

May 09, 2001

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

0110415-TA

RE: Docket No. 010415-TA, Settlement Proposal, Rule Violation Fine Waiver Request

Dear Ms. Bayó:

Please accept my apology on behalf of BitStream Communications, Inc. A fluke clerical error on our part resulted in the late payment of BitStream's 2000 RAF. It has now been paid in full with interest and late fees. The company's account is now fully current

The company has taken steps to prevent future late payments. The entire process is now the sole responsibility of the CEO.

Furthermore, please accept this letter as waiver of objection to the administrative cancellation of BitStream's AAV certificate, in the event the Commission accepts this proposal, and the company should again fail to comply with future statutory filing requirements.

BitStream is a "Greenfield Startup" meaning it is still attempting to negotiate sufficiently favorable terms from the Incumbent carriers (and others) to justify a multimillion-dollar capital investment. The Incumbent's dictated terms simply do not facilitate competition in the local loop at this time.

Currently, the company has;

- 1) limited financial resources,
- 2) no paying customers,
- 3) no salaried employees,
- 4) and, little hope of paying the nominal \$500 rule violation fine.

Yet, the company remains more committed now than ever to deploy advanced services on a competitive basis, if it is at all possible. The company is currently actively engaged in negotiations pursuing certain financing and fundraising alternatives. The loss of its certificate would be devastating to this process and may force the premature termination of the company's initiatives.

Given the high number of companies abandoning the Florida market recently, and the FLPSC's desire to promote local competition, if it pleases the commission, I ask that you reduce the fine at this time to \$100 to resolve this docket. Doing this will allow the company one more year to pursue its ongoing deployment initiatives. If invited, I am willing to make myself available to the commission to testify as to the many difficulties facing a new entrant in the local market and how the FLPSC might more fully achieve its mandate and stated goals.

Thanking you in advance for your consideration of this matter.

Sincerely yours,



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