





Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 000218-TX      Date Docketed: 02/21/2000      Title: Initiation of show cause proceedings against Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone Company: Alternative Telecommunication Services, Inc. d/b/a for apparent violation of Section 364.183(1), F.S., Access to Company Records.

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_      Expiration: \_\_\_\_\_

Referred to: \_\_\_\_\_ ADM    AFA    APP    CAF    CMU    EAG    GCL    (LEG)    RAR    PAI    WAW  
 ("()" indicates OPR)      \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    X    \_\_\_\_\_    \_\_\_\_\_    X    \_\_\_\_\_    \_\_\_\_\_

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

Time Schedule

Program/Mcdule B8(b)

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

|                      | <u>Staff Assignments</u> |
|----------------------|--------------------------|
| <u>OPR Staff</u>     | <u>D Caldwell</u>        |
| _____                | _____                    |
| _____                | _____                    |
| <u>Staff Counsel</u> | <u>D Caldwell</u>        |
| <u>OCRs (CMU)</u>    | <u>M Watts</u>           |
| _____                | _____                    |
| ( )                  | _____                    |
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|                                | <u>Due Dates</u> |                |
|--------------------------------|------------------|----------------|
|                                | <u>Previous</u>  | <u>Current</u> |
| <b>1</b>                       |                  |                |
| 1. Staff Recommendation        | NONE             | 06/08/2000     |
| 2. Agenda                      | NONE             | 06/20/2000     |
| 3. Standard Order              | NONE             | 07/10/2000     |
| 4. Close Docket or Revise CASR | 05/17/2000       | 08/18/2000     |
| 5. _____                       |                  |                |
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Recommended assignments for hearing and/or deciding this case:  
 Full Commission X      Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_      Staff \_\_\_\_\_

Date filed with RAR: 05/12/2000

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

| Commissioners |    |    |    |    |    | Hrg. Exam. | Staff |
|---------------|----|----|----|----|----|------------|-------|
| ALL           | GR | DS | CL | JC | JB |            |       |
| X             |    |    |    |    |    |            |       |

- Prehearing Officer

| Commissioners |    |    |    |    | ADM |
|---------------|----|----|----|----|-----|
| GR            | DS | CL | JC | JB |     |
|               |    |    |    |    | X   |

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

Approved: \_\_\_\_\_  
 Date: 05/15/2000

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reports (RAR) Completes

Docket No. 000218-TX Date Docketed: 02/21/2000 Title: Initiation of show cause proceedings against Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone Company: Alternative Telecommunication Services, Inc. d/b/a for apparent violation of Section 364.183(1), F.S., Access to Company Records.

Official Filing Date: \_\_\_\_\_  
 Last Day to Suspend: \_\_\_\_\_ Expiration: \_\_\_\_\_

Referred to: \_\_\_\_\_ ADM AFA APP CAF CMP CMU EAG ECR GCL (LEG) PAI RAR RGO SER WAW  
 ("() " indicates OPR) \_\_\_\_\_ X \_\_\_\_\_ X \_\_\_\_\_

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

Program/Module B8(b)

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

Staff Assignments

OPR Staff D Caldwell

Staff Counsel D Caldwell

OCRs (CMP) M Watts

( ) \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_

( ) \_\_\_\_\_

Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel \_\_\_\_\_  
 Hearing Examiner \_\_\_\_\_ Staff \_\_\_\_\_

Date filed with RAR: 07/27/2000

Initials: OPR \_\_\_\_\_  
 Staff Counsel \_\_\_\_\_

|                                | Due Dates |            |
|--------------------------------|-----------|------------|
|                                | Previous  | Current    |
| 2                              |           |            |
| 1. Staff Recommendation        | NONE      | 08/24/2000 |
| 2. Agenda                      | NONE      | 09/05/2000 |
| 3. Standard Order              | NONE      | 09/25/2000 |
| 4. Close Docket or Revise CASR | NONE      | 12/29/2000 |
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

| Commissioners |    |    |    |    |    | Hrg. Exam. | Staff |
|---------------|----|----|----|----|----|------------|-------|
| ALL           | DS | CL | JC | JB | NC |            |       |
| X             |    |    |    |    |    |            |       |

- Prehearing Officer

| Commissioners |    |    |    |    | ADM |
|---------------|----|----|----|----|-----|
| DS            | CL | JC | JB | NC |     |
|               |    |    |    |    | X   |

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

Approved: JD/SM

Date: 07/27/2000

*C*

M E M O R A N D U M

April 11, 2000

RECEIVED-FPSC

00 APR 11 PM 2:11

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CALDWELL) *dw* *b/c*

RE: DOCKET NO. 000218-TX - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST ALTERNATIVE TELECOMMUNICATIONS SERVICES, INC. d/b/a SECOND CHANCE PHONE FOR APPARENT VIOLATION OF SECTION 364.183(1), F.S., ACCESS TO COMPANY RECORDS

0679-SC

Attached is an ORDER TO SHOW CAUSE to be issued in the above-referenced docket. (Number of pages in order - 4)

DWC/jmb  
Attachment  
cc: Division of Communications  
I: 000218or.dwc

*pg 1, 2, 3*

*Certified.  
4/12*

MEMORANDUM

June 6, 2000

RECEIVED-PPSC

00 JUN 12 PM 1:35

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CALDWELL) *acc p1<sup>2</sup>*

RE: DOCKET NO. 000218-TX - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST ALTERNATIVE TELECOMMUNICATIONS SERVICES, INC. d/b/a SECOND CHANCE PHONE FOR APPARENT VIOLATION OF SECTION 364.183(1), F.S., ACCESS TO COMPANY RECORDS.

2031-PAA

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER REJECTING RESPONSE AND CANCELING CERTIFICATE NO. 5620 to be issued in the above-referenced docket. (Number of pages in order - 5)

DWC/jmb

Attachment

cc: Division of Competitive Services (Watts)

I: 000218or.dwc

*See 2, 3*

*IF*

*This order was issued as OSC-00-0231-PAA-TX. Nothing within the order changed so order no. was corrected per Leg/B. Kertig. on 6/29/00 by RAR/Williams*

*Lur*

Linda Williams

To: Beth Keating  
Subject: RE: 000218-TX

RECEIVED-PPSC

60 JUN 29 PM 3:43

RECORDS AND  
REPORTING

Ok. Thanks Beth.

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

From: Beth Keating  
Sent: Thursday, June 29, 2000 3:23 PM  
To: Linda Williams  
Subject: RE: 000218-TX

That sounds fine to me. If it turns out, though, that you think you may need an AO after all, just let Diana know. She'll be back next Wednesday.

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

From: Linda Williams  
Sent: Thursday, June 29, 2000 3:18 PM  
To: Beth Keating  
Subject: RE: 000218-TX

How about we just fix it and make a note on the memo of what happened and if anyone questions it down the road we'll have that note and we can explain it at that point.

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

From: Beth Keating  
Sent: Thursday, June 29, 2000 3:12 PM  
To: Linda Williams  
Cc: Diana Caldwell  
Subject: RE: 000218-TX

Well, I'm not sure how we would word an amendatory order--it's not a scrivener's error. Can you not just send out the order with the corrected order number? Nothing substantive in the body or decision of the order has changed, so it's not like it would affect anything that any party would respond to. If you guys feel it's necessary to do an AO, we'll do it---but there is no one available to do it until next week.

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

From: Linda Williams  
Sent: Thursday, June 29, 2000 10:38 AM  
To: Beth Keating  
Subject: RE: 000218-TX

The order itself had PSC-00-0231-PAA-TX and that's what was issued. It was entered right in CMS.

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

From: Beth Keating  
Sent: Thursday, June 29, 2000 10:33 AM  
To: Linda Williams  
Subject: RE: 000218-TX

Which version was issued?

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

From: Linda Williams  
Sent: Thursday, June 29, 2000 10:07 AM  
To: Beth Keating

Subject: FW: 000218-TX

Here it is Beth.

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

From: Linda Williams

Sent: Thursday, June 29, 2000 9:00 AM

To: Diana Caldwell

Subject: 000218-TX

Hi Diana. We issued order PSC-00-2031-PAA-TX on 6/12/00. The order no in CMS is correct; however, the on-line version of the order has Order PSC-00-0231-PAA-TX. Do we need to issue an Amendatory order to correct this or is there another way? Thanks Diana.



STATE OF FLORIDA

Commissioners:  
J. TERRY DEASON, CHAIRMAN  
SUSAN F. CLARK  
E. LEON JACOBS, JR.  
LILA A. JABER



DIVISION OF RECORDS & REPORTING  
BLANCA S. BAYÓ  
DIRECTOR  
(850) 413-6770

## Public Service Commission

July 3, 2000

VIA FAX NO. 222-5606

Ms. Vicki Gordon Kaufman  
McWhirter Reeves  
117 South Gadsden  
Tallahassee, Florida 32301

**Re: Docket No. 000218-TX - Initiation of show cause proceedings against Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone for apparent violation of Section 364.183(1), F.S., Access to Company Records**

Dear Ms. Kaufman:

This will acknowledge receipt of Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone's protest of the proposed agency action order issued June 12 in this docket. For your information, the order number used in this order issued on June 12 was incorrect. Rather than order number PSC-00-0231-PAA-TX, the number should have been PSC-00-2031-PAA-TX. I am enclosing a corrected copy of the order for your records.

Please do not hesitate to call if you have any questions concerning this matter.

Sincerely,

A handwritten signature in cursive script that reads "Kay Flynn".

Kay Flynn, Chief  
Bureau of Records

Enclosure

cc: Beth Keating  
Melinda Watts  
Mike Rodgers

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone for apparent violation of Section 364.183(1), F.S., Access to Company Records.

DOCKET NO. 000218-TX  
ORDER NO. PSC-00-2031-PAA-TX  
ISSUED: June 12, 2000

**CORRECTED COPY**

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.  
LILA A. JABER

NOTICE OF PROPOSED AGENCY ACTION  
ORDER REJECTING RESPONSE AND CANCELING CERTIFICATE NO. 5620

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On April 25, 2000, Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone (Second Chance Phone) submitted its response to the Order to Show Cause No. PSC-00-0679-SC-TX. In its response, Second Chance Phone maintained that it sent the requested information on November 7, 1999, and provided a copy of its response to the Commission's request for information contained in company records. Air bill No. 4357727183 was attached to support Second Chance Phone's claim.

Examination of the air bill led us to believe the air bill was, in fact, associated with Second Chance Phone's submission of documents pertaining to another matter. Our staff contacted the

shipping company, Airborne Express, and requested a faxed copy of its air bill No. 4357727183. Upon comparison of the air bill sent by Second Chance Phone and a copy of the same air bill provided by Airborne Express, it appears that Second Chance Phone intentionally modified the original air bill to make it appear as if it was responding to staff's data request in an attempt to circumvent further legal action. The air bill copy from Second Chance is addressed to "W. DHASSLER" and indicates that the package contained information related to "EXCHANGE INFORMATION." However, a copy of the original air bill, as submitted by Airborne Express, indicates that it was addressed to "RAY KENNEDY" and the contents were in regard to "dba INFORMATION" which was the subject of a previous matter between this Commission and the company, but totally unrelated to the data request. Both air bills are dated November 7, 2000.

Moreover, at the June 6, 2000, agenda conference, Mr. Mike Rodgers, president of Second Chance Phone, confirmed the document addressed to "W. DHASSLER" was altered. Based on the foregoing, we reject Second Chance Phone's response to Order No. PSC-00-0679-SC-TX and find that Second Chance Phone's Certificate No. 5620 should be canceled.

Second Chance Phone has a significant prepaid customer base in Florida that would be adversely affected if Second Chance Phone ceased providing service without proper advance notification. Therefore, Second Chance Phone shall notify its customers in writing to change their local telephone service to another provider. All customers shall be notified between 15 and 45 days from the date the Consummating Order is issued. The notification shall inform the customers that Second Chance Phone will cease providing service 30 days from the end of the customer notification period, i.e. 75 days from the date of the issuance of the Consummating Order, and that they should obtain local telephone service from another provider. Second Chance Phone's notification letter shall be submitted to Commission staff for review and approval 10 days after the issuance of the Consummating Order.

Finally, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in Sections 775.082 or 775.083, Florida Statutes. Each applicant for a certificate is required to sign an affidavit acknowledging that it is illegal to make a false statement to a public employee. We find that the

apparently fraudulent air bill provided to our staff by Second Chance Phone rises to the level contemplated by Section 837.06, Florida Statutes. Therefore, we find this matter shall be referred to the State's Attorney for prosecution under Section 837.06, Florida Statutes.

It is therefore,

ORDERED by the Florida Public Service Commission that Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone's response to Commission Order No. PSC-00-0679-SC-TX shall be rejected as not acceptable and apparently fraudulent. It is further

ORDERED that Alternative Telecommunications Services, Inc. D/b/a Second Chance Phone's Certificate No. 5620 shall be canceled. It is further

ORDERED that Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone shall notify its customers in writing to change their local telephone service to another provider. All customers shall be notified between 15 and 45 days from the date the Consummating Order is issued. The notification shall inform the customers that Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone will cease providing service 30 days from the end of the customer notification period, i.e. 75 days from the date of the issuance of the Consummating Order, and that they should obtain local telephone service from another provider. Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone's notification letter shall be submitted to Commission staff for review and approval ten days after the issuance of the Consummating Order. It is further

ORDERED that this matter shall be referred to the State's Attorney for prosecution under Section 837.06, Florida Statutes. It is further

ORDERED that any person whose substantial interests are affected will have 21 days from the issuance of the PAA Order to file a protest. If no protest is filed within the protest period, the Order shall become final upon the issuance of the Consummating Order and this docket should remain open pending the completion of customer notification and service discontinuance. Seventy-five days after the issuance of the Consummating Order, Certificate No.

ORDER NO. PSC-00-2031-PAA-TX  
DOCKET NO. 000218-TX  
PAGE 4

CORRECTED COPY

5620 shall be canceled and this docket shall be closed administratively.

By ORDER of the Florida Public Service Commission this 12th day of June, 2000.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

( S E A L )

DWC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 3, 2000.

ORDER NO. PSC-00-2031-PAA-TX  
DOCKET NO. 000218-TX  
PAGE 5

**CORRECTED COPY**

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

## Kay Flynn

---

**From:** Kay Flynn  
**Sent:** Monday, July 03, 2000 6:32 PM  
**To:** Beth Keating  
**Subject:** RE: 000218

Okay. I put a copy of my letter to her in the docket file, and I'll put this e-mail in as well, so we'll have a record of what transpired.

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

**From:** Beth Keating  
**Sent:** Monday, July 03, 2000 4:13 PM  
**To:** Kay Flynn  
**Subject:** RE: 000218

Yes, I think that's fine. If it had been otherwise, we would probably just have looked at it as a typo on their part.

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

**From:** Kay Flynn  
**Sent:** Monday, July 03, 2000 3:36 PM  
**To:** Beth Keating  
**Subject:** RE: 000218

Okay. I just faxed her a cover letter and a corrected copy of the order (a copy of both are on their way to you in interoffice mail) and she called to be sure she didn't need to file a corrected protest. I told her she did not need to. Right?

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

**From:** Beth Keating  
**Sent:** Monday, July 03, 2000 11:59 AM  
**To:** Kay Flynn  
**Subject:** RE: 000218

No, I don't think so.

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

**From:** Kay Flynn  
**Sent:** Monday, July 03, 2000 11:18 AM  
**To:** Beth Keating  
**Subject:** RE: 000218

We just received from Vicki Kaufman a "Protest of PAA Order PSC-00-0231-PAA-TX" so the problem is compounded. I can send her a letter acknowledging receipt of the protest and enclosing a corrected copy of the order. Would she then need to file a corrected protest?

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

**From:** Beth Keating  
**Sent:** Monday, July 03, 2000 9:07 AM  
**To:** Kay Flynn  
**Subject:** RE: 000218

That would probably be a good idea.

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

**From:** Kay Flynn  
**Sent:** Monday, July 03, 2000 8:02 AM  
**To:** Beth Keating  
**Cc:** Hong Wang; Linda Williams

Subject: 000218

Beth, Hong was just telling me about the order in this docket. (It was issued under order number 0231 rather than 02031.) The original has been corrected in the file, per your instructions to Linda. Should corrected/substitute copies be sent out as well?

Kay Flynn  
Division of Records and Reporting  
Florida Public Service Commission  
(850) 413-6744  
kflynn@psc.state.fl.us



MEMORANDUM

September 1, 2000

RECEIVED-PPSC

00 SEP -7 PM 1:51

RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (CALDWELL) *WC PR*

RE: DOCKET NO. 000218-TX - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST ALTERNATIVE TELECOMMUNICATIONS SERVICES, INC. D/B/A SECOND CHANCE PHONE FOR APPARENT VIOLATION OF SECTION 364.183(1), F.S., ACCESS TO COMPANY RECORDS.

*1605-AS*

Attached is an ORDER ACCEPTING OFFER OF SETTLEMENT, to be issued in the above-referenced docket.

(Number of pages in order -5)

DWC/dm

Attachment

cc: Division of Competitive Services (Watts)

I:\000218-O.DWC

*pg 1*

*210*