

REQUEST TO ESTABLISH DOCKET

(Please Type)

Date	July 15, 2002	Docket No.	020716-TI
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1. Division Name/Staff Name:	Division of Competitive Markets & Enforcement/Isler
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2. OPR: Division of Competitive Markets & Enforcement/Isler
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3. OCR: Office of the General Counsel
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4. Suggested Docket Title: Cancellation by Florida Public Service Commission of IXC Certificate No. 7554 issued to Cybertel, Communications Corp. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.
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5. Suggested Docket Mailing List (attach separate sheet if necessary)
A. Provide NAMES OR ACRONYMS ONLY if a regulated company.
B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)
1. Parties and their representatives (if any):


2. Interested persons and their representatives (if any):

6. Check one:
<input checked="" type="checkbox"/> Documentation is attached.
<input type="checkbox"/> Documentation will be provided with recommendation.
PSC\CCA010-C (Rev 10/01)

DOCUMENT NUMBER DATE  
07288 JUL 15 02  
FPSC-COMMISSION CLERK

STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



DIVISION OF COMPETITIVE MARKETS &  
ENFORCEMENT  
WALTER D'HAESELEER  
DIRECTOR  
(850) 413-6600

## Public Service Commission

May 23, 2002

Mr. Richard Schmidt, C.F.O.  
Cybertel, Communications Corp. (TJ399)  
2820 LaMirada Drive, Suite H  
Vista, CA 92083-8405

Dear Mr. Schmidt:

The Regulatory Assessment Fee (RAF) is due by January 30<sup>th</sup> of each year for the preceding calendar year. For certificate holders, the RAF is owed even if a telecommunications company may not have started operations or had any revenues. If payment is made after the due date, then statutory penalty and interest charges are applicable.

Our records show the 2001 RAF return notice was mailed December 12, 2001, and a delinquent notice was mailed February 20, 2002. As of this date, our records do not show receipt of the RAF return or payment. A copy of the 2001 RAF return form is enclosed. In addition, our records show that you have a small past due balance, which must be paid. A breakdown is enclosed.

If full payment, including penalty and interest charges, along with the RAF return form, are not received by June 13, 2002, it is my intention to establish a docket and recommend that the Commission fine your company \$500 or cancel your certificate. Please note that once a docket has been established, **just paying the delinquent RAF amount will not prevent your certificate from being cancelled.**

If you wish to cancel your certificate voluntarily and leave in good standing with the Commission, your company should pay the past due amount in full, complete the 2001 RAF return form, either pay the 2002 RAF or provide a date certain it will be paid, and comply with the requirements of Rule 25-24.474, Florida Administrative Code, copy enclosed. Any unpaid RAFs, including penalty and interest charges, are turned over to the Comptroller's Office for collection if the Commission cancels a company's certificate on its own motion (involuntary cancellations).

Mr. Richard Schmidt, C.F.O.

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May 23, 2002

If you have any questions, please contact me at (850) 413-6502-voice, (850) 413-6503-fax, at the address below, or via internet e-mail at [pisler@psc.state.fl.us](mailto:pisler@psc.state.fl.us).

Sincerely,

A handwritten signature in cursive script that reads "Paula J. Isler".

Paula J. Isler, Research Assistant  
Bureau of Service Quality

Enclosures

# Interexchange Company Regulatory Assessment Fee Return

## Florida Public Service Commission

(See Filing Instructions on Back of Form)

STATUS:

- Actual Return
- Estimated Return
- Amended Return

TJ399-01-0-R  
 Cybertel, Communications Corp.  
 2820 La Mirada Drive, Suite H  
 Vista, CA 92083-8405

cc: P. Isler

PERIOD COVERED:  
 01/01/2001 TO 12/31/2001

Please Complete Below If Official Mailing Address Has Changed

### FOR PSC USE ONLY

Check# \_\_\_\_\_  
 \$ \_\_\_\_\_ 0603001  
 \_\_\_\_\_ 003001  
 \$ \_\_\_\_\_ P  
 \_\_\_\_\_ 0603001  
 \_\_\_\_\_ 004011  
 \$ \_\_\_\_\_ 1  
 Postmark Date \_\_\_\_\_  
 Initials of Preparer \_\_\_\_\_

(Name of Company)

(Address)

(City/State)

(Zip)

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

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

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
- Rebiller
- Other \_\_\_\_\_

### BILLING INFORMATION

Complete below if billing agent if other than yourself.

(Name) \_\_\_\_\_ (Address: City/State/Zip) \_\_\_\_\_ (Telephone) \_\_\_\_\_  
 What is the total amount of customer deposits collected? Amount: \$ \_\_\_\_\_ for 19 \_\_\_\_\_  
 What is the total amount of bond held (if applicable)? Amount: \$ \_\_\_\_\_ 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 837.06, 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.

(Signature of Company Official)

(Title)

(Date)

(Preparer of Form - Please Print Name)

Telephone Number ( ) \_\_\_\_\_ Fax Number ( ) \_\_\_\_\_

F.E.I. No. \_\_\_\_\_

**Cybertel, Communications Corp. (TJ399)**  
**Certificate No. 7554, Effective 09/01/00**

<b>Year</b>	<b>Fee</b>	<b>Penalty</b>	<b>Interest</b>	<b>Notes</b>
2000	\$0.00	\$7.50	\$1.50	Payment was due 01/30/01. The company's payment for the RAF was postmarked 04/10/01, leaving a balance of \$9.00.
2001				Payment was due 01/30/02. Our records do not show record of payment.  NOTE: I did not include the amount due for the 2001 RAF since the amount is based on a company's total intrastate revenues. The RAF is .0015% of a company's revenues or \$50.00, whichever is greater. In addition, statutory penalty and interest charges are applicable.
<b>Total</b>	<b>-\$0.00</b>	<b>\$7.50</b>	<b>\$1.50</b>	<b>Total: \$9.00</b>

**25-24.474 Cancellation of a Certificate.**

(1) The Commission may on its own motion cancel a company's certificate for any of the following reasons:

- (a) Violation of the terms and conditions under which the authority was originally granted;
- (b) Violation of Commission rule or order; or
- (c) Violation of Florida Statutes.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request.

- (a) Statement of intent and date to pay Regulatory Assessment Fee.
- (b) Statement of why the certificate is proposed to be cancelled.
- (c) A statement on treatment of customer deposits and final bills.
- (d) Proof of individual customer notice regarding discontinuance of service.

(3) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

Specific Authority 350.127(2) FS.

Law Implemented 350.113, 350.127(1), 364.285, 364.337, 364.345 FS

History--New 2-23-87, Amended 3-13-96.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

5 TJ399 Cybernet Communications Corp  
4320 La Jolla Village Drive Suite 205  
San Diego California 92122-1204

**COMPLETE THIS SECTION ON DELIVERY**

A Received by (Please Print Clearly) B Date of Delivery

3-4

C Signature

X *A Stanley*

- Agent
- Addressee

D Is delivery address different from item 1?  Yes  
If YES enter delivery address below  No

3 Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4 Restricted Delivery? (Extra Fee)  Yes

2 Article Num 7001 2510 0007 6218 1768  
(Transfer from service label)

FSS

## MCD Company Information for TJ399

Printed on 07/12/2002 at 08:49:09 by PJI

Company Code: TJ399  
Complete Name: Cybertel, Communications Corp.  
Mailing Name: Cybertel, Communications Corp.  
Certificate No(s): 7554  
Status: Active  
Regulation Date: 09/01/2000  
Bankruptcy: No  
Company Liaison #1: Richard Schmidt  
Title: C.F.O.  
Mailing Address: 2820 La Mirada Drive, Suite H

Physical Location: Vista, CA 92083-8405  
2820 La Mirada Drive, Suite H

Phone: Vista, CA 92083-8405  
(760) 599-0265  
Fax: (760) 598-3015

### Related Dockets:

000625-TI

Application for certificate to provide interexchange  
telecommunications service by Cybertel, Communications Corp.



**COMPANY IDENTIFICATION**

Printed on 05/21/2002 at 15:09:41 by PJI

Complete Name: Cybertel, Communications Corp.

Mailing Name: Cybertel, Communications Corp.

Company Code: TJ399                      FEID Number:

**RAF ACCOUNT FOR THE PERIOD 01/01/2000 THROUGH 12/31/2000**

Reg. Date: 09/01/2000                      Inactive Date:  
 Service: IXC - Interexchange Telephone  
 Received: Actual RAF Form  
 Status: Pending  
 Amended: No                      Extension: No  
 Frozen: No                      Comments: No  
 Payment Count: 1 Payment Made to Date  
 Operating Rev:                      \$1,493.66                      Interstate Rev:                      \$8,043.20  
 RAF Rate: 0.0015                      Net RAF Due:                      \$50.00

Assessment	Due	Paid	Owe
RAF	\$50.00	\$50.00	\$0.00
Penalty	\$7.50	\$0.00	\$7.50
Interest	\$1.50	\$0.00	\$1.50
Extension Fee	\$0.00	\$0.00	\$0.00
<b>Total</b>	<b>\$59.00</b>	<b>\$50.00</b>	<b>\$9.00</b>

Last modification was made on Monday, April 23, 2001 at 10:46 AM by Jackie Knight

Period covered: 01/01/2000 through 12/31/2000                      RAF rate: 0.0015  
 Operating rev:                      \$1,493.66                      Interstate rev:                      \$8,043.20  
 Documents: Actual RAF form received on 04/10/2001  
                     Delinquent letter mailed on 02/21/2001  
                     RAF form mailed on 12/05/2000

Postmarked	Trans Date	Date Posted-By	Dep #	Check #	Check Amount
04/10/2001	04/20/2001	04/23/2001-JIK	GJ057	2637	\$50.00
	RAF paid		GJ057		\$50.00

COMPANY IDENTIFICATION

Printed on 05/21/2002 at 15:09:48 by PJI

Complete Name: Cybertel, Communications Corp.

Mailing Name: Cybertel, Communications Corp.

Company Code: TJ399 FEID Number:

RAF ACCOUNT FOR THE PERIOD 01/01/2001 THROUGH 12/31/2001

Reg. Date: 09/01/2000 Inactive Date:  
 Service: IXC - Interexchange Telephone  
 Received: No RAF Form  
 Status: Pending  
 Amended: No Extension: No  
 Frozen: No Comments: No  
 Payment Count: 0 Payments Made to Date  
 Operating Rev: \$0.00 Interstate Rev: \$0.00  
 RAF Rate: Net RAF Due: \$0.00

Assessment	Due	Paid	Owe
RAF	\$0.00	\$0.00	\$0.00
Penalty	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$0.00	\$0.00	\$0.00

Last modification was made on Thursday, December 6, 2001 at 2:57 PM by Jackie Knight

Period covered 01/01/2001 through 12/31/2001 RAF rate:  
 Operating rev: \$0.00 Interstate rev: \$0.00  
 Documents: Delinquent letter mailed on 02/20/2002  
 RAF form mailed on 12/06/2001