

January 11, 2001

**VIA OVERNIGHT DELIVERY**

Blanca S. Bayó, Director  
Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

**Re: In the Matter of  
EASTON TELECOM SERVICES, INC.  
Cancellation by Florida Public Service Commission of Interexchange  
Telecommunications Certificate No. 3989 for violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment Fees (Docket No. 001225-TI).**

Dear Ms. Bayó:

Attached herewith are an original and six copies of the above-referenced Petition. Please date stamp and return to me in the enclosed envelope the extra copy that has been included. If you have any questions or require additional information, please call me at (202) 626-6884.

Respectfully submitted,



Robert E. Stup, Jr.  
Counsel to Easton

Before the

FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of

EASTON TELECOM SERVICES, INC.

Cancellation by Florida Public Service  
Commission of Interexchange  
Telecommunications Certificate No. 3989  
for violation of Rule 25-4.0161, F.A.C.,  
Regulatory Assessment Fees

Docket No. 001225-TI

PETITION FOR FORMAL PROCEEDING

Pursuant to Rule 28-106.201(2)(g) of the Florida Administrative Code, Easton Telecom Services, Inc. ("Easton"), by its attorneys, hereby requests a formal proceeding to protest the Commission's proposed action imposing fines and canceling Easton's interexchange ("IXC") certificate. On December 22, 2000, the Commission issued its Notice of Proposed Agency Action ("Order") in the above-referenced docket (Order No. PSC-00-2473-PAA-TI) for failure to comply with Section 364.336 of the Florida Statutes, and Rule 25-4.0161 of the Florida Administrative Code. Easton respectfully requests that the Commission reduce its proposed penalty and not cancel its IXC certificate. The Commission's proposed action is not warranted because Easton: (a) paid its Regulatory Assessment Fee ("RAF") on time, however, because of an administrative error simply filed an incorrect form; (b) since discovering its error, has moved quickly and diligently to research and correct the error; (c) did not receive notice of the Commission's action and therefore did not have reason to know that its prior RAF returns had been filed incorrectly or that any action was required on its part to prevent the Commission from having to take formal action; (d) has filed amended RAF returns correcting its prior error; (e) has instituted new internal procedures to ensure that future RAF returns and payments are made on a timely basis; and (f) is

an operating IXC in the state of Florida and the cancellation of its certificate would not be in the public interest.

Easton was issued its IXC certificate in April, 1995. Easton was issued an Alternative Local Exchange Company ("ALEC") certificate in July, 1997 (Certificate No. 5187). In March, 2000, by Order No. PSC-00-0418-PAA-TP, the Commission granted a joint petition for the transfer of control of Easton to Teligent, Inc. ("Teligent"). For the years 1995 through 1998, Easton filed the required IXC and ALEC RAF returns. When preparing the 1999 returns, however, Easton made two administrative errors: (1) Easton included its IXC revenue on the ALEC RAF return, and (2) Easton neglected to record the amounts that it paid to its underlying carriers. Easton filed its ALEC return, along with a check in the amount of \$547, but did not file its IXC return. A copy of the 1999 ALEC RAF return is attached hereto as Attachment A.

On December 15, 2000, while researching other matters on the Commission's Internet site, Easton's attorneys noted the Commission's Docket No. 001225-TI. On December 18, 2000, the next business day, Easton's attorneys contacted Ms. Paula Isler of the Commission staff to discuss the Commission's proposed action and Easton's options. By letter dated December 18, 2000 from Ms. Isler, Easton was advised that the Commission's Order would be issued by December 26, 2000 and that Easton would have to file a petition for formal proceeding in order to prevent its certificate from being cancelled. Immediately following the receipt of Ms. Isler's letter, Teligent and Easton began an internal review to determine whether the 1999 IXC RAF had been properly filed. That internal review revealed the two aforementioned administrative errors that occurred in filing the RAF return.

The internal review also failed to disclose any record of receipt of Commission notice of this proceeding. As a result, neither Easton nor Teligent was aware of any problem and therefore, was not

able to respond in a timely manner to eliminate the need of the Commission to take further action. A review of Easton's contact information on file with the Commission indicates that the Commission had a correct and operating fax number and proper address for Easton. As certified in the attached affidavit from Easton's Chief Operating Officer, Robert E. Mocas, however, it was not until Easton recently received from the Commission a mailed copy of the Order, that Easton received any notice directly from the Commission regarding this proceeding.

Upon discovery of its errors, Easton moved quickly to file its 1999 IXC RAF return and to amend its 1999 ALEC RAF return. Attached hereto as Attachment B are copies of the December 29, 2000 transmittal letter, amended 1999 ALEC RAF return, actual 1999 IXC RAF, and the related checks. Because Easton included its IXC revenue on its original ALEC RAF return and failed to deduct the amounts it paid to its underlying carriers, its original ALEC RAF was overstated and overpaid by \$494.<sup>1</sup> If Easton had properly paid its 1999 IXC RAF it would have owed \$208.31.<sup>2</sup> In effect, Easton overpaid its combined 1999 RAF by \$285.69, however, because of its oversight in filing the proper forms, the Commission's records indicated that it had not paid its 1999 IXC RAF.

Since Teligent acquired control of Easton, both companies have been working to coordinate their respective functions. Both companies consider regulatory compliance issues to be of paramount importance. In order to avoid any potential problems in the future, Easton's regulatory filings will now be completed and filed by Teligent in conjunction with the filing of its own returns. Specifically, the

---

<sup>1</sup> Because Easton had no ALEC revenue in 1999, its RAF would have been the minimum amount due of \$50, plus \$3 (a 5% penalty and 1% of interest) for late payment on February 16, 2000. \$547 minus \$53 equals \$494.

<sup>2</sup> In addition to the \$191.45 regulatory assessment due, Easton owed \$16.86 in past due penalties and interest.

companies have designated an employee whose full-time responsibility is to ensure compliance with regulatory fee requirements across the United States. Additionally, we will update Easton's contact information with the Commission in order to have all correspondence and notices sent to Teligent's regulatory department. Furthermore, there is now a heightened corporate sensitivity to compliance with annual filing requirements.

Finally, the cancellation of Easton's IXC certificate would not serve the public interest. Easton currently serves interexchange customers in Florida. If Easton's interexchange certificate were cancelled, Easton would be forced to discontinue service to its customers. This would cause unnecessary inconvenience to Easton's current customers, which are otherwise being well served by Easton. In addition, the cancellation of Easton's IXC certificate would impose a severe hardship on Easton because discontinuance of service would result in significant loss of revenue to Easton.

Easton acknowledges its regulatory compliance responsibilities. Easton did not knowingly fail to file its 1999 IXC RAF return or respond to the Commission's initiation of this proceeding. In light of its good faith efforts to comply with all of the Commission's rules, Easton respectfully requests that the Commission's proposed penalty be reduced to \$100 and that Easton's IXC certificate not be cancelled. Based on our review of other reported cases in which companies neglected to pay their RAF, \$100 is a reasonable settlement under the circumstances. Easton acknowledges that payment of the settlement amount is due within ten (10) business days after the Commission's order of approval.<sup>3</sup>

---

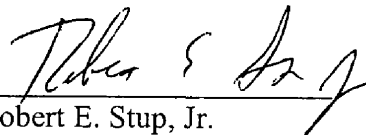
<sup>3</sup> Following resolution of this proceeding and the payment of its 2000 RAFs, Easton will work with Commission staff to ensure the proper recording of its RAFs and, if appropriate, file a request for the refund of its overpayment of its 1999 ALEC RAF.

Correspondence or communications regarding this filing should be directed to the following:

Counsel for Easton  
Robert E. Stup, Jr.  
Squire, Sanders & Dempsey L.L.P.  
P.O. Box 407  
Washington, DC 20044-0407  
(202) 626-6884 – Telephone  
(202) 626-6780 – Facsimile  
Rstup@ssd.com – Email

Easton is prepared to answer any questions, present additional information about its services, or provide a copy of this request to any interested party requesting a copy and to any persons that the Commission directs by order or by its rules.

Respectfully submitted,



Robert E. Stup, Jr.  
Squire, Sanders & Dempsey L.L.P.  
P.O. Box 407  
Washington, DC 20044-0407  
(202) 626-6884 – Telephone  
(202) 626-6780 – Facsimile  
Rstup@ssd.com – Email  
Counsel to Easton Telecom Services, Inc.

January 11, 2001


**AFFIDAVIT**

STATE OF OHIO §

§

COUNTY OF SUMMIT §

1. My name is Robert E. Mocas. I am Vice President of Teligent, Inc. and Chief Operating Officer of Easton Telecom Services, Inc.
2. I swear or affirm that I have personal knowledge of the facts stated in the foregoing petition and that I am competent to testify to them. I further swear or affirm that prior to the receipt of the Commission's December 22, 2000 Notice of Proposed Agency Action, neither I nor Easton Telecom Services, Inc. received notification at any time from the Florida Public Service Commission regarding failure to file a 1999 Interexchange Carrier Regulatory Assessment Fee Form.

  
Robert E. Mocas

Subscribed and sworn to me this 10th day of January 2001.

  
Notary

CONNIE E. SPROUSE, Notary Public  
STATE OF OHIO  
Resident of Summit County  
My Commission Expires November 23, 2003

AFFIDAVIT

STATE OF VIRGINIA §

§

COUNTY OF FAIRFAX §

1. My name is Terri B. Natoli. I am Vice President – Regulatory Affairs and Public Policy for Teligent, Inc.
2. I swear or affirm that I have personal knowledge of the facts stated in the foregoing petition and that I am competent to testify to them. I further swear or affirm that all of the statements and representations made in this petition are true and correct.

Terri B Natoli  
 Terri B. Natoli

Subscribed and sworn to me this 9th day of January 2001.

City / County of FAIRFAX  
 Commonwealth/State of VIRGINIA  
 The foregoing instrument was acknowledged  
 before me this 10 day of JANUARY,  
 2001, by TERRI B NATOLI  
(name of person seeking acknowledgement)  
J. B. [Signature]  
 Notary Public  
 My commission expires: \_\_\_\_\_  
 My Commission Expires December 31, 2004

Notary





Attachment A

# Alternative Local Exchange Company Regulatory Assessment Fee Return

### STATUS:

- Actual Return
- Estimated Return
- Amended Return

### PERIOD COVERED:

01/01/1999 TO 12/31/1999

## Florida Public Service Commission

(See Filing Instructions on Back of Form)

TX107  
 Easton Telecom Services Inc.  
 P. O. Box 550  
 Richfield, OH 44286-0550

Paid  
11400  
2-16-00  
547.00

FOR PSC USE ONLY	
Check#	
\$	0603006
	003001
\$	P
	0603006
	004011
\$	1
Postmark Date:	
Initials of Preparer:	

Please Complete Below If Official Mailing Address Has Changed

EASTON TELECOM SERVICES INC 4646 W STREETS BORO RICHFIELD OH 44286  
 (Name of Company) (Address) (City/State) (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	FLORIDA	
		GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Basic Local Services	\$ 545,066.33	\$ 364,667.97
2.	Long Distance Services (IntraLATA only)**		
3.	Access Services		
4.	Private Line Services		
5.	Leased Facilities & Circuits Services		
6.	Miscellaneous Services		

**TOTAL REVENUES**  
 \$ 364,667.47  
 \$ 364,667.47  
 \$ 547.00

Operating Revenue for Regulatory Assessment Fee Calculation (Line 7 less Line 8)  
 Assessment Fee Due (Multiply Line 9 by 0.0015)  
 Payment (see "3. Failure to File by Due Date" on back)  
 Payment (see "3. Failure to File by Due Date" on back)

IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

**CURRENT COMPANY STATUS**  
 Reseller  
 Other

### BILLING INFORMATION

ANNE PO BOX 209 OCEOLA IN 46561 2191679-9237  
 (Address: City/State/Zip) (Telephone)

### COMPANY INFORMATION

WNO

I, the undersigned, have read the foregoing and declare that to the best of my knowledge and belief the above information is true and correct. I understand that under Section 437.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead is guilty of a misdemeanor of the second degree.

President 2-15-00  
 (Title) (Date)

Telephone Number 330-659-6700 Fax Number 330-659-9279

F.E.I. No. 34-1783206

Attachment B

December 29, 2000

Fiscal Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Easton Telecom Services 1999 Regulatory Assessment Fee Returns**

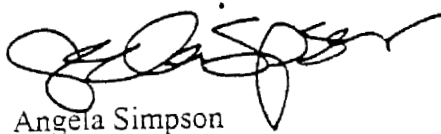
Dear Fiscal Services:

Enclosed, please find an original 1999 Interexchange Company Regulatory Assessment Fee Return and an amended 1999 Alternative Local Exchange Company Regulatory Assessment Fee Return for Easton Telecom Services, Inc. Also enclosed are checks for the amounts indicated on the forms. These forms relate to Docket No. 001225-TI.

We have enclosed an additional copy of the forms and ask that you date stamp and return them to us at your earliest convenience.

If you have any questions or require additional information, please contact me at (202) 626-6685.

Sincerely,



Angela Simpson

Enclosures

# Alternative Local Exchange Company Regulatory Assessment Fee Return

STATUS:

- Actual Return
- Estimated Return
- Amended Return

PERIOD COVERED:  
01/01/1999 to  
12/31/1999

Florida Public Service Commission

(See Filing Instructions on Back of Form)

TX107  
Easton Telecom Serv. Inc.  
P.O. Box 550  
Richfield, OH 44286-0550

**FOR PSC USE ONLY**

Check # \_\_\_\_\_

\$ \_\_\_\_\_ 0603006  
\_\_\_\_\_ 003001  
\$ \_\_\_\_\_ P  
\_\_\_\_\_ 0603006  
\_\_\_\_\_ (X)4011  
\$ \_\_\_\_\_ 1

Postmark Date \_\_\_\_\_

Initials of Preparer \_\_\_\_\_

Please Complete Below If Official Mailing Address Has Changed

Easton Telecom Svcs, Summit 11 Unit A 3046 Brecksville Rd, Richfield, OH  
(Name of Company) (Address) (City/State) (Z.P) 44286

LINE NO	ACCOUNT CLASSIFICATION	FLORIDA	
		GROSS OPERATING REVENUE	INTRASTATE REVENUE
1	Basic Local Services	\$ 0	\$ 0
2	Long Distance Services (Intra-LATA only)**		
3	Access Services		
4	Private Line Services		
5	Leased Facilities & Circuits Services		
6	Miscellaneous Services		
7	<b>TOTAL REVENUES</b>		\$ 0
8	LESS: Amounts Paid to Other Telecommunications Companies* (see "2. Fees" on back)		0
9	Net Intrastate Operating Revenue for Regulatory Assessment Fee Calculation (Line 7 less Line 8)		0
10	Regulatory Assessment Fee Due (Multiply Line 9 by 0.0015)		0
11	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)		0
12	Interest for Late Payment (see "3. Failure to File by Due Date" on back)		0
13	<b>TOTAL AMOUNT DUE</b>		<b>\$ 50.00</b>

\* These amounts must be intrastate only and must be verifiable.  
\*\* Other long distance revenue must be listed on the Interexchange Regulatory Assessment Fee Return.

AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

**CURRENT COMPANY STATUS**

- ( ) Facilities-Based Provider  
(X) Reseller  
( ) Other: \_\_\_\_\_

**BILLING INFORMATION**

Complete below if billing agent if other than yourself.

VLM P.O. Box 209, Osceola IN 46561 (219) 679-6700  
(Name) (Address: City/State/Zip) (Telephone)

**COMPANY INFORMATION**

Do you lease telecommunications' facilities? ( ) YES (X) NO  
If YES, who do you lease these facilities from? Name \_\_\_\_\_

Address \_\_\_\_\_

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 337.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her duty shall be guilty of a misdemeanor of the second degree.

Luis B. Niteli Assistant Secretary 12-29-2004  
(Signature of Company Official) (Title) (Date)

Beth Stewart Telephone Number 330. 659-6700 Fax Number 330. 659-9379  
(Preparer of Form - Please Print Name) 34-1713206  
FBI No \_\_\_\_\_

Interexchange Company Regulatory Assessment Fee Return

Florida Public Service Commission

(See Filing Instructions on Back of Form)

STATUS

- Actual Return
- Estimated Return
- Amended Return

TL350  
 Easton Telecom Services Inc.  
 P.O. Box 550  
 Richfield, OH 44286-0550

FOR PSC USE ONLY

Check# \_\_\_\_\_

\$ \_\_\_\_\_ 0603001

\$ \_\_\_\_\_ 003001

\$ \_\_\_\_\_ P

\$ \_\_\_\_\_ 0603001

\$ \_\_\_\_\_ (XX401)

Postmark Date \_\_\_\_\_

(Initials of Preparer) \_\_\_\_\_

PERIOD COVERED:

01/01/99 to  
 12/31/99

Please Complete Below if Official Mailing Address Has Changed

Easton Telecom Svcs. Summit 11-Unit A 3046 Brecksville Rd, Richfield, OH  
 (Name of Company) (Address) (City/State) Zip 44286

LINE NO.	ACCOUNT CLASSIFICATION	FLORIDA	
		GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Long Distance Services	\$ 545,066.33	\$ 364,667.47
2.	Access Services		
3.	Private Line Services		
4.	Leased Facilities & Circuits Services		
5.	Miscellaneous Services		
6.	TOTAL Telephone Services	\$ 545,066.33	\$ 364,667.47
7.	LESS: Amounts Paid to Other Telecommunications Companies* (see "2. Fees" on back)	( 354,293.11 )	( 237,033.86 )
8.	TOTAL REVENUES For Regulatory Assessment Fee Calculation		127,633.61
9.	Regulatory Assessment Fee Due (Multiply Line 8 by 0.0015)		191.45
10.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)	47.86	
11.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)	22.97	
12.	TOTAL AMOUNT DUE		\$ 279.74

\* These amounts must be intrastate only and must be verifiable.

16.86 Past Due Penalties & Interest

AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

CURRENT COMPANY STATUS

- Facilities-Based Carrier
- Reseller
- Call Aggregator
- Alternate-Operator Service
- Retailer
- Other: \_\_\_\_\_

BILLING INFORMATION

Complete below if billing agent if other than yourself.

VLM PO Box 209, Osceola, IN 46561 219-679-9237  
 (Name) (Address: City/State/Zip) (Telephone)

What is the total amount of customer deposits collected?  
 Amount \$ 0 for 1998

What is the total amount of bond held (if applicable)?  
 Amount \$ 0 Expires: \_\_\_\_\_

COMPANY INFORMATION

Do you lease telecommunications facilities?  YES  NO  
 If YES, who do you lease these facilities from? Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 337.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her duty shall be guilty of a misdemeanor of the second degree.

*Terri B. Niteli*

(Signature of Company Official)

Assistant Secretary

(Title)

12-27-2004

(Date)

Beth Stewart

(Preparer of Form - Please Print Name)

Telephone Number 330-659-6700 Fax Number 330-659-9379

F.B.I. No 34-1713206

REFERENCE NUMBER	YOUR INVOICE NUMBER	DATE	AMOUNT	DISCOUNT
		12/29/00	279.14	
ASImpson/1999 lxc Form				

SQUIRE, SANDERS & DEMPSEY L.L.P.  
SPECIAL ACCOUNT  
WASHINGTON, D.C. 20004

RIGGS NATIONAL BANK  
WASHINGTON, D.C.

016200

DATE	CONTROL NO.	AMOUNT
12/29/00	016200	279.14

PAY TO THE ORDER OF  
Two Hundred Seventy-Nine Dollars and 14/100

SQUIRE, SANDERS & DEMPSEY L.L.P.  
VOID 3 MONTHS AFTER DATE OF ISSUE

Florida Public Service Commission

BY *Nancy A. Konstadt*

⑈016200⑈ ⑆054000030⑆ 32⑈ 17044982⑈

SQUIRE, SANDERS & DEMPSEY L.L.P.  
SPECIAL ACCOUNT  
WASHINGTON, D.C. 20004

RIGGS NATIONAL BANK  
WASHINGTON, D.C.

016199

DATE	CONTROL NO.	AMOUNT
12/29/00	016199	50.00

Fifty Dollars and 00/100

Florida Public Service Commission

BY *Nancy A. Konstadt*