~~ Telecommunications Service, even though at the same time the F.C.C. Common Carrier Bureau approved HLMC's application for intralata, interlata, interstate interexchange telecommunications nationwide with approval of the F.C.C. No. 1, and F.C.C. No. 214 Tariffs as in accordance with the Staffs' bias and unjurisprudence by this completely erroneous decision, a violation the application for a Certificate of Public Convenience and Necessity was denied as not in the public interest.

On July 1997, HLMC filed a petition for a formal proceeding pursuant to Rule 25 -22. 029, Florida Administrative Code subsequently the Staff biasness, caused this Florida Administrative Code to be violated. On November 20, 1997, the Commissions' Staff, issued Order No. PSC - 97 - 1465 - FOF - TI dismissing the petition for Administrative Hearing because of erroneous information without grounds that the Company cannot have equal representation, and be completely eliminated from equal justice and liberty for freedom of liberty, and pursuit to the Constitutional Rights of pursuit to earn a living in this State and with willful disregard for these rights falsely accused the company of willful disregard for the Commissions' Orders and rules pursuant to Rule 25 - 22 .042, Florida Administrative Code. Under these false allegations and the denial of the right to have an Administrative Hearing in defense the Order No. PSC -97 - 0741 -FOF - TI became final and effective as of November 4, and the docket was closed which is in direct violation pursuant to Florida Statues 120.57 and the Law implemented 120.53 F.S. Specific Authority : 120.53, and Rules 1.280 through 1.380, Florida Rules of Civil Procedure.

On May 22, 1998 by the pursuance of a FORMAL COMPLAINT BY THE STATE OF FLORIDA PUBLIC SERVICE COMMISSION ISSUE OF MEMORANDUM TMS # 3752, the Commissions' Staffs' Mr. Philip Trublehorn found GTE in direct violation of GTE's Intrastate Access tariffs for not providing HLMC their Access Customer with Cooperative Test Results as listed in Exhibit C attached with the Issues of Memorandum No. 3752, and many other violations as is evidence in this same Exhibit C. As in Exhibit A in the letter to Noreen Davis the Rules of Civil Procedures were violated by not providing a Formal Administrative Hearing after timely request.

ISSUE 1: Should the Commission deny the Notice of Adoption of the Bell South/AT&T Interconnection, Unbundling of Network Elements, and Resale Agreement filed by BellSouth Telecommunications Inc, and adopted by Health Liability Management Corporations, d/b/a Fibre Channel Networks Inc., and Health Management Systems Inc.

ISSUE 2: Should the Commission deny the following Florida Statues Sections 120.57, 120.57 (1), 120.59 (4), 350.127(2) and Rule 25 - 22.030, 25- 22.034 1.280, through 1.400 Florida Rules of Civil Procedure after timely request., and ignore the direct violations of GTE of their Intrastate Tariffs discovered in a Formal Complaint by the State of Florida Public Service Commission and evident in their Issues Memorandum of May 22. 1998, in questions and answers 1 - 12. This Issues Memorandum followed the filing of the Formal Complaint by the Divisions of Consumer Affairs, and

ISSUE 3: Should the Commission be kept misinformed concerning the company's falsely accused allegation of willful disregard when the company is more than willing to comply with all Florida Statue Sections, Rules, and Commission Orders, when given a proper opportunity, and has always enjoyed these legal binding duties, and obligations, and will prove that pursuant to Rule 25 - 22.029, Florida Administrative Code and completely meets the financial, management, and technological requirements to provide Statewide Interexchange Services, and pursuant to Rule 25 - 22. 042, Florida Administrative Code, and the Commissions Orders No. PSC - 97 - 1465 - FOF - TI and any, and all Commission' Issued Orders, and that within the Company's Application for Certificate of Public Convenience, and Necessity (Docket No. 960811 - TI) the documentation as required in the State of Florida as in PSC/CMU 31 (3/96) the Company's furnished reviewed financials by Alexander Aronson, and Finning, and as repoted in the taxes, as required by Florida Statues Section 364.337 (3), and furnished the documentation of the registration with the Secretary of State , Division of Corporations to conduct business within the State of Florida as required in Form PSC/CMU 31 (3/96) incorporated by reference in Rule 25 - 24.471 (1), and these documents were fully enclosed in (Docket No. 960811 - TI), as required by Florida Statue Section 364.37 (3), and Rule 25 - 24.471 (1) Florida Administrative Code.

RECOMENDATION: Mr. Casey Hinton not being personally involved with this case and the dockets at the Commission has no idea of the facts that concern the Case, and the Dockets and is therefor reacting on hearsay as is can not make a judicious recommendation with out the complete facts in whether the Commission should deny the Notice of Adoption of the BellSouth/AT&T Interconnectrion, Unbundling, and Resale Agreement by the

## DOCKET NO. 990959 - TP

Company's of Health Liability Management Corporations, d/b/a Fibre Channel Networks Inc., and Health Management Systems Inc., and filed by BellSouth Telecommunications Inc. (Hinton)

STAFF ANALYSIS: The Staff Analysis as stated in the Case Background on July 8, and as seen in the evidences if material facts in Exhibits A, B, C, Health Liability Management Corporation (HLMC) filed an application for a Certificate of Public Convenience and Necessity to provide Statewide Interexchange Telecommunications Service (Docket No. 960811 - TI). The application as exhibited in the following Exhibits A, B, C, and this information supported a finding of financial capability as required by Section 364.337 (3), Florida Statutes. The Company's also furnished documentation of registration with the Secretary of State, Division of Corporations as can be clearly seen in the Exhibits attached to conduct business within the State of Florida as required in Form PSC/CMU 31 (3/96), incorporated by reference in Rule 25 - 24.471 (1), Florida Administrative Code. These documents were never presented to the Commission and as a result, in Proposed Agency Action Order was incorrectly issued as in No. PSC - 97 -041 FOF - TI, issued June 25, 1997 a petition for a formal proceeding pursuant to Rule 25 - 22.029 Florida Administrative Code for Administrative Hearing was falsely denied on November 20, 1997 without a proper showing of the facts in the Order No. PSC - 97 - 0741 - FOF - TI for a lack of facts and a falsely alleged accusation per willful disregard for the Commissions' Orders and Rules pursuant to Rule 25 - 22.042., and the docket was incorrectly closed on November 4, 1997. As a result of not having equal or any representation which was in direct violation of the Florida Rules of Civil Procedure and adjudicatory proceedings with the full Commission to present the information in support of Florida Statutes Section 120.53, 120.57, hearing and 25 .22.030, 25 - 22031 and in seeking relief in specific authority of Laws implemented as 364.015, 366.05 (10), 367.121 (i), (j), F.S. and 350.127 (2), F.S. and in conducting a hearing after filing a petition for a formal proceeding pursuant to Rule 25 - 22.029 and the company not being in any purposeful way of willful disregard for the Commissions' Orders and Rules pursuant to Rule 25 - 22.042, Florida Administrative Code, and there for a Proposed Agency Action Order No. PSC - 97 - 0741 - FOF - TI, and the Commission Order No. PSC - 97 -1465 - FOF - TI was incorrectly ordered for reason of total lack of the facts and the dismissing of the petition for Administrative Hearing on the facts in support of Florida Statutes Sections 120.53, F.S., 120.57 F.S., and the Florida Rules of Civil Procedure and adjudicatory proceedings in compliance of 25 - 22.030 were denied for false allegations of willful disregard for the Commission's Orders., and as a result the application was denied stating, "it is not in the public interest to grant a Certificate to provide Interexchange Telecommunications Service to the Company's." Order at p.2)

On July 21, as indicated above, the Company's filed a petition for a formal hearing pursuant to Rule 25 - 22.029, Florida Administrative Code. In accordance, the matter was set for a formal Administrative Hearing on October 22, 1997. The Prehearing Officer issued Order No. PSC - 97 -0979 -FOF - TI on August 14, 1997, establishing the procedure for the case. Staff made these same false allegations that in the filing of the application for the filing of the application for a certification of Public Convenience and Necessity as in (Docket No. 960811 - TI), to provide Intralata, Interlata, Intrastate Telecommunications Services that the application lacked information to support a finding of financial capability required by Section of the Florida State Regulatory Codes Section 364.337 (3) (eg \$25,000.00).. also for the false allegation of not furnishing the documentation of registration with the Secretary of State, Division of Corporations, to conduct business within the State of Florida as required in Form PSC/CMU 31 (3/96), Florida Statutes. Staffs false allegations to explain to the Company's the deficiencies in its' application, and indication that if these false alleged deficiencies were rectified, staff would reevaluate the company's application and possibly avoid a hearing. The company stated that anything that was necessary to comply that no stone would be left unturned to comply willingly in accordance with the States Florida Statutes, and Codes, Rules and the Commissions Orders. The Company stated the truth that the CPA firm of Alexander, Aronson, and Finning were already provided, and the registration of the Secretary of State Division of Corporations also been provided as in these Exhibits clearly illicit., and expressed a desire to proceed to hearing which was never accomplished as apparent., and as the adjudicatory proceedings hearing processes, procedures and proceedings within "(Order No. PSC - 97 -1465 - FOF - TI in exercise of the Florida Rules of Civil Procedures and adjudicatory proceedings with the full Commission to present the information of the documents in support of Florida Statutes Sections 120.53, 120.57, as in compliance with Florida Administrative Code in seeking relief in specific authority of Laws implemented as 364.015, 366.05 (10), 367.121 (i) (j), F.S. and 350.127 (2) F.S.

The Company filed its' direct testimony in the exact same form as indicated above, and its' tariff in the manner required by the Commission Rules., to Mr. Charlie Pelligrini. Therefore, on November 20, 1997, the Commission without correct information concerning these matters issued incorrectly respectfully without having the facts Order No. PSC - 97 - 1465 - FOF - TI dismissal of the Company's petition for Administrative Hearing, on the grounds of

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## DOCKET NO. 990959 - TP

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Commission it falsely appears that the Company has demonstrated a persistent inability to comply with Commission Orders and Rules because of the above chronicled facts. Due to no representation of the true facts as chronicled above as in accordance with the Exhibits as evidence because of cancellation of the formal proceeding pursuant to Rule 25 - 22.029 the Company's conduct was made to appear as though that it amounts to a willful disregard of or gross indifference in which a full apology is provided to the Commissioners for this gross misunderstanding on the Company's parts for their Orders and Rules. Accordingly, this gross misrepresentation of the Company stands corrected within this above chronicled facts during this up and coming Regular Agenda of Docket No. 990959 - TP on 09/07/99 off the Regular Agenda - with the Proposed Agency Action - Commission Decision On Interconnection Agreement. Accordingly the Company's request that due to misinformation that the Commissioner's over rule, and over turn their misinformed finding that lead to a total inappropriate action to impose the sanction in this instance of dismissing the company's petition for a formal Administrative Hearing on its application for certification as an Intralata, Interlata, Intrastate, Interexchange Telecommunications Carrier. The company proceeded in absolute direction by instruction of Charlie Peligrini, without willing choice, although the company did submit the appropriate documentation which were in accordance with Order No. PSC - 97 - 1465 - FOF - TI, pp. 5 - 6 with the certified public accountants reviews of Alexander, Aronson, and Finning in the Company's Docket No. 9608111 - TI in accordance with Florida Statutes Section 364.337 (3) which states that in order to be certified as a Intralata, Interlata, Intrastate Carrier the financial capabilities must be (\$25,000.00), and furnished documentation of registration with the Secretary of State, Division of Corporations, to conduct business within the State of Florida as required in Form Psc/CMU 31 (3/96), incorporated by reference in Rule 25 - 24.471 (1), Florida Administrative Code. As chronicled above in the Company's Exhibits. As a result this documentation for some inordinate reason was not received by the Commissioner's from the Staff, and as cause of result, in Proposed Agency Action Order No. PSC - 97 - 0741 - ~~FOF~~ - TI, issued June 25, 1997 and this information was not received by the Company until September 1, 1999, the Company's application to provide Intralata, Interlata, Intrastate, ~~Interexchange~~ Statewide Interexchange Telecommunications Services was denied as not in the public interest at this same time as in Exhibit D the Commission had ordered a Formal Complaint during May 23 1997 and after on GTE in which the findings are in accordance with many violations on the part of GTE in the Issue of Memorandum TMS 3752. Beginning with question 1 written by Mr. Phil Trumblehorn of the Staff is a direct lie by Anthony P. Gillman about the Network Interface Circuitry of 04.DS.9.15, which is a 4 wire Digital signaling 100 ohms and 44.736 Mgb in which Mr. Anthony P. Gillman says is analog, and the account manager Mr. Kirby Cantrell says is Digital and that he incorrectly ordered after the processing the ASR and did not understand what needs to be ordered, and in question No. 6 the same Staff member whom wrote the Issue of Memorandum Mr. Phil Trumblehorn found that GTE was in direct violation of their Intrastate, and Interstate tariffs for not providing the Company with Cooperative Test Results their Access Customer and then Staff pretends that the Staff recommends closing the Company's complaint in question and answer No. 12, at this time because it can render no further assistance beyond the findings listed above. Staff also recommends closing the complaint because the Company presently has no equipment in place. Although in the Issue of Memorandum 3752 question No. 10 1st sentence after the question the Staff writes that Equipment is not required for IXC's as in the Company's ASR Access Service Request the Percent Interstate Usage is 100% and as an approved F.C.C. >, Federal Communications Commission No. 11, Tariff, and No. 214, Tariff approved Long Distance Interstate Interexchange Carrier serving just voice transmissions, requiring ~~city~~ access links to the side of the tandem switch, in which GTE sabotaged by placing this circuit into a loop, which when in a loop continues to proceed in that loop infinitesimally, and/or open short circuits, upon these factors together with the attempted coercion of Jon Anderson whom continues to work with the Company as in question No. 3 Mr. Jon Anderson wrote to the Commission Staff Members that this circuit never worked properly and could not receive specific test results the circuit is still active and the staff of the Commission refuse until today to test this circuit, that staff recommends closing the complaint because the Company presently has no equipment in place. The Staff recommends that a new ASR should be prepared with a requested service date when the equipment is back in place. The complete Issue of Memorandum needs to be reviewed by the full Commission in which the request for a formal Administrative Hearing as chronicled in Noreen Davis letter entered as Exhibit E state as fact has as well been denied by the Staff.

By letter dated July 23, 1999, BellSouth Telecommunications Inc. filed a notice of the adoption by the Company's of the Interconnection Agreement, entered into by and between BellSouth Telecommunications Inc. and AT&T Communications of the Southern States, Inc., which the Commission approved by Order No. PSC - 97 - FOF - TP issued June 19, 1997. By letter dated July 23, 1999, BellSouth Telecommunications Inc. filed this notice of Adoption by the Company's of the 47 U.S.C. Section 251 (i), and 47 U.S.C. 252 (i) entered into by and between BellSouth and AT&T Communications of the Southern States, Inc., approved by the Commission Order No. PSC - 97 - FOF - TP, issued June 19, 1997.

DOCKET NO. 990959 - TP



**Health Liability Management Corporation  
Health Management Systems Inc.**

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[www.fiberchannels.com](http://www.fiberchannels.com)

September 02, 1999

DOCKET NO. 990959 -TP

DATE: August 26 , 1999

To: Commission

DIVISION OF COMMUNICATIONS (HINTON)  
DIVISION OF LEGAL SERVICES (BEDELL)  
DIVISION OF RECORDS (BAYO')

RE: DOCKET NO. 990959 - TP - REQUEST BY BELLSOUTH TELECOMMUNICATIONS, INC. FOR APPROVAL OF INTERCONNECTION, UNBUNDLING, AND RESALE AGREEMENT WITH HEALTH LIABILITY MANAGEMENT CORPORATIONS D/B/A FIBRE CHANNEL NETWORKS, INC. AND HEALTH MANAGEMENT SYSTEMS INC.

AGENDA: 09/07/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - COMMISSION DECISION ON INTERCONNECTION AGREEMENT

CRITICAL DATES: INTERCONNECTION AGREEMENT - COMMISSION MUST APPROVE OR DENY BY OCTOBER 23, 1999

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP990959.RCM

#### CASE BACKGROUND

On July 8, 1996, Health Liability Management Corporations (HLMC) filed an application for a Certificate of Public Convenience and Necessity to provide Intralata, and Interlata Statewide Intrastate Interexchange Telecommunications Service (Docket No. 960811 -TI). The application had sufficient information to support a finding of financial solvency of proof to the specifications as required for the capability to provide Intrastate telecommunications service (\$25,000.00 +), as required in Section 364.337 (3), Florida Statutes. This information was provided in the form of both taxes, and a Certified Public Accountants Alexander Aronson Finning 1993, 1994, 1995, and 1996 review. HLMC also furnished documentation of Florida Department of State Sandra B. Mortham Secretary of State Letter No. 296A00035004, and Reference No. P93000088530 registration to conduct business within the State of Florida as required in Form PSC/CMU 31 (3/96), incorporated by reference in Rule 25-24.471 (1), Florida Administrative Code entered as Exhibit B. As a result, in Proposed Agency Action Order No. PSC - 97 - 0741 - FOF - TI, issued June 25, 1997 Staff dismissed HLMC's application to provide Statewide

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Intralata, Interlata, Intrastate Interexchange Telecommunications Service, even though at the same time the F.C.C. Federal Communications Commission Common Carrier Bureau approved HLMC's application for Intralata, Interlata, Interstate Interexchange Telecommunications nationwide with approval of the F.C.C. No. 1, and F.C.C. No. 214 Tariffs as in accordance with the Staffs' recommendations by this completely erroneous recommendation a the application for a Certificate of Public Convenience and Necessity was denied as not in the public interest.

On July 1997, HLMC filed a petition for a formal proceeding pursuant to Rule 25 -22. 029, Florida Administrative Code subsequently the Staff biases, caused this Florida Administrative Code to be violated. On November 20, 1997, the Commissions' Staff, issued Order No. PSC - 97 - 1465 - FOF - TI dismissing the petition for Administrative Hearing because of erroneous information without grounds that the Company cannot have equal representation, and be completely eliminated from equal justice and liberty for freedom of liberty, and pursuit to the Constitutional Rights of pursuit to earn a living in this State and with willful disregard for these rights falsely accused the company of willful disregard for the Commissions' Orders and rules pursuant to Rule 25 - 22 .042, Florida Administrative Code. Under these false allegations and the denial of the right to have an Administrative Hearing in defense the Order No. PSC -97 - 0741 -FOF - TI became final and effective as of November 4, and the docket was closed which is in direct violation pursuant to Florida Statues 120.57 and the Law implemented 120.53 F.S. Specific Authority : 120.53, and Rules 1.280 through 1.380, Florida Rules of Civil Procedure.

On May 22, 1998 by the pursuance of a FORMAL COMPLAINT BY THE STATE OF FLORIDA PUBLIC SERVICE COMMISSION ISSUE OF MEMORANDUM TMS # 3752, the Commissions' Staffs' Mr. Philip Troublehorn found GTE in direct violation of GTE's Intrastate Access tariffs for not providing HLMC their Access Customer with Cooperative Test Results as listed in Exhibit C attached with the Issues of Memorandum No. 3752, and many other violation's is evidence in this same Exhibit C. As in Exhibit A in the letter to Noreen Davis the Rules of Civil Procedures were violated by not providing a Formal Administrative Hearing after timely request.

ISSUE 1: Should the Commission deny the Notice of Adoption of the Bell South/AT&T Interconnection, Unbundling of Network Elements, and Resale Agreement filed by BellSouth Telecommunications Inc, and adopted by Health Liability Management Corporations, d/b/a Fibre Channel Networks Inc., and Health Management Systems Inc.

ISSUE 2: Should the Commission deny the following Florida Statues Sections 120.57, 120.57 (1), 120.59 (4), 350.127(2)and Rule 25 - 22.030, 25- 22.034 1.280, through 1.400 Florida Rules of Civil Procedure after timely request., and ignore the direct violations of GTE of their Intrastate Tariffs discovered in a Formal Complaint by the State of Florida Public Service Commission and evident in their Issues Memorandum of May 22, 1998, in questions and answers 1 - 12. This Issues Memorandum followed the filing of the Formal Complaint by the Divisions of Consumer Affairs, and

ISSUE 3: Should the Commission be kept misinformed concerning the company's falsely accused allegation of willful disregard when the company is more than willing to comply with all Florida Statue Sections, Rules, and Commission Orders, when given a proper opportunity, and has always enjoyed these legal binding duties, and obligations, and will prove that pursuant to Rule 25 - 22.029, Florida Administrative Code and completely meets the financial, management, and technological requirements to provide Statewide Interexchange Services, and pursuant to Rule 25 - 22. 042, Florida Administrative Code, and the Commissions Orders No. PSC - 97 - 1465 - FOF - TI and any, and all Commission' Issued Orders, and that within the Company's Application for Certificate of Public Convenience, and Necessity (Docket No. 960811 - TI the documentation as required in the State of Florida as in PSC/CMU 31 (3/96 the Company's furnished reviewed financials by Alexander Aronson, and Finning, and as repoted in the taxes, as required by Florida Statues Section 364.337 (3), and furnished the documentation of the registration with the Secretary of State , Division of Corporations to conduct business within the State of Florida as required in Form PSC/CMU 31 (3/96) incorporated by reference in Rule 25 - 24.471 (1), and these documents were fully enclosed in (Docket No. 960811 - TI), as requiredby Florida Statue Section 364.37 (3), and Rule 25 - 24.471 (1) Florida Administrative Code.

RECOMENDATION: Mr. Casey Hinton not being personally involved with this case and the dockets at the Commission has no idea of the facts that concern the Case, and the Dockets and is therefor reacting on hearsay as is can not make a judicious recommendation with out the complete facts in whether the Commission should deny the Notice of Adoption of the BellSouth/AT&T Interconnection, Unbundling, and Resale Agreement by the

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Company's of Health Liability Mmanagement Corporations, d/b/a Fibre Channel Networks Inc., and Health Management Systems Inc., and filed by BellSouth Telecommunications Inc. (Hinton)

STAFF ANALYSIS: The Staff Analysis as stated in the Case Background on July 8, and as seen in the evidences if material facts in Exhibits A, B, C, Health Liability Management Corporation (HLMC) filed an application for a Certificate of Public Convenience and Necessity to provide Statewide Interexchange Telecommunications Service (Docket No. 960811 - TI). The application as exhibited in the following Exhibits A,B,C, and this information supported a finding of financial capability as required by Section 364.337 (3), Florida Statutes. The Company's also furnished documentation of registration with the Secretary of State, Division of Corporations as can be clearly seen in the Exhibits attached to conduct business within the State of Florida as required in Form PSC/CMU 31 (3/96), incorporated by reference in Rule 25 - 24.471 (1), Florida Administrative Code. These documents were never presented to the Commission and as a result, in Proposed Agency Action Order was incorrectly issued as in No. PSC - 97 -041 FOF - TI, issued June 25, 1997 a petition for a formal proceeding pursuant to Rule 25 - 22.029 Florida Administrative Code for Administrative Hearing was falsely denied on November 20, 1997 without a proper showing of the facts in the Order No. PSC - 97 - 0741 - FOF - TI for a lack of facts and a falsely alleged accusation per willful disregard for the Commissions' Orders and Rules pursuant to Rule 25 - 22.042., and the docket was incorrectly closed on November 4, 1997. As a result of not having equal or any representation which was in direct violation of the Florida Rules of Civil Procedure and adjudicatory proceedings with the full Commission to present the information in support of Florida Statutes Section 120.53, 120.57, hearing and 25 .22.030, 25 - 22031 and in seeking relief in specific authority of Laws implemented as 364.015, 366.05 (10), 367.121 (i), (j), F.S. and 350.127 (2), F.S. and in conducting a hearing after filing a petition for a formal proceeding pursuant to Rule 25 - 22.029 and the company not being in any purposeful way of willful disregard for the Commissions' Orders and Rules pursuant to Rule 25 - 22.042, Florida Administrative Code, and there for a Proposed Agency Action Order No. PSC - 97 - 0741 - FOF -TI, and the Commission Order No. PSC - 97 -1465 - FOF TI was incorrectly ordered for reason of total lack of the facts and the dismissing of the petition for Administrative Hearing on the facts in support of Florida Statutes Sections 120.53, F.S., 120.57 F.S., and the Florida Rules of Civil Procedure and adjudicatory proceedings in compliance of 25 - 22.030 were denied for false allegations of willful disregard for the Commission's Orders., and as a result the application was denied stating, "it is not in the public interest to grant a Certificate to provide Interexchange Telecommunications Service to the Company's." Order at p.2)

On July 21, as indicated above, the Company's filed a petition for a formal hearing pursuant to Rule 25 - 22.029, Florida Administrative Code. In accordance, the matter was set for a formal Administrative Hearing on October 22, 1997. The Prehearing Officer issued Order No. PSC - 97 -0979 -FOF - TI on August 14, 1997, establishing the procedure for the case. Staff made these same false allegations that in the filing of the application for the filing of the application for a certification of Public Convenience and Necessity as in (Docket No. 960811 - TI ),, to provide Intralata, Interlata, Intrastate Telecommunications Services that the application lacked information to support a finding of financial capability required by Section of the Florida State Regulatory Codes Section 364.337 (3) (eg.\$25,000.00),, also for the false allegation of not furnishing the documentation of registration with the Secretary of State, Division of Corporations, to conduct business within the State of Florida as required in Form PSC/CMU 31 (3/96), Florida Statutes. Staffs false allegations to explain to the Company's the deficiencies in its' application, and indication that if these false alleged deficiencies were rectified, staff would reevaluate the company's application and possibly avoid a hearing. The company stated that anything that was necessary to comply that no stone would be left unturned to comply willingly in accordance with the States Florida Statutes, and Codes, Rules and the Commissions Orders. The Company stated the truth that the CPA firm of Alexander, Aronson, and Finning were already provided, and the registration of the Secretary of State Division of Corporations also been provided as in these Exhibits clearly illicit., and expressed a desire to proceed to hearing which was never accomplished as apparent., and as the adjudicatory proceedings hearing processes, procedures and proceedings within "(Order No. PSC - 97 -1465 - FOF - TI in exercise of the Florida Rules of Civil Procedures and adjudicatory proceedings with the full Commission to preset the information of the documents in support of Florida Statutes Sections 120.53, 120.57, as in compliance with Florida Administrative Code in seeking relief in specific authority of Laws implemented as 364.015, 366.05 (10), 367.121 (i) (j), F.S. and 350.127 (2) F.S.

The Company filed its' direct testimony in the exact same form as indicated above, and its' tariff in the manner required by the Commission Rules., to Mr. Charlie Pelligrini. Therefore, on November 20, 1997, the Commission without correct information concerning these matters issued incorrectly respectfully without having the facts Order No. PSC - 97 - 1465 - FOF - TI dismissal of the Company's petitionfor Administrative Hearing, on the grounds

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of false allegations that the Company had shown a willful disregard for the Commissions' Orders, and Rules, pursuant to Rule 25 - 22.042, Florida Administrative Code.

The Commissions Order stating that:

As has been chronicled above, that due to a total lack of facts by the Commission it falsely appears that the Company has demonstrated a persistent inability to comply with Commission Orders and Rules because of the above chronicled facts. Due to no representation of the true facts as chronicled above as in accordance with the Exhibits as evidence because of cancellation of the formal proceeding pursuant to Rule 25 - 22.029 the Company's conduct was made to appear as though that it amounts to a willful disregard of or gross indifference in which a full apology is provided to the Commissioners for this gross misunderstanding on the Company's parts for their Orders and Rules. Accordingly, this gross misrepresentation of the Company stands corrected within this above chronicled facts during this up and coming Regular Agenda of Docket No. 990959 - TP on 09/07/99 of the Regular Agenda - with the Proposed Agency Action - Commission Decision On Interconnection Agreement. Accordingly the Company's request that due to misinformation that the Commissioner's over rule, and over turn their misinformed finding that lead to a total inappropriate action to impose the sanction in this instance of dismissing the company's petition for a formal Administration Hearing on its application for certification as an Intralata, Interlata Intrastate Interexchange Telecommunications Carrier. The company proceeded in absolute direction by instruction of Charlie Peligrini, without willing choice, although the company did submit the appropriate documentation which were in accordance with Order No. PSC - 97 - 1465 - FOF - TL, pp. 5 - 6 with the certified public accountants reviews of Alexander, Aronson, and Finning in the Company's Docket No. 9608111 - TI in accordance with Florida Statutes Section 364.337 (3) which states that in order to be certified as a Intralata, Interlata, Intrastate Carrier the financial capabilities must be (\$25,000.00), and furnished documentation of registration with the Secretary of State, Division of Corporations, to conduct business within the State of Florida as required in Form Psc/CMU 31 (3/96), incorporated by reference in Rule 25 - 24.471 (1), Florida Administrative Code. As chronicled above in the Company's Exhibits. As a result this documentation for some inordinate reason was not received by the Commissioner's from the Staff, and as cause of result, in Proposed Agency Action Order No. PSC - 97 - 0741 - FOF - TL, issued June 25, 1997 and this information was not received by the Company until September 1, 1999, the Company's application to provide Intralata, Interlata, Intrastate Statewide Interexchange Telecommunications Services was denied as not in the public interest at this same time as in Exhibit D the Commission had ordered a Formal Complaint during May 23 1997 and after on GTE in which the findings are in accordance with many violations on the part of GTE in the Issue of Memorandum TMS 3752. Beginning with question 1 written by Mr. Phil Trublehorn of the Staff is a direct lie by Anthony P. Gillman about the Network Interface Circuitry of 04.DS.9.15, which is a 4 wire Digital signaling 100 ohms and 44.736 Mgb in which Mr. Anthony P. Gillman says is analog, and the account manager Mr. Kirby Cantrell says is Digital and that the incorrectly ordered after he processing the ASR and did not understand what needed to be ordered, and in question No. 6 the same Staff member whom wrote the Issue of Memorandum Mr. Phil Trublehorn found that GTE was in direct violation of their Intrastate, and Interstate tariffs for not providing the Company with Cooperative Test Results their Access Customer and then Staff pretends that the Staff recommends closing the Company's complaint in question and answers No. 12, at this time because it can render no further assistance beyond the findings listed above. Staff also recommends closing the complaint because the Company presently has no equipment in place. Although in the Issue of Memorandum 3752 question No. 10 1st sentence after the question the Staff writes that Equipment is not required for IXC's as in the Company's ASR Access Service Request the Percent Interstate Usage is 100% and as an approved F.C.C. >, Federal Communications Commission No. 11, Tariff, and No. 214, Tariff approved Long Distance Interstate Interexchange Carrier serving just voice transmissions, requiring only access trunks to the side of the tandem switch, in which GTE sabotaged by placing this circuit into a loop, which when in a loop continues to proceed in that loop infinitesimally, and/or open short circuits, upon these factors together with the attempted coercion of Jon Anderson whom continues to work with the Company as in question No. 3 Mr. Jon Anderson wrote to the Commission Staff Members that this circuit never worked properly and could not receive specific test results the circuit is still active and the staff of the Commission refuse until today to test this circuit, that staff recommends closing the complaint because the Company presently has no equipment in place. The Staff recommends that a new ASR should be prepared with a requested service date when the equipment is back in place. The complete Issue of Memorandum needs to be reviewed by the full Commission in which the request for a formal Administrative Hearing as chronicled in Norcen Davis letter entered as Exhibit E state as fact has as well been denied by the Staff.

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By letter dated July 23, 1999, BellSouth Telecommunications Inc. filed a notice of the adoption by the Company's of the Interconnection Agreement, entered into by and between BellSouth Telecommunications Inc. and AT&T Communications of the Southern States, Inc., which the Commission approved by Order No. PSC - 97 - FOF - TP issued June 19, 1997. By letter dated July 23, 1999, BellSouth Telecommunications Inc. filed this notice of Adoption by the Company's of the 47 U.S.C. Section 251 (i), and 47 U.S.C. 252 (i) entered into by and between BellSouth and AT&T Communications of the Southern States, Inc., approved by the Commission Order No. PSC - 97 - FOF - TP, issued June 19, 1997.

The Company's has addressed the Commission's as can be clearly seen in the Exhibits as attached however for whatever inordinate reason Staff has not proceeded in providing this documentation to the Commission to address these concerns and to correct the proposed false allegations of the proposed deficiencies in the Company's application for CLEC certification, the Company is already a approved F.C.C. Tariffed No.1, No. 214 National, and International IXC so the Staff has failed to bring these documents to the attention of the Commission, as chronicled above although the Company still remains registered by the Secretary of State, Division of Corporations, to conduct business within the State of Florida as required in Form PSC/CMU 31 (3/96), incorporated by reference in Rule 25 - 24. 471 (1) as both Fibre Channel Networks Inc. in 1999, and Health Liability Management Corporation registered in 1987, and beyond until today., as well in providing the Alexander, Aronson, and Finning certified Public Accountants reviewed financials as in accordance with Section 364.337 (3) as can be found with the Exhibits. As of the date of this petition for adoption of the Interconnection Agreement the Company's have applied for certification as a CLEC.

While the Commission has approved all the time Interconnection Agreements to the CLEC being certified, the history according to staff of this particular company has demonstrated a pattern of disregard for Commission Orders, and Rules and for this misunderstanding we, full would appreciate your total forgiveness, and sincerely apologize and get down on our hands and knees and pray to GOD! that this misunderstanding for what ever reason between the Company and the Commissioners never occurs again. So help US GOD! Further both Company's of Fibre Channel Networks Inc. and Health Liability Management Corporation are both registered with the Department of State Secretary of State as a Corporation operating in the State of Florida and doing business as either Fibre Channel Networks Inc. and Health Liability Management Corporation. according to staff contrary to the representation in this petition.

Staff believes that the Commission has the authority to reject the Company's adoption of the BellSouth/AT&T agreement, as not consistent with the public interest. 47 U.S.C. Section 251 (i), and 252 (i), of the Telecommunications Act, Bill, and Law, and passed by the Congress, Senators, and President on February 1996. Accordingly the 50 States PURA Notice Of Inquiry, AND THE RULE 98 - 188 OF THE F.C.C. TO ENCOURAGE THE RAPID DEPLOYMENT OF NEW, INNOVATIVE, REVOLUTIONARY, ADVANCED, TELECOMMUNICATIONS TECHNOLOGY, CAPABILITY, AND SERVICES TO ALL AMERICANS IN THE CONVENIENCE, AND NECESSITY FOR THE PUBLICS' INTEREST IN WHICH FIBRECHANNEL IS AN ANSI X3.230, AND OSI 9,000, 9,001, 9,002, AND 14,000 STANDARD FOR. STAFF SAYS THAT SECTION 252 (i) IS SILENT ON A STATES AUTHORITY TO REJECT AN ADOPTION AND WHERE THE ACT DOES SPEAK TO REJECTION OF AN AGREEMENT, BY A STATE COMMISSION, IT SPEAKS TO REJECTING TERMS OF AN AGREEMENT, NOT TO THE REJECTION OF A PARTICULAR COMPANY AS A PARTY TO A CONTRACT. THEREFORE THE CONSTITUTIONAL LAW REDERING OF THE RULING BY SUPREME COURT JUSTICE SCALIA, AND THE 8TH CIRCUIT FEDERAL COURT OF APPEALS RULINGS IN ACCORDANCE. THEREFORE THE STAFF SAYS, THAT THEY CONCLUDE THAT THIS COMMISSION IN ALL RESPECT HAS THE AUTHORITY UNDER FLORIDA LAW TO REJECT AN ADOPTION BASED ON THE PRIOR CONDUCT AND ACTIONS OF ONE OF THE PARTIES BEING UNACCEPTABLE. AS NOTED IN THE CASE BACKGROUND ACCORDING TO THE STAFF, THIS COMMISSION DENIED THE COMPANY A CERTIFICATE BECAUSE OF THE BACKGROUND MATERIAL THE COMMISSION RECEIVED FAILED TO COMPLETE ITS' APPLICATION AND FAILED TO COMPLETE ITS' APPLICATION AND FAILED TO ESTABLISH THAT IT HAD THE TECHNICAL, FINANCIAL, OR MANAGERIAL CAPABILITY TO OPERATE A TELECOMMUNICATIONS COMPANY. THE TWO FACTORS OF FINANCIAL AND REGISTRATION AS AT THE SECRETARY OF STATE OF FLORIDA DIVISION OF CORPORATIONS HAVE ALREADY BEEN CONFRONTED. THE MANAGEMENT OF THE COMPANY CONSISTS OF MITCHELL, AND ELLINGER AS CEO AND AS ASSOCIATE GENERAL COUNSEL A LAW FIRM OF OVER 75 YEARS



WITH IMPECCABLE CREDIBILITY, AND REPUTATION MR. WILLIAM B. ELLINGER, Mr. Marvin Metheny and Associates Former Chairman of the Lee County Chamber of Commerce, Mrs. Nancy Givens of Hughe Snell and Company computer technological solutions ,CPA, Sandler, Travis, Rosenberg, Mr. Lawrence Rosenberg P.A., International Law Firm the Senior Partner , and many many others, as chronicled above the technology is called Fibre Channel an ANSI , and a OSI 9,000, 9,001, 9002 and 14,000 Standard in which these companys' can be found on our WEB Sites of WWW.fibrechannel.com of IBM, Cisco, SunMicrosystems , Hewlett Packard, EMC Ancor, Brocade, CNT COMPUTER NETWORK TECHNOLOGY'S, LUCENT, NORTEL, INTEL, 3 COM, EDS, EMULEX, JUST TO LIST A FEW THIS OUGHT TO RESPECTFULLY ADDRESS THE QUESTIONS AND ANSWERES OF TECHNICAL, FINANCIAL, AND MANGERIAL, ALSO WHEN AND IF NEEDED THE COMPANY IS WILLING TO PLACE \$25,000.00 IN THE STATE OF FLORIDA COMMISSION ESCROW ACCOUNT, TO REVEAL IN GOOD FAITH WITH FINANCIAL CAPABILITY'S RESPECTFULLY. The Company as an approved F.C.C. Long Distance F.C.C. No. 1 tariff in this country, and No. 214 internationally does meet the statutory definition of a "Telecommunications Carrier" under Section 47 U.S.C. 153 (44), and can operate as a F.C.C. No. 1 Long Distance Interexchange Carrier for Intralatas, and InterLatas Interstate Telecommunications Technology's, Capability's and Services Respectfully. Because the Company's is willing to comply with any and all Florida State Sections, Laws, Rules, Tariffs, and Codes, and because of improper information being given to the Commissioners! The Company Prays and throws itself on the mercy of the Commissioners to approve the Certificate of Public Convenience and Necessity pursuant to Section 364.337 to place the FibreChannel Equipment in a virtual Colocation with the Adoption of the Interconnection Agreement of BellSouth/AT&T to completely eliminate the wrong doings of GTE as found in the Commissions TMS 3752 Issue of Memorandum once and for all to rectify a misgiving in GODS GRACE PLEASE! Although 47 U.S.C. Section 251 (i) , and 252 (i) before being approved for 47 U.S.C. Section 271 (i), and (e) of the Telecommunications Act, Bill, and Law, for approval of procuring approval from the F.C.C. for providing Intralata, and Interlata, and Interstate, long Distance Interexchange Technology, capability's, and services' mandates that BellSouth make available its Interconnection Agreement with any company that already is approved under adoption to any requesting "Telecommunications", "Carrier", staff does not believe BellSouth is obligated under the Constitutional Telecommunications Act, Bill, and Law as Amended to provide such an duty, and obligation agreement to the Company because it is currently a "F.C.C. approve Tariff NO.1 and No. 214 Current "Telecommunications Carrier", in direct violations of their duty's, and obligations of the Constitutional Telecommunications Act, Bill, and Law of 1996."

Therefore under these current conditions and after complying with the financial, managerial, technological requirements as chronicled above the Company has already submitted a complete and accurate application for CLEC certification of Convenience and Necessity and is willing to comply again under the direct supervision of the full Commissioners adjudicatory formal proceedings to make respectfully assured that these misunderstandings do not occur again for what ever reason. Therefore becoming a Certified CLEC to operate as a corporation under this status will never become questioned again under willful disregard for the Commissioners Orders, and or Florida Statutes Sections, Orders, Rules, and Laws. The Commissioners can feel free to check on the current status with the Secretary Of State of Florida Division of Corporations concerning the current status of Fibre Channel Networks Inc. and Health Liability Management Corporation. Again Staff Recommends that the adoption of the Interconnection Agreement by the company be denied. Staff believes that approval of this agreement is not consistent with the publi interest, convenience, and necessity, and accordingly , staff recommends that the adoption of the BellSouth/AT&T agreement by the company be denied pursuant to Section 252 (e) of the Telecommuications Act, Bill, and Law of 1996.

**Staff Analysis: Upon the approval of the staffs recommendation by the Commission, the Interconnection Agreement between BellSouth and the Company will be denied the docket closed and the Company will never be able to obtain certification as a CLEC under Convenience and Necessity and ever adopt another Interconnection Agreement under the Telecommunications Act, Bill, and Law.**

**Staffs Issue 2: Should this docket be closed ?**

**Recommendation: YES. Upon the approval of staffs recommendation by the Commission, the Interconnection Agreement between Bellsouth and thew Company will be permanently closed, denied, and the docket should be permanently closed.**

**The Company has allways been willing to comply with any Florida State Statues, Sections, Rules, Codes, and Commissions orders within any way in any adjudicatory formal hearing in front of the Commisioners, and their guidance the Commission.** ■ v . s

Sincerely,

Your name gocs here