

Handwritten initials

State of Florida



Public Service Commission
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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RECEIVED-FPSC
03 SEP -4 AM 11:34
COMMISSION CLERK

DATE: SEPTEMBER 4, 2003

TO: DIRECTOR, DIVISION OF THE COMMISSION
ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (M. WATTS)
DIVISION OF CONSUMER AFFAIRS (LOWERY)
OFFICE OF THE GENERAL COUNSEL (SUSAN DODSON)

RE: DOCKET NO. 030795-TX - COMPLIANCE INVESTIGATION OF
HOSTING-NETWORK, INC. FOR APPARENT VIOLATION OF RULES 25-
22.032(5)(A), F.A.C., CUSTOMER COMPLAINTS, 25-24.835,
F.A.C., RULES INCORPORATED, AND 25-4.0161, F.A.C.,
REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

AGENDA: 09/16/03 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\030795.RCM

Handwritten initials and marks

CASE BACKGROUND

Company Background

- July 13, 2001 - Hosting-Network, Inc. (HNI) obtained Florida Public Service Commission (Commission) competitive local exchange telecommunications company (CLEC) certificate number 7840.
- May 24, 2002 - HNI reported \$0 in intrastate operating revenue for the year 2001.

DOCUMENT NUMBER-DATE

08268 SEP-4 03

FPSC-COMMISSION CLERK

Background for Apparent Customer Complaint Violations

- January 27, 2003, to July 16, 2003 - The Division of Consumer Affairs (CAF) received five consumer complaints, listed in Attachment A, against HNI and forwarded the complaints to the company for response and resolution.
- February 17, 2003, to August 6, 2003 - The company's responses to the complaints listed in Attachment A were due to the Commission but were not received. As of the date of this filing, no response has been received for the complaints listed in Attachment A.

Background for Apparent Rules Incorporated Violation

- May 27, 2003 - The Commission received a consumer complaint, Request No. 535367T (Attachment B), against HNI.
- July 24, 2003 - When staff did not receive a response from the company for Request No. 535367T, it attempted to call HNI using the telephone number listed in the Commission's Master Commission Directory (MCD). A recorded message informed staff that the call could not be completed as dialed, indicating that the telephone number was a non-working number.
- August 11, 2003 - To date, the Commission has not received updated contact information for HNI.
- August 19, 2003 - During the Agenda Conference, the Commission voted to close Docket No. 021247-TI, Application for certificate to provide interexchange telecommunications service by Hosting-Network, Inc., because the company repeatedly failed to respond to staff's certified letters, e-mails and telephone calls.

Background for Apparent Regulatory Assessment Fees Violation

- December 15, 2002 - Staff mailed the 2002 Regulatory Assessment Fee (RAF) notice and requested payment by January 30, 2003.

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- February 19, 2003 - Staff mailed a delinquent notice (Attachment C) advising the company that its RAF payment was overdue and requesting payment within 15 days.
- March 3, 2003 - Staff's February 19, 2003, certified letter was returned by the United States Postal Service with "Refused" on the envelope. (Attachment D).
- April 11, 2003 - Staff mailed another letter (Attachment E) advising the company of the requirements of Rule 25-4.0161, Florida Administrative Code, and of the actions it needed to take to avoid a docket being established.
- April 14 through June 6, 2003 - Staff communicated with HNI via telephone on several occasions concerning the overdue RAF. HNI indicated on April 15, 2003, that it would send a check, but it did not follow through and at last contact indicated it was in negotiations to sell its customer base to another CLEC. On July 24, 2003, HNI's telephone service was reported as no longer in service.
- June 26, 2003 - Staff e-mailed a fourth notice (Attachment F) of overdue RAF in an attempt to collect payment. As of the date of this filing, the Commission has not received payment for the 2002 RAF, including statutory penalty and interest charges.

The Commission is vested with jurisdiction over these matters pursuant to Sections 364.183, 364.285, 364.336 and 364.337, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a penalty on Hosting-Network, Inc. of \$10,000 per apparent violation, for a total of \$50,000, for the five apparent violations of Rule 25-22.032(5)(a), Florida Administrative Code, Customer Complaints, to be paid to the Florida Public Service Commission within fourteen calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. If Hosting-Network, Inc. fails to timely protest the Commission's Order and fails to pay the \$50,000 penalty within fourteen calendar days after the issuance of the Consummating Order, Certificate No. 7840 should be canceled and the company should be required to immediately cease and desist providing competitive local exchange telecommunications services in Florida. **(M. Watts/Susac/Dodson/Lowery)**

STAFF ANALYSIS: Rule 25-22.032(5)(a), Florida Administrative Code, Customer Complaints, states:

The staff member will notify the company of the complaint and request a response. The company shall provide its response to the complaint within fifteen (15) working days. The response shall explain the company's actions in the disputed matter and the extent to which those actions were consistent with applicable statutes and regulations. The response shall also describe all attempts to resolve the customer's complaint.

In the consumer complaints listed in Attachment A, the company has not responded. Staff's recommendation in this issue is consistent with the Commission's previous decision for similar violations in Docket No. 010206-TI, Initiation of show cause proceedings against Telquest Communications, Inc. d/b/a Advantage Plus Telecommunications, Inc. for apparent violation of Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Staff believes that HNI's failure to provide the required responses to consumer complaints is a "willful violation" of Rule 25-22.032(5)(a), Florida Administrative Code, Customer Complaints, in the sense intended by Section 364.285, Florida Statutes.

Pursuant to Section 364.285(1), Florida Statutes, the Commission is authorized to impose upon any entity subject to its

jurisdiction a penalty of not more than \$25,000 for each day a violation continues, if such entity is found to have *refused to comply with or to have willfully violated* any lawful rule or order of the Commission, or any provision of Chapter 364, Florida Statutes, or revoke any certificate issued by it for any such violation.

Section 364.285(1), Florida Statutes, however, does not define what it is to "willfully violate" a rule or order. Nevertheless, it appears plain that the intent of the statutory language is to penalize those who affirmatively act in opposition to a Commission order or rule. See, Florida State Racing Commission v. Ponce de Leon Trotting Association, 151 So.2d 633, 634 & n.4 (Fla. 1963); c.f., McKenzie Tank Lines, Inc. v. McCauley, 418 So.2d 1177, 1181 (Fla. 1st DCA 1982) (there must be an intentional commission of an act violative of a statute with knowledge that such an act is likely to result in serious injury) [citing Smit v. Geyer Detective Agency, Inc., 130 So.2d 882, 884 (Fla. 1961)]. Thus, a "willful violation of law" at least covers an act of purposefulness.

However, "willful violation" need not be limited to acts of commission. The phrase "willful violation" can mean either an intentional act of commission or one of omission, that is *failing to act*. See, Nuger v. State Insurance Commissioner, 238 Md. 55, 67, 207 A.2d 619, 625 (1965)[emphasis added]. As the First District Court of Appeal stated, "willfully" can be defined as:

An act or omission is 'willfully' done, if done voluntarily and intentionally and with the specific intent to do something the law forbids, or *with the specific intent to fail to do something the law requires to be done*; that is to say, with bad purpose either to disobey or to disregard the law.

Metropolitan Dade County v. State Department of Environmental Protection, 714 So.2d 512, 517 (Fla. 1st DCA 1998)[emphasis added]. In other words, a willful violation of a statute, rule or order is also one done with an intentional disregard of, or a plain indifference to, the applicable statute or regulation. See, L. R. Willson & Sons, Inc. v. Donovan, 685 F.2d 664, 667 n.1 (D.C. Cir. 1982).

Thus, the failure of HNI to provide staff with written responses to consumer complaints within fifteen working days meets the standard for a "refusal to comply" and a "willful violation" as

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contemplated by the Legislature when enacting section 364.285, Florida Statutes.

HNI cannot defend the matter, claiming that it did not know that it had the duty to respond to staff's inquiries. "It is a common maxim, familiar to all minds, that 'ignorance of the law' will not excuse any person, either civilly or criminally." Barlow v. United States, 32 U.S. 404, 411 (1833); see, Perez v. Marti, 770 So.2d 284, 289 (Fla. 3rd DCA 2000) (ignorance of the law is never a defense). Moreover, in the context of this docket, all telecommunication companies, like HNI, by virtue of their Certificate of Public Convenience and Necessity, are subject to the rules published in the Florida Administrative Code. See, Commercial Ventures, Inc. v. Beard, 595 So.2d 47, 48 (Fla. 1992).

Thus, staff recommends that the Commission find that HNI has, by its actions and inactions, willfully violated Rule 25-22.032(5)(a), Florida Administrative Code, Customer Complaints, and impose a penalty of \$10,000 per apparent violation, for a total of \$50,000, on the company to be paid to the Florida Public Service Commission.

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ISSUE 2: Should the Commission impose a \$500 penalty on Hosting-Network, Inc. for apparent violation of Rule 25-24.835, Florida Administrative Code, Rules Incorporated, to be paid to the Florida Public Service Commission within fourteen calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. If Hosting-Network, Inc. fails to timely protest the Commission's Order and fails to pay the \$500 penalty within fourteen calendar days after the issuance of the Consummating Order, Certificate No. 7840 should be canceled and the company should also be required to immediately cease and desist providing competitive local exchange telecommunications services in Florida. (M. Watts/Susac/Dodson)

STAFF ANALYSIS: Rule 25-24.480, Florida Administrative Code, Records and Reports; Rules Incorporated, incorporated by reference into Rule 25-24.835, Florida Administrative Code, Rules Incorporated, requires that a company update its contact information with the Commission within 10 days of a change. On July 24, 2003, staff attempted to contact HNI using the contact information contained in the Commission's MCD. Staff found that the telephone number for the company's contact person, Mr. Travis Johnson, was a non-working number. To date, the company has not updated its contact information with the Commission. Staff's recommendation in this issue is consistent with the Commission's decisions in previous dockets for similar violations.

Staff believes that HNI's apparent violation of Rule 25-24.835, Florida Administrative Code, Rules Incorporated, has been "willful" in the sense intended by Section 364.285, Florida Statutes, and pursuant to Section 364.285, Florida Statutes, the Commission is authorized to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each offense, if such entity is found to have refused to comply with any lawful rule of the Commission.

Accordingly, staff recommends that the Commission find that HNI has, by its actions and inactions, willfully violated Rule 25-24.835, Florida Administrative Code, Rules Incorporated, and impose a \$500 penalty on the company to be paid to the Florida Public Service Commission.

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ISSUE 3: Should the Commission impose a \$500 penalty on Hosting-Network, Inc. or cancel certificate number 7840 for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25.24.835, Florida Administrative Code, Rules Incorporated, to be paid to the Florida Public Service Commission within fourteen calendar days after the issuance of the Consummating Order?

RECOMMENDATION: Yes. If Hosting-Network, Inc. fails to timely protest the Commission's Order and fails to pay the \$500 penalty and the Regulatory Assessment Fees, including statutory penalty and interest charges, within fourteen calendar days after the issuance of the Consummating Order, Certificate No. 7840 should be canceled, and the company should also be required to immediately cease and desist providing competitive local exchange telecommunications services in Florida. If the Regulatory Assessment Fees, including statutory penalty and interest charges, are not received in accordance with the Commission's Order, the collection of the past due fees should be referred to the Department of Financial Services for further collection efforts. (M. Watts/Susac/Dodson)

STAFF ANALYSIS: HNI has not paid its 2002 RAFs, plus statutory penalty and interest charges. Staff wrote HNI in an attempt to bring it into compliance with the RAF rule. No payment or written response was received; therefore, it appears HNI has failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.835, Florida Administrative Code, Rules Incorporated, and has not requested cancellation of its certificate in compliance with Rule 25-24.820(2), Florida Administrative Code, Revocation of a Certificate. The penalty amount recommended in this docket is consistent with amounts imposed for recent, similar violations. Pursuant to Section 364.336, Florida Statutes, cancellation of an entity's certificate does not relieve the obligation to pay RAFs, including statutory penalty and interest charges, if the certificate was active during any portion of the calendar year, including the year of cancellation.

Staff believes that HNI's apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, has been "willful" in the sense intended by Section 364.285, Florida Statutes, and pursuant to Section 364.285, Florida Statutes, the Commission is authorized to

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impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each offense, if such entity is found to have refused to comply with any lawful rule of the Commission.

On April 15, 2003, HNI admitted to staff that it had not paid the overdue RAF. During this same conversation with staff, HNI also agreed to resolve the situation by mailing a check to the PSC for HNI's outstanding balance. This April 15, 2003, conversation is unrefuted evidence that HNI had knowledge of the overdue RAF. It is also unrefuted that HNI never mailed a check for the overdue RAF. Therefore, staff recommends that HNI's noncompliance is willful and not accidental. HNI had knowledge of the overdue RAF, but intentionally chose not to pay it.

Accordingly, staff recommends that if Hosting-Network, Inc. fails to timely protest the Commission's Order and fails to pay the \$500 penalty and the Regulatory Assessment Fees, including statutory penalty and interest charges, within fourteen calendar days after the issuance of the Consummating Order, Certificate No. 7840 should be canceled with an effective date of October 31, 2003, and the company should also be required to immediately cease and desist providing competitive local exchange telecommunications services in Florida. If the Regulatory Assessment Fees, including statutory penalty and interest charges, are not received in accordance with the Commission's Order, the collection of the past due fees should be referred to the Department of Financial Services for further collection efforts.

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ISSUE 4: Should this docket be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. If the Commission's Order is not protested, this docket should be closed upon receipt of the payment of the penalties and fees or the cancellation of the company's certificate. **(Susac/Dodson)**

STAFF ANALYSIS: Whether staff's recommendations on Issues 1, 2 and 3 are approved or denied, the result will be a Proposed Agency Action Order. If no timely protest to the Proposed Agency Action is filed within 21 days of the date of issuance of the Order, this docket should be closed administratively upon receipt of the payment of the penalties and fees or cancellation of the company's certificate.

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ATTACHMENT A

**HOSTING-NETWORK, INC.
FAILURE TO RESPOND TO CONSUMER COMPLAINTS**

Request No.	Date Received	Date Response Due
514456T	01/27/2003	02/17/2003
535367T	05/27/2003	06/17/2003
542642T	07/03/2003	07/25/2003
543734T	07/10/2003	07/31/2003
544789T	07/16/2003	08/06/2003

Request No. 535367T

Name

Business Name CYBERSTREET, INC.

Consumer Information Name: Business Name: CYBERSTREET, INC. Svc Address: 1534 JACKSON STREET County: Lee Phone: (239)-334-4484 City/Zip: Fort Myers / 33901- Account Number: Caller's Name: WALTER PETERSON Mailing Address: 1534 JACKSON STREET City/Zip: FORT MYERS ,FL 33901- Can Be Reached: (236)-226-0747 E-Tracking Number: 0007481	Florida Public Service Commission - Consumer Request 2540 Shumard Oak Boulevard Tallahassee, Florida 32399 850-413-6100	PSC Information Assigned To: CMP Entered By: AC Date: 05/27/2003 Time: 16:18 Via: E-FORM Prelim Type: TELEPHONE PO: Disputed Amt: 0.00 Supantl Rpt Req'd: / / Certified Letter Sent: / / Certified Letter Rec'd: / / Closed by: Date: / / Closeout Type: Apparent Rule Violation: N
	Utility Information Company Code: TK571 Company: HOSTING-NETWORK, INC. Attn. Travis Johnson535367T Response Needed From Company? Y Date Due: 06/17/2003 Fax: 61,941-461-6039 B Interim Report Received: / / Reply Received: / / Reply Received Timely/Late: Informal Conf.: N	

Please review the "incorporated" Internet correspondence, located between the quotation marks on this form, in which the customer reports the following:

"TRACKING NUMBER - 0007481 May 27, 2003
SERVICE ADDRESS
Account Number: unknown
Business Account Name: CyberStreet Inc.
Name: Walter Peterson
Address: 1534 Jackson St.
City: Ft. Myers
Zip: 33901
Service Phone: 334-4484

CUSTOMER INFORMATION

Request No. 535367T

Name

Business Name CYBERSTREET, INC.

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ATTACHMENT B

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Business Account Name: CyberStreet Inc.
Name: Walter Peterson
Address: 1534 Jackson St.
City: Ft. Myers
State: AL
Zip: 33901
Primary Phone: 239-226-0747
Secondary Phone: 239-699-4168
E-mail: walterp@cyberstreet.com
Contact By: Day Time Phone Number

COMPLAINT INFORMATION

Utility Name: TX571 Hosting-Network, Inc.
Did customer previously contact the utility?:
Did customer previously contact the PSC?:

PROBLEM INFORMATION

Problem Type: Outages
Complaint Detail:
What type of outages have you experienced? Extended

Approximate shortest time of an outage: 1 Hour

Approximate longest time of an outage: 4 Days

Approximate number of outages in the past 30 days: 4

Approximate number of outages reported in the past 30 days: 1 outage

Date the utility stated the outage would be repaired: 05/27/2003

Complaint Details:

In April of this year CyberStreet was informed by the owner of Edison Telephone / Hosting Network, Travis Johnson, that Hosting Network / Edison Telephone was experiencing severe financial difficulties and that it would be advisable for CyberStreet to procure services from another telephone provider. Shortly thereafter CyberStreet was informed by Bonnie Johnson, Travis Johnson's mother and business partner, that Edison Telephone / Hosting Network was in the process of being acquired by another entity, and that they would be able to continue providing services with no interruption. At no point since has CyberStreet been told that they would be unable to continue providing services.

Request No. 535367T Name , Business Name CYBERSTREET, INC.

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ORIGINAL

ATTACHMENT B

their settings to work with the new telephone numbers, but due to the holiday weekend the remaining customers were not be able to access the internet or contact technical support. All indications are that it is a violation of both FCC and PSC regulation and tariffs to terminate services on a Friday, and certainly without 30 days prior notification.

In addition, CyberStreet has instructed Edison Telephone / Hosting Network to release its main voice number to the new provider. A company's or individual's telephone number is considered an asset that belongs to that company or individual, and legally must be released to its owner. This is known as "phone number portability", and guarantees that an entity may move its number to whichever telephone company it wishes to provide service. Edison Telephone / Hosting Network is flagrantly violating FCC and PSC regulations by refusing to release CyberStreet's number to another provider, and allowing it to remain in an "out of service" condition.

CyberStreet has a receipt dated and initialed by Bonnie of Edison Telephone showing that its account is paid in full through the end of May, and yet service has been interrupted twice during this month. There is no justifiable cause for services to have been terminated in this manner. Telephone companies are highly regulated, and by law must have just cause and follow required procedures before terminating services. Becoming upset with the customer because of a perceived personal offense or because the customer is considering switching to a different provider is NOT legal justification for termination. Edison Telephone has knowingly and willingly violated FCC and PSC regulations in this regard. It is CyberStreet's belief that these problems have been the result of Edison Telephone acting in a deliberately vindictive manner due to its transfer of services to another provider. "

Please investigate this issue, contact the customer and provide the Commission with a detailed written report that addresses the issues in the correspondence, and confirms the customer has been contacted either by letter or phone.

Inquiry taken by A. Calhoun

CONTACT NUMBERS

CAF FAX: 850/413-7168

CAF Email: pscreply@psc.state.fl.us

6/19/03 - Customer called @ 11:50 AM for status update and was informed that the company's response to his complaint has not as yet been received by the PSC and the company is now delinquent in their response. Complaint refaxed to company with notice. NForsman

*****ATTENTION COMPANY: YOUR RESPONSE TO THIS MATTER IS NOW DELINQUENT. PLEASE RESPOND ON OR BEFORE

Request No. 535367T Name , Business Name CYBERSTREET, INC.

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6/25/03.*****

06/26/2003 @ 2:51 pm Customer called to check the status of his case. Advised customer that as of today a reponse had not been added to the case from the company. Transferred call to analyst voicemail, will email as well. Lee White

06/26/2003 ATTENTION COMPANY: Your response is past due. A second request for a response was sent on June 19, 2003 with a due date of June 25, 2003. No response has been received. Respond with report by Wednesday July 2, 2003. If no response to this complaint has been received, this case will be closed as a failure to respond to Commission inquiry and forwarded to the Division of Competitive Markets and Enforcement for further action. ACalhoun

06/27/2003 @ 1204 pm Customer called regarding the case. Informed customer of the notes on the case and that analyst assigned would be contacting him after lunch. Lee White

6/30/03 - Customer called @ 2:25 PM and transferred to ACalhoun. NForzman

06/30/2003 Customer indicates that he has had no contact with Hosting - Network. Customer indicates that he was disconnected by the company as stated in his complaint. Customer indicates that he lost customer's at his business due to the outages. Advised the customer of complaint process for past due cases. ACalhoun

7/24/2003 It appears the consumer complaint contact information listed in the Commission Directory is not current. Case resent by e-mail to the main contact listed for Regulatory Affairs at Travis@Hosting-Network.com A call to Mr. Johnson will also be made as a follow up. P.Lowery

7/24/2003 An attempted phone call to the company number (239) 622-1111 "could not be completed as dialed", according to the recorded voice. Recommending the case be reassigned immediately to the Division of Competitive Markets and Enforcement for handling. It appears the company may be no longer providing service. P.Lowery

7/25/2003 Case reassigned to the Division of Competitive Markets and Enforcement for immediate assistance. P.Lowery

Request No. 535367T Name _____ Business Name CYBERSTREET, INC.

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ATTACHMENT B

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ATTACHMENT C

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

STATE OF FLORIDA



OFFICE OF GENERAL COUNSEL
HAROLD A. MCLEAN
(850) 413-6199

Public Service Commission

February 19, 2003

TX571-02-0-D
Hosting-Network, Inc.
1516 Jackson Street
Ft. Myers, FL 33901-2911

Dear Certificate Holder:

The Division of the Commission's Clerk and Administrative Services has forwarded your account to our office to address the nonpayment of the Regulatory Assessment Fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 2002, which was due January 30, 2003. The RAFs return form was mailed to you on December 15, 2002, and to date, Commission records reflect that payment has not been received.

According to Florida Law, you are required to add interest charges at 12% per annum, and a 5% penalty for each 30-day period or fraction thereof, beyond the due date, up to a maximum of 25% in addition to the delinquent amount due. In addition, pursuant to Section 364.285, Florida Statutes, the Commission is authorized to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each offense, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of Chapter 364.

Utilities are charged with knowledge of our rules and statutes. Moreover, it is general Commission practice that all utilities that apply for Alternative Local Exchange certificate receive a copy of all applicable rules. Further, in accordance with Section 364.335, Florida Statutes, as part of the application process, utilities provide an affidavit indicating that they have read and understood the applicable rules.

If you wish to request another form, please contact Jackie Knight at the number below. The payment should be identified with the company code and the company's name. Failure to provide payment within 15 days of this notice will result in the establishment of a docket to address your failure to return the RAFs form and pay RAFs in accordance with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. As specified above, pursuant to Section 364.285, Florida Statutes, the Commission may impose a fine or cancel your certificate. Therefore, it is important that you address this matter now.

If you have paid your fees, please provide us with your check number and the date that it was paid.

Should you have any questions concerning this letter please contact Jackie Knight at (850) 413-6267 or via Internet e-mail at jknight@psc.state.fl.us.

Sincerely,

A handwritten signature in dark ink, appearing to be "H. McLean".

Harold McLean
General Counsel

KMP

Enclosure

cc: Jackie Knight, Bureau of Administrative Services/Fiscal Services Section

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

PSC Website: <http://www.florid>

unity Employer

Internet E-mail: contact@psc.state.fl.us

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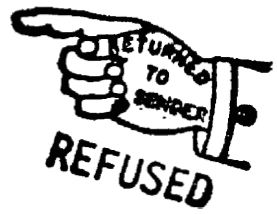
ATTACHMENT D

State of Florida Public Service Commission

2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Rafael
103

CERTIFIED MAIL



PS Form 3811, March 2001
Domestic Return Receipt
102595-01-M-1424

2. Article Number (Transfer from service label)
7002 0860 0001 1756 4403

3. Service Type

Certified Mail Express Mail Return Receipt for Merchandise

Registered Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes No

1. Article Addressed to:
TX571 Hosting-Network, Inc.
1516 Jackson Street
Ft. Myers, FL 33901-2911

INVESTMENT OF COMPETITIVE SERVICES

D. Is delivery address different from return? Yes No

C. Signature Agent Addressee

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

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.

COMPLETE THIS SECTION ON DELIVERY

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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ATTACHMENT E

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

STATE OF FLORIDA



273
DIVISION OF COMPETITIVE MARKETS &
ENFORCEMENT
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

April 11, 2003

Mr. Travis Johnson, Consultant
Hosting-Network, Inc. (TX571)
1516 Jackson Street
Fort Myers, FL 33901-2911

Dear Mr. Johnson:

The Regulatory Assessment Fee (RAF) is due by January 30th 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 that the 2002 RAF return notice was mailed on December 12, 2002, and a delinquent notice was mailed on February 20, 2003. As of this date, our records do not show receipt of the RAF return or payment. A copy of the 2002 RAF return form is enclosed.

If full payment, including penalty and interest charges, along with the RAF return form, are not received by April 30, 2003, a docket will be established. Your company will be fined or your certificate cancelled if you do not respond. 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 2002 RAF return form, either pay the 2003 RAF or provide a date certain it will be paid, and comply with the requirements of Rule 25-24.820, Florida Administrative Code, copy enclosed. Any unpaid RAFs, including penalty and interest charges, are turned over to the Florida Department of Financial Services for further collection efforts.

If you have any questions, please contact me at (850) 413-6502, by fax at (850) 413-6503, by e-mail at pisler@psc.state.fl.us, or by writing to me at the address below.

Sincerely,

Handwritten signature of Paula J. Isler in cursive.

Paula J. Isler, Research Assistant
Bureau of Service Quality

Enclosures

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

TO AVOID PENALTY AND INTEREST CHARGES, THE REGULATORY ASSESSMENT FEE RETURN MUST BE FILED ON OR BEFORE 01/30/2003

Alternative Local Exchange Company Regulatory Assessment Fee Return

STATUS:

Actual Return
 Estimated Return
 Amended Return

PERIOD COVERED:
 01/01/2002 TO 12/31/2002

Florida Public Service Commission

(See Filing Instructions on Back of Form)

TX571-02-0-R
 Hosting-Network, Inc.
 1516 Jackson Street
 Ft. Myers, FL 33901-2911

cc: P. Isler

FOR PSC USE ONLY	
Checkoff	_____
\$ _____	0603006 003001
\$ _____	P 0603006 004011
\$ _____	1
Postmark Date	_____
Initials of Preparer	_____

Please Complete Below if Official Mailing Address Has Changed

 (Name of Company) (Address) (City/State) (Zip)

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

* 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

() Facilities-Based Provider
 CURRENT COMPANY STATUS
 () Reseller
 () Other: _____

BILLING INFORMATION
 Complete below if billing agent if other than yourself.
 _____ (Name) _____ (Address: City/State/Zip) _____ (Telephone)

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. _____

25-24.820 Revocation of a Certificate.

(1) The Commission may on its own motion, after notice and opportunity for hearing, revoke a company's certificate for any of the following reasons:

- (a) Violation of a term or condition under which the authority was originally granted;
- (b) Violation of Commission rule or order;
- (c) Violation of Florida Statute; or
- (d) Violation of a price list standard.

(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. Cancellation of a certificate shall be ordered subject to the holder providing the required information.

- (a) A statement of intent and date certain to pay regulatory assessment fee.
- (b) A statement of why the certificate is proposed to be cancelled.
- (c) A statement as to how customer deposits and final bills will be handled.
- (d) Proof of individual customer notice regarding discontinuance of service.

Specific Authority: 350.127(2), F.S.
Law Implemented: 364.335, 364.345, F.S.
History: New 12/26/95.

DOCKET NO. 030795-TX
DATE: September 4, 2003

ATTACHMENT F

Paula Isler

From: Paula Isler
Sent: Thursday, June 26, 2003 8:32 AM
To: 'Bonnie@Hosting-Network.com'
Subject: 2002 Regulatory Assessment Fee (TX571)

Dear Ms. Johnson:

Payment for the 2002 Regulatory Assessment Fee was due January 30, 2003. As of this date, payment has still not been received. A delinquent notice was mailed on February 21, 2003 but it was returned by the US Postal Service stamped "refused." In addition, on April 11th, I wrote you and explained that payment had not been received and enclosed a copy of the 2002 Regulatory Assessment Fee return form.

The fee is .0015% of a company's intrastate revenues, or \$50.00, whichever is greater. The fee is due even if a company never started operations or had any revenues. In addition, statutory penalty and interest charges are applicable.

Please pay the past due amount to avoid an enforcement docket from being established for violation of Rule 25-4.0161, Florida Administrative Code. Let me know if you have any questions.

Paula Isler
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6502-phone
(850) 413-6503-fax