

**STEPHEN JURMAN**  
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February 2, 1998

State of Florida  
Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Attention: Charles J. Pellegrini  
Staff Counsel

Re: Docket No. 961309-TI  
Vendormatic, Inc.

Dear Mr. Pellegrini

Thank you for your courtesy in our discussions. I have reviewed the file of Vendormatic, Inc. with respect to the two proceedings pending at the above-referenced docket number. As we have discussed, since my client did, albeit through an independent marketer, market calling cards in Florida prior to the issuance of its certificate of public convenience and necessity, the question remaining is a legal one, that is, whether such activity constitutes a violation of Rule 25-24.470. The subsidiary questions become what sanction would be appropriate, and whether the issuance of the certificate subsequently approved should be conditional upon such a sanction.

The testimony and exhibits of my client would show that its marketing was performed solely by an independent contractor, which was directed to cease marketing in Florida when this complaint was called to the client's attention. It would also show that full refunds or credits were arranged for any calling card applicant who complained with regard to the product. This evidence, of course, goes to mitigation rather than whether there was a violation in the first instance. It also constitutes rebuttal, rather than case in chief.

- ACK \_\_\_\_\_
- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU   1
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG   1
- LIN \_\_\_\_\_
- OPC \_\_\_\_\_
- RCH \_\_\_\_\_
- SEC   1
- WAS \_\_\_\_\_
- OTH \_\_\_\_\_

This issue appearing to be more a matter of the appropriate sanction to apply, rather than liability in the first instance (though that is not admitted hereby), Vendormatic would offer to compromise and settle the proceedings by paying \$5,000.00.

If this letter to you is not the proper method for making such an offer of compromise, please advise me to whom it should be directed.

Thank you.

Very truly yours,

  
Stephen Jurman, Esq.

Phone: (412) 262-2575  
Fax: (412) 264-5597

DOCUMENT NUMBER - DATE

02087 FEB 10 88

FPSC-RECORDS/REPORTING

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