

State of Florida



# Public Service Commission

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

## -M-E-M-O-R-A-N-D-U-M-

RECEIVED FPSC  
03 SEP 18 AM 11:43  
COMMISSION CLERK

**DATE:** SEPTEMBER 18, 2003

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

**FROM:** DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (CURRY) *KIC*  
OFFICE OF THE GENERAL COUNSEL (SUSAN) *RHT*

**RE:** DOCKET NO. 030876-TI - COMPLIANCE INVESTIGATION OF IBGH COMMUNICATIONS, LLC FOR APPARENT VIOLATION OF SECTIONS 364.02 AND 364.04, FLORIDA STATUTES.

**AGENDA:** 09/30/03 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\GCL\WP\030876.RCM

### CASE BACKGROUND

- May 9, 2003 - Staff received a complaint regarding a prepaid phone card. The prepaid calling services provider listed on the card was IBGH Communications, LLC (IBGH). Staff determined that IBGH had not obtained a certificate of public convenience and necessity (certificate). At that time, Commission rules required that interstate interexchange telecommunications companies (IXCs) providing services within the state obtain a certificate.
- May 20, 2003 - Staff mailed a certified letter (Attachment A) to IBGH requesting that the company investigate the complaint filed against it. Within that letter, staff also notified the company of its requirement to obtain an IXC certificate. The deadline for IBGH to submit the IXC certificate application

DOCUMENT NUMBER-DATE

08899 SEP 18 3

FPSC-COMMISSION CLERK

DATE: September 18, 2003

was June 16, 2003. According to the certified mail receipt (Attachment B), the letter was received by IBGH on May 28, 2003.

- July 21, 2003 - Staff mailed a second certified letter (Attachment C) to IBGH to inform the company of the change in the Florida law that no longer required IXCs providing services within the state to obtain a certificate. This letter also informed the company that despite this change, the law still required IXCs providing services within Florida to file a tariff and to provide the company's current contact information to the Commission. According to the certified mail receipt (Attachment D), the letter was received by IBGH on July 28, 2003. IBGH was required to submit the requested information by August 4, 2003.
- September 2, 2003 -Staff opened this docket to address IBGH's apparent violation of Sections 364.02 and 364.04, Florida Statutes.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.02(13), 364.04, and 364.285, Florida Statutes. Further, staff's recommended penalty is consistent with penalties imposed upon other prepaid calling service providers by the Commission in previous dockets for the same apparent violation. Accordingly, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

**Issue 1:** Should the Commission impose a \$25,000 penalty upon IBGH Communications, LLC for its apparent violation of Sections 364.02 (13) and 364.04, Florida Statutes, to be paid to the Florida Public Service Commission within fourteen calendar days after the issuance of the Consummating Order?

**Recommendation:** Yes. If IBGH Communications, LLC fails to timely protest the Commission's Order, and fails to file a tariff and provide the Commission with current contact information, the company should also be required to immediately cease and desist providing intrastate interexchange telecommunications services in Florida upon issuance of the Consummating Order until the company files a tariff and provides the Commission with current contact information. (Curry, Susac)

**Staff Analysis:**

Apparent Deficiency

Upon receiving a complaint, staff determined that IBGH was providing interexchange telecommunication services within the state. Staff then notified IBGH of its requirement to obtain an IXC certificate via certified mail. After not receiving an IXC certificate application from IBGH, staff sent a second certified letter to the company. This letter was sent after the passage of the Tele-Competition Innovation and Infrastructure Enhancement Act (Tele-Competition Act) and informed the company that it was no longer required to obtain an IXC certificate, but it was still required to file a tariff and to provide the company's current contact information to the Commission. Staff requested that IBGH file a tariff and provide the company's current contact information to the Commission by August 4, 2003. As of the date of filing this recommendation, IBGH has not filed a tariff or provided the Commission with the company's current contact information, which is in apparent violation of Sections 364.02(13) and 364.04, Florida Statutes. Staff believes that the company has been adequately notified of its requirements and has been provided with sufficient time to meet those requirements.

Applicable Florida Statutes

On May 23, 2003, Florida state legislators passed the Tele-Competition Act which no longer requires an IXC providing services within the state to obtain a certificate. However, Section 364.02(13), Florida Statutes, requires each IXC to provide the Commission with information to contact and communicate with the company. Section 364.02(13), Florida Statutes, states in pertinent part:

Each intrastate interexchange telecommunications company shall continue to be subject to ss. 364.04, 364.10(3)(a), and (d), 364.285, 364.163, 364.501, 364.603, and 364.604, shall provide the commission with such current information as the commission deems necessary to contact and communicate with the company....

Further, the Tele-Competition Act did not amend Section 364.04, Florida Statutes. IXCs providing service within the state are still required to file a tariff with the Commission in accordance with Section 364.04(1), Florida Statutes, which states:

Upon order of the commission, every telecommunications company shall file with the commission, and shall print and keep open to public inspection, schedules showing the rates, tolls, rentals, contracts, and charges that a company for service to be performed within the state.

Proposed Penalty

Staff believes that IBGH's failure to provide the Commission with current contact information and file a tariff are "willful violations" of Sections 364.02 (13) and 364.04, Florida Statutes, 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.

DATE: September 18, 2003

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 Smith 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 IBGH to provide the Commission with current contact information and file a tariff meets the standard for a "refusal to comply" and a "willful violation" as contemplated by the Legislature when enacting section 364.285, Florida Statutes.

Nor could IBGH claim that it did not know that it had the duty to provide the Commission with current contact information and file a tariff. "It is a common maxim, familiar to all minds, that 'ignorance of the law' will not excuse any person, either civilly

DOCKET NO. 030876-TI

DATE: September 18, 2003

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 IBGH are subject to the rules published in the Florida Administrative Code. See, Commercial Ventures, Inc. v. Beard, 595 So.2d 47, 48 (Fla. 1992).

Further, the amount of the proposed penalty is consistent with penalties previously imposed by the Commission upon IXCs that were providing intrastate interexchange services within the state and failed to file a tariff and to provide the Commission with the company's current contact information. Thus, staff recommends that the Commission find that IBGH has, by its actions and inactions, willfully violated Sections 364.02(13) and 364.04, Florida Statutes, and impose a \$25,000 penalty on the company to be paid to the Florida Public Service Commission.

DOCKET NO. 030876-TI

DATE: September 18, 2003

**Issue 2:** Should this docket be closed?

**Recommendation:** The Order issued from this recommendation will become final upon issuance of the 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 and the payment of the penalty is not received within fourteen calendar days after the issuance of the Consummating Order, the collection of the penalty should be referred to the Department of Financial Services. This docket should be closed administratively upon either receipt of the payment of the penalty or upon the referral of the penalty to the Department of Financial Services. (Susac)

**Staff Analysis:** Whether staff's recommendation on Issue 1 is 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 penalty or referral of the penalty to the Department of Financial Services.

DOCKET NO. 030876-TI  
DATE: September 18, 2003

Attachment A

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

STATE OF FLORIDA



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

Public Service Commission

May 20, 2003

**CERTIFIED**

IBGH Communications, LLC  
1942 Williamsbridge Road  
Bronx, New York 10461

Dear Sirs:

The Florida Public Service Commission recently received the enclosed complaint filed against IBGH Communications, LLC (IBGH), regarding the purchase of a prepaid phone card titled "Hola! Miami." The complaint was filed by Ms. Gabriela Iglesia on May 9, 2003. According to Ms. Iglesia, she purchased a 500 minute phone card but was only able to use the card for 60 minutes. The prepaid calling service provider listed on the card is IBGH. At this time, I ask that you please investigate this complaint, contact Ms. Iglesia, and provide me with a detailed response by **June 8, 2003**, that addresses the issues of this complaint and verifies that Ms. Iglesia has been contacted and her issues resolved.

After receiving Ms. Iglesia's complaint, I found that IBGH has not obtained the proper certification needed to provide prepaid paid calling services (PPCS) within the state of Florida. Rule 25-24.910, Florida Administrative Code (F.A.C.), Certificate of Public Convenience and Necessity Required, states:

A company shall not provide PPCS without first obtaining a certificate of public convenience and necessity as a local exchange company, alternative local exchange company, or interexchange company. The name used as the provider of PPCS printed on the prepaid calling card shall appear identical to the name in which the certificate is issued. A "doing business as" name may be used in lieu of the certificated name if it is registered as a fictitious name with the Florida Division of Corporations and reflected on the certificate before the name is used on the card.

To resolve the certification matter, please file an application with the Florida Public Service Commission to obtain an interexchange company (IXC) certificate no later than **June 16, 2003**. You can find the IXC certificate application package with instructions on our website at [www.floridapsc.com](http://www.floridapsc.com). You may fax your response to Ms. Iglesia's complaint to me at (850) 413-

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](mailto:contact@psc.state.fl.us)



IBGH Communications, LLC  
Page 2  
May 20, 2003

6663, or you may respond by email to [kcurry@psc.state.fl.us](mailto:kcurry@psc.state.fl.us). In addition, please provide me with a copy of the cover letter for your certificate application once it is ready for submission.

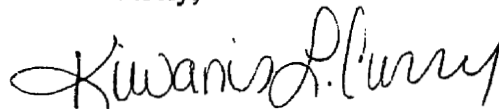
Please understand that if IBGH Communications, LLC is providing prepaid calling services, and fails to obtain a certificate, it may be subject to a penalty as prescribed by Section 364.285, Florida Statutes, which states:

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The commission shall have the power to impose upon any entity subject to its jurisdiction under this chapter which 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 this chapter a penalty for each offense of not more than \$25,000, which penalty shall be fixed, imposed, and collected by the commission; or the commission may, for any such violation, amend, suspend, or revoke any certificate issued by it. Each day that such refusal or violation continues constitutes a separate offense.

If you have any questions concerning this matter or need assistance, please feel free to contact me at (850) 413-6662.

Sincerely,



Kiwanis L. Curry  
Bureau of Service Quality

Enclosure

cc: Florida Department of Revenue  
Certification Section (J. Gilchrist)

TMS #64

Request No. 532248T Name IGLESIA , GABRIELA MS. Business Name \_\_\_\_\_

<p align="center"><b>Consumer Information</b></p> <p>Name: GABRIELA IGLESIA</p> <p>Business Name:</p> <p>Svc Address: 580 LEE DRIVE</p> <p>County: Dade Phone: (305)-888-0552</p> <p>City/Zip: Miami / 33166-</p> <p>Account Number: 7713-4743-7847</p> <p>Caller's Name: GABRIELA IGLESIA</p> <p>Mailing Address: 580 LEE DRIVE</p> <p>City/Zip: MIAMI ,FL 33166-</p> <p>Can Be Reached: (305)-888-0552</p> <p>E-Tracking Number:</p>	<p align="center"><b>Florida Public Service                  Commission - Consumer Request                  2540 Shumard Oak Boulevard                  Tallahassee, Florida 32399                  850-413-6100</b></p>	<p align="center"><b>PSC Information</b></p> <p>Assigned To: CMP</p> <p>Entered By: XMK</p> <p>Date: 05/09/2003</p> <p>Time: 12:42</p> <p>Via: FAX</p> <p>Prelim Type: PREPAID CALLING</p> <p>PO:</p> <p>Disputed Amt: 5.00</p> <hr/> <p>Supmntl Rpt Req'd: / /</p> <p>Certified Letter Sent: / /</p> <p>Certified Letter Rec'd: / /</p> <hr/> <p>Closed by:</p> <p>Date: / /</p> <p>Closeout Type:</p> <p>Apparent Rule Violation: N</p>
<p align="center"><b>Utility Information</b></p> <p>Company Code: NA</p> <p>Company: IBGH</p> <p>Attn.</p> <p>Response Needed From Company? Y</p> <p>Date Due: 06/02/2003</p> <p>Fax: R</p>	<p>Interim Report Received: / /</p> <p>Reply Received: / /</p> <p>Reply Received Timely/Late:</p> <p>Informal Conf.: N</p>	

Preclose type - Prepaid Calling Card

When did you purchase the card? April 2003

Where did you purchase the card? Chevron Gas Station 4501 N.W. 36th St. Miami Springs, FL 33166.

What was the cost of the card? \$5.00

How many minutes were on the card? 500 minutes to Argentina

Other Comments: Customer purchased the prepaid calling card because it offered 500 minutes to Argentina for only \$5.00. Customer only used the card 3 times, the first time she only left a message on a answering

Request No. 532248T Name IGLESIA , GABRIELA MS. Business Name \_\_\_\_\_

PAGE NO: 1 ORIGINAL

machine the 2nd time she spoke only 15 minutes the 3rd time she spoke only 45 minutes. When she went to use card again it told her there are no more minutes available.  
Customer called company and was informed this card only offers 100 minutes to Argentina for \$5.00. Customers says that the establishment is selling the card for 500 minutes for 5.00 and is on the display they have with the cards.  
Customer will like for company to credit back the remainder of the 440 minutes she should have gotten according to the store display.

Please investigate this matter, contact the customer, and provide a detailed written report to the Florida Public Service Commission by the due date.

Case taken by\_XKerr  
Send Response to  
Fax number 850-413-7168  
E-mail : PSCREPLY@PSC.STATE.FL.US

04/09/2003 Requesting complaint be forwarded to Competitive Markets and Enforcement. IBGH is not listed in the Master Commission Directory as a company name or DBA. ACalhoun

5/13/2003 Case reassigned to the Division of Competitive Markets and Enforcement. P.Lowery

Request No. 532248T Name IGLESIA ,GABRIELA MS. Business Name

ORIGINAL

Wednesday, May 7th, 2003

Atencion: Sra. Xinra

Ref. # 530196C

MAY - 7 2003

De mi consideracion:

La semana pasada estuve hablando con ud. referente a una tarjeta telefonica prepaga. En la conversacion le mencione lo siguiente:

Alrededor de mediados del mes de Abril, 2003, compre una tarjeta telefonica prepaga para llamar basicamente a Buenos Aires, Argentina. La tarjeta "Hola Miami" ofrece, según la publicidad dada al establecimiento que las vende, 500 minutos por \$ 5.00. Normalmente compro otra tarjeta, que da 600 minutos por el mismo valor, pero debido a que no habia, compre esta otra.

Esta tarjeta la use 3 veces. La primera practicamente no use muchos minutos debido a que deje mensaje en un contestador automatico. La segunda vez que la use, habre gastado no mas de 15 minutos; y en la ultima conversacion, fueron unos 45 minutos.

Cuando la quise volver a usar, me dijeron que ya no tenia mas minutos disponibles. Debido a eso, llame a customer service, y me atendio un senor que cuando le pregunte el nombre no me lo quiso dar y me dijo que mas podia esperar que hablar alrededor de 100 minutos a Argentina solo por \$ 5.00. Le explique que la publicidad dice que uno tiene 500 minutos para hablar, pero el volvio a decir que mas que suficiente poder hablar 100 minutos.

Creo que este tema debe ser tenido en cuenta ya que hay mucha gente que como yo, compran tarjetas para hablar al exterior, y considero que no es justo que se este rontiendo de esa forma. Puedo entender que por gastos de conexión, o algun otro, descuenten minutos de la tarjeta, pero nunca que se queden con 400 minutos. Cabe acotar, que la tarjeta menciona "sin cargo de conexión".

Senora Xinra, dejo a su criterio la investigacion de esta tarjeta. Adjunto le envio copia de la misma.

Esperando su determinacion, saludo a ud. atentamente,

Gabriela Iglesia  
580 Lee Dr.  
Miami Springs, Fl. 33166  
(305) 888-0552  
(786) 385-3529

El establecimiento donde se compro la tarjeta es:  
Chevron Gas Station  
4501 N.W. 36 St.  
Miami Springs, FL 33166

ORIGINAL



Y - 7 2003

**TO PLACE A CALL FROM ANY TOUCH TONE PHONE:**

1) DIAL: <b>1-800-859-5321</b>	1) MARQUE: <b>1-800-859-5321</b>
2) At the tone, enter your PIN number.	2) Appuyez sur le numéro de tonalité.

**\$5**

**7713 4743 784**

3) Follow the voice instructions to enter:  
For Domestic calls 1 + area code + number  
For International calls 011 + country code + city code  
+ telephone number


3) Suivez les instructions  
Nation de 011 + Code de Area + Numéro  
Internationales: 011 + Code de  
+ Numéro de Téléphone.

Customer Service / Servicio al Cliente: Press 2  
Network Services provided by 9278. Payphone not to be used. See back of card for details. Application of surcharges, taxes and fees: the effect of reducing the total amount payable on the card. Non-refundable. Expires 90 days after first use.  
Distributed by 9278 Communications, Inc.

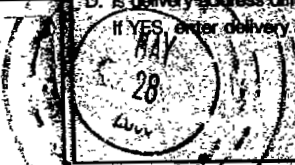
**AI 5003-307**  
**363-187698**

**9278**  
**9278.COM**

IBGH

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Received by <i>(Please Print Clearly)</i>	B. Date of Delivery
<p>1. Article Addressed to:</p> <p>IBGH Communications, LLC            1942 Williamsbridge Road            Bronx, New York 10461</p> 	C. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span> X	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		
3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? <i>(Extra Fee)</i> <input type="checkbox"/> Yes		

7002 0860 0001 1754 7642

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	A. Received by (Please Print Clearly)	B. Date of Delivery
1. Article Addressed to:	C. Signature <i>Saidip Shukla</i>	
IBGH Communications, LLC 1942 Williamsbridge Road Bronx, New York 10461 	X <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No	
		
	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7002 0860 0001 1754 7642		
PS Form 3811, March 2001	Domestic Return Receipt	102595-01-M-1424

STATE OF FLORIDA

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



DIVISION OF COMPETITIVE MARKETS &  
ENFORCEMENT  
BETH W. SALAK  
DIRECTOR  
(850) 413-6600

## Public Service Commission

July 21, 2003

### CERTIFIED

IBGH Communications, LLC  
1942 Williamsbridge  
Bronx, New York 10461

Dear Sirs:

The purpose of this letter is to provide IBGH Communications, LLC (IBGH) a final opportunity to respond to the certified letter sent to you dated May 20, 2003, regarding a complaint filed by Ms. Gabriela Iglesia (Enclosure 1). On June 3, 2003, staff received the green certified postal receipt, signed by Sajid Shuikh, indicating the letter was received by IBGH. The deadline for you to reply to the letter was June 8, 2003. To date, our records indicate that IBGH has not submitted a response. Staff requests that you investigate Ms. Iglesia's complaint and submit a written response verifying that Ms. Iglesia has been contacted and that her complaint has been resolved. You may fax your response to me at (850) 413-6663, or you may respond by email to [kcurry@psc.state.fl.us](mailto:kcurry@psc.state.fl.us).

In the May 20, 2003, letter staff also advised you of IBGH's requirement to file an application with the Florida Public Service Commission (Commission) to obtain an interexchange company (IXC) certificate. On May 23, 2003, Florida state legislators passed a law that no longer requires an IXC providing services within the state to obtain a certificate. However, Section 364.02(13)(g), Florida Statutes (F.S.), does still require that each IXC provide the Commission with information to contact and communicate with the company. Please complete and submit the enclosed IXC Registration Form (Enclosure 2). Also, Section 364.04 F.S., requires that all IXCs providing services within the state file a tariff with the Commission. A sample tariff and tariff checklist are enclosed (Enclosure 3) to assist you. The IXC Registration Form and tariff should be submitted to the following address:

Florida Public Service Commission  
Division of the Commission Clerk & Administrative Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0870



DOCKET NO. 030876-TI  
DATE: September 18, 2003

IBGH Communications, LLC  
Page 2  
July 21, 2003

Please understand that if IBGH fails to provide the Commission with the requested information it may be subject to a penalty as prescribed by Section 364.285, F.S., which states:

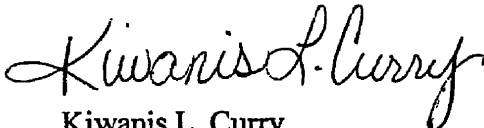
The commission shall have the power to impose upon any entity subject to its jurisdiction under this chapter which is found to have refused to comply with or to have willfully violated any lawful rule or order of the commission or any provision of this chapter a penalty for each offense of not more than \$25,000, which penalty shall be fixed, imposed, and collected by the commission; or the commission may, for any such violation, amend, suspend, or revoke any certificate issued by it. Each day that such refusal or violation continues constitutes a separate offense.

In conclusion, to avoid potential penalties the following information should be submitted to the Commission by **August 4, 2003**:

- (1) A written response to Ms. Iglesia's complaint
- (2) Completed IXC Registration Form and tariff

If you have any questions, you may contact me at (850) 413-6662.

Sincerely,

  
Kiwanis L. Curry  
Bureau of Service Quality

Enclosures (3)  
(1) Copy of letter  
(2) IXC Registration Form  
(3) Sample tariff and tariff checklist

cc: J. Gilchrist  
Florida Department of Revenue

TMS #590

STATE OF FLORIDA

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



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

## Public Service Commission

May 20, 2003

### CERTIFIED

IBGH Communications, LLC  
1942 Williamsbridge Road  
Bronx, New York 10461

Dear Sirs:

The Florida Public Service Commission recently received the enclosed complaint filed against IBGH Communications, LLC (IBGH), regarding the purchase of a prepaid phone card titled "Hola! Miami." The complaint was filed by Ms. Gabriela Iglesia on May 9, 2003. According to Ms. Iglesia, she purchased a 500 minute phone card but was only able to use the card for 60 minutes. The prepaid calling service provider listed on the card is IBGH. At this time, I ask that you please investigate this complaint, contact Ms. Iglesia, and provide me with a detailed response by **June 8, 2003**, that addresses the issues of this complaint and verifies that Ms. Iglesia has been contacted and her issues resolved.

After receiving Ms. Iglesia's complaint, I found that IBGH has not obtained the proper certification needed to provide prepaid paid calling services (PPCS) within the state of Florida. Rule 25-24.910, Florida Administrative Code (F.A.C.), Certificate of Public Convenience and Necessity Required, states:

A company shall not provide PPCS without first obtaining a certificate of public convenience and necessity as a local exchange company, alternative local exchange company, or interexchange company. The name used as the provider of PPCS printed on the prepaid calling card shall appear identical to the name in which the certificate is issued. A "doing business as" name may be used in lieu of the certificated name if it is registered as a fictitious name with the Florida Division of Corporations and reflected on the certificate before the name is used on the card.

To resolve the certification matter, please file an application with the Florida Public Service Commission to obtain an interexchange company (IXC) certificate no later than **June 16, 2003**. You can find the IXC certificate application package with instructions on our website at [www.floridapsc.com](http://www.floridapsc.com). You may fax your response to Ms. Iglesia's complaint to me at (850) 413-

DOCKET NO. 030876-TI  
DATE: September 18, 2003

IBGH Communications, LLC  
Page 2  
May 20, 2003

6663, or you may respond by email to [kcurry@psc.state.fl.us](mailto:kcurry@psc.state.fl.us). In addition, please provide me with a copy of the cover letter for your certificate application once it is ready for submission.

Please understand that if IBGH Communications, LLC is providing prepaid calling services, and fails to obtain a certificate, it may be subject to a penalty as prescribed by Section 364.285, Florida Statutes, which states:

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The commission shall have the power to impose upon any entity subject to its jurisdiction under this chapter which 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 this chapter a penalty for each offense of not more than \$25,000, which penalty shall be fixed, imposed, and collected by the commission; or the commission may, for any such violation, amend, suspend, or revoke any certificate issued by it. Each day that such refusal or violation continues constitutes a separate offense.

If you have any questions concerning this matter or need assistance, please feel free to contact me at (850) 413-6662.

Sincerely,



Kiwanis L. Curry  
Bureau of Service Quality

Enclosure

cc: Florida Department of Revenue  
Certification Section (J. Gilchrist)

TMS #64

Request No. 532248T Name IGLESIA, GABRIELA MS. Business Name \_\_\_\_\_

<p align="center"><b>Consumer Information</b></p> <p>Name: GABRIELA IGLESIA</p> <p>Business Name:</p> <p>Svc Address: 580 LEE DRIVE</p> <p>County: Dade Phone: (305)-888-0552</p> <p>City/Zip: Miami / 33166-</p> <p>Account Number: 7713-4743-7847</p> <p>Caller's Name: GABRIELA IGLESIA</p> <p>Mailing Address: 580 LEE DRIVE</p> <p>City/Zip: MIAMI, FL 33166-</p> <p>Can Be Reached: (305)-888-0552</p> <p>E-Tracking Number:</p>	<p align="center"><b>Florida Public Service Commission - Consumer Request</b></p> <p align="center"><b>2540 Shumard Oak Boulevard Tallahassee, Florida 32399 850-413-6100</b></p> <p align="center"><b>Utility Information</b></p> <p>Company Code: NA</p> <p>Company: IBGH</p> <p>Attn.</p> <p>Response Needed From Company? <b>Y</b></p> <p>Date Due: 06/02/2003</p> <p>Fax: <span style="float: right;">R</span></p> <p>Interim Report Received: / /</p> <p>Reply Received: / /</p> <p>Reply Received Timely/Late:</p> <p>Informal Conf.: N</p>	<p align="center"><b>PSC Information</b></p> <p>Assigned To: CMP</p> <p>Entered By: XMK</p> <p>Date: 05/09/2003</p> <p>Time: 12:42</p> <p>Via: FAX</p> <p>Prelim Type: PREPAID CALLING</p> <p>PO:</p> <p>Disputed Amt: 5.00</p> <p>Supmntl Rpt Req'd: / /</p> <p>Certified Letter Sent: / /</p> <p>Certified Letter Rec'd: / /</p> <p>Closed by:</p> <p>Date: / /</p> <p>Closeout Type:</p> <p>Apparent Rule Violation: N</p>
--	--	---

Preclose type - Prepaid Calling Card

When did you purchase the card? April 2003

Where did you purchase the card? Chevron Gas Station 4501 N.W. 36th St. Miami Springs, FL 33166.

What was the cost of the card? \$5.00

How many minutes were on the card? 500 minutes to Argentina

Other Comments: Customer purchased the prepaid calling card because it offered 500 minutes to Argentina for only \$5.00. Customer only used the card 3 times, the first time she only left a message on a answering

Request No. 532248T Name IGLESIA, GABRIELA MS. Business Name \_\_\_\_\_

achine the 2nd time she spoke only 15 minutes the 3rd time she spoke only 45 minutes. When she went to use  
ard again it told her there are no more minutes available.  
ustomer called company and was informed this card only offers 100 minutes to Argentina for \$5.00.  
ustomers says that the establishment is selling the card for 500 minutes for 5.00 and is on the display  
hey have with the cards.  
ustomer will like for company to credit back the remainder of the 440 minutes she should have gotten  
ccording to the store display.

lease investigate this matter, contact the customer, and provide a detailed written report to the Florida  
ublic Service Commission by the due date.

ase taken by\_XKerr  
end Response to  
ax number 850-413-7168  
-mail : PSCREPLY@PSC.STATE.FL.US

4/09/2003 Requesting complaint be forwarded to Competitive Markets and Enforcement. IBGH is not listed in  
he Master Commission Directory as a company name or DEA. ACalhoun

/13/2003 Case reassigned to the Division of Competitive Markets and Enforcement. P.Lowery

Request No. 532248T

Name IGLESIA ,GABRIELA MS.

Business Name

PAGE NO: 2

ORIGINAL

ORIGINAL

Wednesday, May 7th, 2003

Atencion: Sra. Xinra

Ref. # 530196C

MAY - 7 2003

De mi consideracion:

La semana pasada estuve hablando con ud. referente a una tarjeta telefonica prepaga. En la conversacion le mencione lo siguiente:

Alrededor de mediados del mes de Abril, 2003, compre una tarjeta telefonica prepaga para llamar basicamente a Buenos Aires, Argentina. La tarjeta "Hola Miami" ofrece, según la publicidad dada al establecimiento que las vende, 500 minutos por \$ 5.00. Normalmente compro otra tarjeta, que da 600 minutos por el mismo valor, pero debido a que no habia, compre esta otra.

Esta tarjeta la use 3 veces. La primera practicamente no use muchos minutos debido a que deje mensaje en un contestador automatico. La segunda vez que la use, habre gastado no mas de 15 minutos; y en la ultima conversacion, fueron unos 45 minutos.

Cuando la quise volver a usar, me dijeron que ya no tenia mas minutos disponibles. Debido a eso, llame a customer service, y me atendio un señor que cuando le pregunte el nombre no me lo quiso dar y me dijo que mas podia esperar que hablar alrededor de 100 minutos a Argentina solo por \$ 5.00. Le explique que la publicidad dice que uno tiene 500 minutos para hablar, pero el volvio a decir que mas que suficiente poder hablar 100 minutos.

Creo que este tema debe ser tenido en cuenta ya que hay mucha gente que como yo, compran tarjetas para hablar al exterior, y considero que no es justo que se este ruintiendo de esa forma. Puedo entender que por gastos de conexión, o algun otro, descuenten minutos de la tarjeta, pero nunca que se queden con 400 minutos. Cabe acotar, que la tarjeta menciona "sin cargo de conexión".

Senora Xinra, dejo a su criterio la investigacion de esta tarjeta. Adjunto le envio copia de la misma.

Esperando su determinacion, saludo a ud. atentamente,

Gabriela Iglesia  
580 Lee Dr.  
Miami Springs, Fl. 33166  
(305) 888-0552  
(786) 385-3529

El establecimiento donde se compro la tarjeta es:

Chevron Gas Station  
4501 N.W. 36 St.  
Miami Springs, Fl. 33166

DOCKET NO. 030876-TI  
DATE: September 18, 2003

FAX NO. : 3855595415

May. 01 2003

ORIGINAL



MAY - 7 2003

**TO PLACE A CALL FROM ANY TOUCH TONE PHONE:**

1) DIAL: 1-800-859-5321      2) MONTEZ: 1-800-859-5321

3) At the tone, enter your PIN number      4) Introduzca su número de tarjeta

7713 4743 284

5) Follow the voice instructions in English      6) Sigue las instrucciones  
For Domestic calls 1 = one touch = number      Llamadas de EE. UU. que requieren 1 = Código de Área = Número  
For International calls 011 = country code = city code      Llamadas Internacionales: Marca 011 = Código de  
= telephone number      País = Código de la ciudad = Número de Teléfono.


Customer Service / Servicio al Cliente Press 31

Network Services provided by 9276. Payphone maintenance fee. An add'l long distance charge will apply. Maintenance fee will be needed. This card has a one month expiration on its use. Terms are subject to change without notice. Application of surcharges, taxes and fees for the card is subject to the applicable regulations on the card. Non-refundable. Expires 90 days after first use.

Distributed by 9276 Communications, Inc.      AT 5003-307      9276  
363-187698      BROADBAND & COM


IBGH

-24-

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<b>A. Received by (Please Print Clearly)</b> <b>B. Date of Delivery</b>	
	<b>C. Signature</b> X <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span>	
1. Article Addressed to:  IBGH Communications, LLC 1942 Williamsbridge Road Bronx, New York 10461 	<b>D. Is delivery address different from item 1?</b> <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
	<b>3. Service Type</b> <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
<b>4. Restricted Delivery? (Extra Fee)</b> <input type="checkbox"/> Yes		

7002 0860 0001 1754 7642



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	<p>A. Received by <i>(Please Print Clearly)</i> B. Date of Delivery</p> <p><i>Sajid Sheikh</i></p> <p>C. Signature <input type="checkbox"/> Agent <i>[Signature]</i> <input type="checkbox"/> Addressee</p>
<p>1. Article Addressed to:</p> <p>IBGH Communications, LLC 1942 Williamsbridge Road Bronx, New York 10461</p> 	<p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p><i>28</i></p> <p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? <i>(Extra Fee)</i> <input type="checkbox"/> Yes</p>
<p>7002 0860 0001 1754 7642</p>	

**IXC REGISTRATION FORM**

Company Name \_\_\_\_\_

Florida Secretary of State Registration No. \_\_\_\_\_

Fictitious Name(s) as filed at Fla. Sec. of State \_\_\_\_\_

Company Mailing Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Web Address \_\_\_\_\_

E-mail Address \_\_\_\_\_

Physical Address \_\_\_\_\_

Company Liaison \_\_\_\_\_

Title \_\_\_\_\_

Phone \_\_\_\_\_

Fax \_\_\_\_\_

E-mail address \_\_\_\_\_

Consumer Liaison \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Fax \_\_\_\_\_

E-mail address \_\_\_\_\_

My company's tariff as required in Section 364.04, Florida Statutes, is enclosed with this form. I understand that my company must notify the Commission of any changes to the above information pursuant to Section 364.02, Florida Statutes. My company will owe Regulatory Assessment Fees for each year or partial year my registration is active pursuant to Section 364.336, Florida Statutes. My company will comply with Section 364.603, Florida Statutes, concerning carrier selection requirements, and Section 364.604, Florida Statutes, concerning billing practices.

\_\_\_\_\_  
Signature of Company Representative

\_\_\_\_\_  
Printed/Typed Name of Representative

\_\_\_\_\_  
Date

DOCKET NO. 030876-TI  
DATE: September 18, 2003

Enclosure 3

Attachment C

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 1

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TITLE SHEET

FLORIDA TELECOMMUNICATIONS TARIFF

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by Bogus Communications, Inc., with principal offices at 101 East Money Street, Tallahassee, FL 32301. This tariff applies for services furnished within the state of Florida. This tariff is on file with the Florida Public Service Commission, and copies may be inspected, during normal business hours, at the Company's principal place of business.

NOTE: This tariff can be used as a guide or copied verbatim by changing the name, rates, and other information associated with Bogus Communications, Inc.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 2

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CHECK SHEET

The sheets listed below, which are inclusive of this tariff, are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date of the bottom of this page.

SHEET	REVISION
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original
12	Original
13	Original
14	Original
15	Original
16	Original
17	Original
18	Original

---

ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 3

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TABLE OF CONTENTS

Title Sheet.....1  
Check Sheet.....2  
Table of Contents.....3  
Symbols Sheet.....4  
Tariff Format Sheets.....5  
Section 1 - Technical Terms and Abbreviations.....6  
Section 2 - Rules and Regulations.....7  
Section 3 - Description of Service.....12  
Section 4 - Rates.....16

Note: If you have more than 30 sheets you need to attach an index to the tariff after this page.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

DOCKET NO. 030876-TI  
DATE: September 18, 2003

Attachment C

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 4

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SYMBOLS SHEET

NOTE: These are the only approved symbols to be used in your tariff and this list of symbols must be copied verbatim.

- D - Delete Or Discontinue
- I - Change Resulting In An Increase To A Customer's Bill
- M - Moved From Another Tariff Location
- N - New
- R - Change Resulting In A Reduction To A Customer's Bill
- T - Change in Text Or Regulation But No Change In Rate Or Charge

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

DOCKET NO. 030876-TI  
 DATE: September 18, 2003

## SAMPLE TARIFF

BOGUS COMMUNICATIONS, INC.  
 (also include any d/b/a's)

Florida Tariff No. 1  
 Original Sheet 5

TARIFF FORMAT SHEETS

**A. Sheet Numbering** - Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.

**B. Sheet Revision Numbers** - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the FPSC. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc, the FPSC follows in their tariff approval process, the most current sheet number on file with the Commission is not always the tariff page in effect. Consult the Check Sheet for the sheet currently in effect.

**C. Paragraph Numbering Sequence** - There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:

2.  
 2.1.  
 2.1.1.  
 2.1.1.A.  
 2.1.1.A.1.  
 2.1.1.A.1.(a).  
 2.1.1.A.1.(a).I.  
 2.1.1.A.1.(a).I.(1).  
 2.1.1.A.1.(a).I.(1).(1).

**D. Check Sheets** - When a tariff filing is made with the FPSC, an updated check sheet accompanies the tariff filing. The check sheet lists the sheets contained in the tariff, with a cross reference to the current revision number. When new pages are added, the check sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (\*). There will be no other symbols used on this page if these are the only changes made to it (i.e., the format, etc. remains the same, just revised revision levels on some pages). The tariff user should refer to the latest check sheet to find out if a particular sheet is the most current on file with the FPSC.

ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
 101 East Money Street  
 Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 6

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Access Line - An arrangement which connects the customer's location to the Company's network switching center.

Authorization Code - A numerical code, one or more of which are available to a customer to enable him/her to access the carrier, and which are used by the carrier both to prevent unauthorized access to its facilities and to identify the customer for billing purposes.

Company or Carrier - Bogus Communications, Inc.

Customer - the person, firm, corporation or other entity which orders service and is responsible for payment of charges due and compliance with the Company's tariff regulations.

Day - From 8:00 AM up to but not including 5:00 PM local time Sunday through Friday.

Evening - From 5:00 PM up to but not including 11:00 PM local time Sunday through Friday.

Holidays - The Company's recognized holidays are New Year's Day, July 4th, Thanksgiving Day, Christmas Day.

Night/Weekend - From 11:00 PM up to but not including 8:00 AM Sunday through Friday, and 8:00 AM Saturday up to but not including 5:00 PM Sunday.

YOU CAN USE THESE AND/OR ANY OTHER DEFINITIONS YOU WISH: JUST REMEMBER TO DEFINE HERE ANY UNUSUAL OR UNIQUE TERMINOLOGY USED IN THE BODY OF YOUR TARIFF.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301



BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 7

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SECTION 2 - RULES AND REGULATIONS

**NOTE:** Include in this section all of the rules and regulations you want to include - limitations, liabilities, restoration of service, interruption of service, maintenance, billing periods, refunds/credits, responsibilities of the customer, frequency restrictions, cancellations, non payment, etc.

**2.1 Undertaking of the Company**

The Company's services and facilities are furnished for communications originating at specified points within the state of Florida under terms of this tariff.

The Company's installs operates, and maintains the communications services provided herein in accordance with the terms and conditions set forth under this tariff. It may act as the customer's agent for ordering access connection facilities provided by other carriers or entities when authorized by the customer, to allow connection of a customer's location to the Company's network. The customer shall be responsible for all charges due for such service arrangement.

The Company's services and facilities are provided on a monthly basis unless ordered on a longer term basis, and are available twenty-four hours per day, seven days per week.

**2.2 Limitations**

2.2.1 Service is offered subject to the availability of facilities and provisions of this tariff.

2.2.2 The Company's reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control; or when the customer is using service in violation of the law or the provisions of this tariff.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By: J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 8

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SECTION 2 - RULES AND REGULATIONS continued

2.2 Limitations (Cont.)

- 2.2.3 All facilities provided under this tariff are directly controlled by the Company and the customer may not transfer or assign the use of service or facilities, except with the express written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.
- 2.2.4 All regulations and conditions contained in this tariff shall apply to all such permitted assignees or transferees, as well as all conditions for service.
- 2.2.5 Customers reselling or rebilling services must have a Certificate of Public Convenience and Necessity as an interexchange carrier from the Florida Public Service Commission.

2.3 Liabilities of the Company

- 2.3.1 The Company's liability arising out of mistakes, interruptions, omissions, delays, errors, or defects in the transmission occurring in the course of furnishing service or facilities, and not caused by the negligence of its employees or its agents, in no event shall exceed an amount equivalent to the proportionate charge to the customer for the period during which the aforementioned faults in transmission occur, unless ordered by the Commission.
- 2.3.2 The Company shall be indemnified and held harmless by the customer against:
- (A) Claims for libel, slander, or infringement of copyright arising out of the material, data, information, or other content transmitted over the Company's facilities.
- (B) All other claims arising out of any act or omission of the customer in connection with any service or facility provided by the Company.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 9

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SECTION 2 - RULES AND REGULATIONS continued

**2.4 Interruption of Service**

2.4.1 Credit allowance for the interruption of service which is not due to the Company's testing or adjusting, negligence of the customer, or due to the failure of channels or equipment provided by the customer, are subject to the general liability provisions set forth in Subsection 2.3.1. It shall be the customer's obligation to notify the Company immediately of any service interruption for which a credit allowance is desired. Before giving such notice, the customer shall ascertain that the trouble is not being caused by any action or omission by the customer within his control, or equipment, if any, furnished by the customer and connected to the Company's facilities. No refund or credit will be made for the time that the Company stands ready to repair the service and the subscriber does not provide access to the Company for such restoration work.

2.4.2 No credit shall be allowed for an interruption of a continuous duration of less than twenty-four hours after the subscriber notifies the Company.

2.4.3 The customer shall be credited for an interruption of more than twenty-four hours as follows:

Credit Formula:

Credit =  $A/720 \times C$

"A" - outage time in hours

"B" - each month is considered to have 720 hours

"C" - total monthly charge for affected facility

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 10

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SECTION 2 - RULES AND REGULATIONS continued

2.5 Disconnection of Service by Carrier

The company (carrier), upon 5 working days written notice to the customer, may discontinue service or cancel an application for service without incurring any liability for any of the following reasons:

- 2.5.1 Non-payment of any sum due to carrier for regulated service for more than thirty days beyond the date of rendition of the bill for such service.
- 2.5.2 A violation of any regulation governing the service under this tariff.
- 2.5.3 A violation of any law, rule, or regulation of any government authority having jurisdiction over such service.
- 2.5.4 The company has given the customer notice and has allowed a reasonable time to comply with any rule, or remedy, and deficiency as stated in Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company.
- 2.5.5 Service may be disconnected without notice for tampering with company equipment, for interfering with the service to other customers, for fraud, or in the event of a hazardous condition.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 11

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SECTION 2 - RULES AND REGULATIONS continued

THE FOLLOWING SUBSECTIONS DEALING WITH DEPOSITS AND ADVANCE PAYMENTS WILL BE IN THIS SECTION. RULE 25-24.490(2) FORBIDS COLLECTION OF ANY DEPOSITS, AND ANY ADVANCE PAYMENTS IN EXCESS OF ONE MONTH'S ESTIMATED CHARGES WITHOUT POSTING AN APPROPRIATE BOND OR OBTAINING A WAIVER OF THIS RULE. IF YOU DO NOT HAVE A BOND OR WAIVER YOU MUST STATE IN THIS SECTION SOMETHING TO THE EFFECT OF THE FOLLOWING:

**2.6 Deposits**

The Company does not require a deposit from the customer.

**2.7 Advance Payments**

For customers whom the Company feels an advance payment is necessary, the Company reserves the right to collect an amount not to exceed one (1) month's estimated charges as an advance payment for service. This will be applied against the next month's charges and if necessary a new advance payment will be collected for the next month.

**2.8 Taxes**

All state and local taxes (i.e., gross receipts tax, sales tax, municipal utilities tax) are listed on customer bills as separate line items and are not included in the quoted rates.

**2.9 Billing of Calls**

All charges due by the subscriber are payable at any agency duly authorized to receive such payments. Any objection to billed charges should be promptly reported to the Company. Adjustments to customers' bills shall be made to the extent that records are available and/or circumstances exist which reasonably indicate that such charges are not in accordance with approved rates or that an adjustment may otherwise be appropriate.

SECTION 3 - DESCRIPTION OF SERVICE

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 12

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THE FOLLOWING MUST BE INCLUDED IN THIS SECTION: HOW CALLS ARE TIMED, CALCULATION OF DISTANCE (INCLUDING FORMULA), MINIMUM CALL COMPLETION RATE, AND DESCRIPTIONS OF EACH SERVICE YOU ARE OFFERING. PLEASE REFER TO SECTION 25-24.485 (3) (g) (6) OF THE FPSC RULES GOVERNING INTEREXCHANGE CARRIERS FOR SPECIFIC REQUIREMENTS AND USE THE FOLLOWING FOR FORMAT REFERENCE.

**3.1 Timing of Calls**

**3.1.1 When Billing Charges Begin and End For Phone Calls**

The customer's long distance usage charge is based on the actual usage of the Company's network. Usage begins when the called party picks up the receiver, (i.e. when 2 way communication, often referred to as "conversation time" is possible.). When the called party picks up is determined by hardware answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. When software answer supervision is employed, up to 60 seconds of ringing is allowed before it is billed as usage of the network. A call is terminated when the calling or called party hangs up.

**3.1.2 Billing Increments**

The minimum call duration for billing purposes is 1 minute for a connected call and calls beyond 1 minute are billed in 1 minute increments.

**3.1.3 Per Call Billing Charges**

Billing will be rounded up to the nearest penny for each call.

**3.1.4 Uncompleted Calls**

There shall be no charges for uncompleted calls.

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Florida Tariff No. 1  
Original Sheet 13

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SECTION 3 - DESCRIPTION OF SERVICE continued

3.2 Calculation of Distance

Usage charges for all mileage sensitive products are based on the airline distance between rate centers associated with the originating and terminating points of the call.

The airline mileage between rate centers is determined by applying the formula below to the vertical and horizontal coordinates associated with the rate centers involved. The Company uses the rate centers that are produced by Bell Communications Research in the NPA-NXX V & H Coordinates Tape and Bell's NECA Tariff No. 4.

**FORMULA:**

The square  
root of: 
$$\frac{(V1 - V2)^2 + (H1 - H2)^2}{10}$$

3.3 Minimum Call Completion Rate

A customer can expect a call completion rate (number of calls completed / number of calls attempted) of not less than 90% during peak use periods for all Feature Group D services (\*1+ dialing).

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Florida Tariff No. 1  
Original Sheet 14

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SECTION 3 - DESCRIPTION OF SERVICE continued

3.4 Service Offerings

3.4.1 Bogus Long Distance Service

Bogus Long Distance Service is offered to residential and business customers. The service permits direct dialed outbound calling at a single per minute rate. Service is provided from presubscribed, dedicated or shared use access lines. Calls are billed in one minute increments. No monthly recurring charges or minimum monthly billing requirements apply.

3.4.2 Bogus 800/888 (Inbound) Long Distance Service

Bogus 800/888 (Inbound) Long Distance Service is offered to residential and business customers. The service permits inbound 800/888 calling at a single per minute rate. Service is provided from presubscribed, dedicated or shared use access lines. Calls are billed in six second increments, with a six second minimum call duration. A \$10.00 minimum monthly billing requirement applies. Customers whose monthly usage is less than the minimum will be billed the minimum amount.

3.4.3 Bogus Calling Card Service

Bogus Calling Card Service is a calling card service offered to residential and business customers who subscribe to the Bogus Long Distance Service calling plan. Customers using the Carrier's calling card service access the service by dialing a 1-800 number followed by an account identification number and the number being called. This service permits subscribers utilizing the Carrier's calling card to make calls at a single per minute rate. Calls are billed in one (1) minute increments after the initial minimum period of one (1) minute. There are no nonrecurring or monthly recurring charges.

SECTION 3 - DESCRIPTION OF SERVICE continued

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Florida Tariff No. 1  
Original Sheet 15

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3.4.4 Operator Services

The Company's operator services are provided to residential and business customers who "presubscribe" to this service for intrastate calling. Operator services include the completion of collect, station-to-station, person-to-person, third party billing and credit card calls with the assistance of a Carrier operator. Each completed operator assisted call consists of two charge elements (except as otherwise indicated herein): (i) a fixed operator charge, which will be dependent on the type of billing selected (e.g., calling card, collect or other) and/or the completion restriction selected (e.g., station-to-station or person-to-person); and (ii) a measured usage charge dependent upon the duration, distance and/or time of day of the call.

3.4.4.A Operator Dialed Surcharge

This surcharge applies to calls when the customer has the capability of dialing all the digits necessary to complete a call, but elects to dial only the appropriate operator code and requests the operator to dial the called station. The surcharge does not apply to:

- 1) Calls where a customer cannot otherwise dial the call due to defective equipment or trouble on the Bogus Communication, Inc. network; and
- 2) Calls in which a Company operator places a call for a calling party who is identified as being handicapped and unable to dial the call because of his/her handicap.

The Operator Dialed Surcharge applies in addition to any other applicable operator charges.

NOTE: Operator service from payphones or all aggregator locations must comply with the rate caps in sections 25-24.630 and 25-24.516, F.A.C for nonprescribed customers.

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Florida Tariff No. 1  
Original Sheet 16

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SECTION 4 - RATES

REMEMBER TO INCLUDE INTRASTATE RATES ONLY - DO NOT INCLUDE INTERSTATE RATES UNLESS THE CUSTOMER NEEDS THEM TO CALCULATE THE INTRASTATE PORTION OF HIS/HER BILL. NOTE: IF BILLING IS IN ANYTHING OTHER THAN MINUTE INCREMENTS, ADD ANOTHER COLUMN INDICATING THESE CHARGES.

4.1 Boqus Long Distance Service

Rate per minute - \$0.10.  
Plan is billed in full minute increments.

4.2 Boqus 800/888 (Inbound) Long Distance Service

Rate per minute - \$0.12.  
Plan is billed in six second increments with a six second minimum.

4.3 Boqus Calling Card Service

Rate per minute - \$0.20.  
Plan is billed in full minute increments.

4.4 Operator Services (For presubscribed customers)

4.4.1 Usage Rates: The appropriate rate found under 4.1 or 4.3 shall apply.

4.4.2 Operator Charges:

Collect Station-to-Station	\$1.00
Collect Person-to-Person	\$3.25
Person-to-Person	\$3.25
Station-to-Station	\$1.00
Customer Dialed Calling Card	\$1.00
Operator Dialed Calling Card	\$1.75
Operator Dialed Surcharge	\$0.75

SECTION 4 - RATES continued

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(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 17

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4.5 Determining Applicable Rate in Effect

For the initial minute, the rate applicable at the start of chargeable time at the calling station applies. For additional minutes, the rate applicable is that rate which is in effect at the calling station when the additional minute(s) begin. That is, if chargeable time begins during the Day Period, the Day Rate applies to the initial minute and to any additional minutes that the call continues during the rate period. If the call continues into a different rate period, the appropriate rates from that period apply to any additional minutes occurring in that rate period. If an additional minute is split between two rate periods, the rate period applicable at the start of the minute applies to the entire minute.

4.6 Payment of Calls

4.6.1 Late Payment Charges

A late payment Charge of 1.5% per month will be assessed on all unpaid balances more than thirty days old.

4.6.2 Return Check Charges

A return check charge of \$25.00 will be assessed for checks returned for insufficient funds if the face value does not exceed \$50.00, \$30.00 if the face value does exceed \$50.00 but does not exceed \$300.00, \$40.00 if the face value exceeds \$300.00 or 5% of the value of the check, which ever is greater.

4.7 Restoration of Service

A reconnection fee of \$25.00 per occurrence is charged when service is re-established for customers who had been disconnected for non-payment.

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Florida Tariff No. 1  
Original Sheet 18

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SECTION 4 - RATES continued

IF YOU WANT TO OFFER SPECIAL PROMOTIONS YOU WILL HAVE TO PUT IN A SECTION EQUIVALENT TO THE ONE BELOW. PLEASE REFER TO RULE NUMBER (25-24.485 (1)(i)).

4.8 Special Promotions

The company will, from time to time, offer special promotions to its customers waiving certain charges. These promotions will be approved by the FPSC with specific starting and ending dates, and be made part of this tariff.

4.9 Special Rates For The Handicapped

4.9.1. Directory Assistance

There shall be no charge for up to fifty calls per billing cycle from lines or trunks serving individuals with disabilities. The Company shall charge the prevailing tariff rates for every call in excess of 50 within a billing cycle.

4.9.2. Hearing and Speech Impaired Persons

Intrastate toll message rates for TDD users shall be evening rates for daytime calls and night rates for evening and night calls.

4.9.3. Telecommunications Relay Service

For intrastate toll calls received from the relay service, the Company will when billing relay calls discount relay service calls by 50 percent off of the otherwise applicable rate for a voice nonrelay call except that where either the calling or called party indicates that either party is both hearing and visually impaired, the call shall be discounted 60 percent off of the otherwise applicable rate for a voice nonrelay call. The above discounts apply only to time-sensitive elements of a charge for the call and shall not apply to per call charges such as a credit card surcharge.

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By:

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Tallahassee, FL 32301

### CHECK LIST FOR IXC TARIFFS.

**Note:** This check list is for Interexchange Telecommunications Company (IXC) Tariffs and should **not be** returned with your application and tariff. The check list is provided to better understand what the Florida Public Service Commission (FPSC) will look for when reviewing a new IXC tariff. However, the IXC tariff check list is not intended to be an all-inclusive check list for all IXC tariffs. Staff reviewing the new IXC tariff may possibly ask for changes to the tariff which are **not mentioned** in this IXC check list.

REMEMBER THE WORDING IN THE EXAMPLE TARIFF CAN BE USED AS A GUIDE AND CERTAIN PARTS CAN BE COPIED VERBATIM BY CHANGING NAMES AND OTHER INFORMATION.

#### General Requirements:

- ( ) 1. Is the company name in the upper left hand corner of each tariff sheet and are all tariff sheets correctly numbered in the upper right hand corner?
- ( ) 2. Is the effective date (lower right hand corner) space left blank on each tariff sheet?
- ( ) 3. Is the name, title, and complete business address of the company officer responsible for the tariff listed at the bottom center of each tariff sheet?

#### Title Requirements:

- ( ) 4. Is the Tariff Title Sheet included with required wording (This can be copied verbatim)?
- ( ) 5. Does the Tariff Check Sheet have all the pages listed?
- ( ) 6. Does the tariff contain a Table of Contents?
- ( ) 7. If the tariff contains 30 or more sheets, does it contain an index?
- ( ) 8. Does the tariff contain a Symbol sheet using the only approved symbols in D, I, M, N, R, and T and are they defined correctly?
- ( ) 9. Is there a "Tariff Format Sheet" that discusses the following; Sheet Numbering, Sheet Revision Numbering, Paragraph Numbering Sequence, and Check Sheets?

**Section 1 - "Technical Terms and Abbreviations:"**

- ( ) 10. Does Section 1 define such terms as day, evening, night/weekend, holidays, any unusual or unique terminology used in the body of the tariff, trade names of the long distance services, and any other terminology deemed necessary

**Section 2 - "Rules and Regulations:"**

- ( ) 11. Does the tariff contain language concerning the "Undertaking of the Company".?
- ( ) 12. Does the tariff contain language concerning "Limitations of Service"?
- ( ) 13. Does the tariff contain language concerning "Liabilities of the Company" ?
- ( ) 14. Does the tariff contain language concerning "Interruption of Service"?
- ( ) 15. Is there language containing disconnection of service by the company ?
- ( ) 16. Is There a statement that resellers & rebillers of the company's service must be certificated?
- ( ) 17. Is there a statement concerning deposits ? (If the company requires customer deposits, has the company posted a bond or has the bond requirement been waived?)
- ( ) 18. Is there a statement concerning Advance Payments? (The company is allowed to collect an amount not to exceed one month's estimated charges and advance payment for service. This amount must be credited back to the end user in the next months bill but not recollected).

[Rule 25-24.490(2), Florida Administrative Code, forbids collection of any deposit and any advance payments in excess of one month's estimated charges without posting an appropriate bond or obtaining a waiver of this Rule.]

- ( ) 19. Is there a statement indicating all state and local taxes are listed as separate line items and are not included in the quoted rates (i.e., gross receipts tax, sales tax, municipal utilities tax).

Section 2 - "Rules and Regulations continued:"

- ( ) 20. Is there a statement indicating the billing procedures (How will calls be billed to the end user and who is the billing agent.)
- ( ) 21. Is there a statement that resellers and rebillers of the company's service must be certificated as an IXC by the Commission.

In addition to the above items, your company should include in this section any language concerning the following: restoration of service, maintenance, billing periods, refunds/credits, responsibilities of the customer, cancellations, nonpayment, restrictions, etc.

Section 3 - Description of Service:

In this section the following must be included: How calls are timed, Calculation of Distance (including the formula), minimum call completion rate, and description of each service offered.

You may refer to Section 25-24.485 (3) (g) (6), Florida Administrative Code, governing interexchange carriers for specific requirements.

- ( ) 22. Does the tariff state when does a call begin and end? (Should begin when two way communication is possible and should be terminated when either party hangs up.)
- ( ) 23. Does the tariff state how timing is performed? (Should discuss hardware answer supervision and software answer supervision.)
- ( ) 24. Does the tariff state language for uncompleted calls?
- ( ) 25. Does the tariff state what increments are billed?
- ( ) 26. Does the tariff state how rounding is performed for billing purposes?
- ( ) 27. Does the tariff state how distance is calculated, and does it provide the formula for calculation of a call? (The utility may refer to either ATT-C's V&H coordinates or Bell's NECA Tariff #4.
- ( ) 28. Does the tariff state the minimum call completion rate? (This should be less than 10% blocking if Featured Group D.)
- ( ) 29. Does the tariff contain a complete description of each service it offers and how it is offered?

#### Section 4 - "Rates

Remember to include intrastate rates only. No interstate rates should be included unless the customer needs them to calculate the intrastate portion of his/her bill.

( ) 30. If the IXC assesses a late payment charge, then the charge must be in the tariff. [1.5% per month is the maximum allowed by current law.]

( ) 31. Does the tariff indicate a return check charge?

(Chapter 832,F.S), [Pursuant to Florida law, you have 30 days from receipt of this notice to tender payment in cash of the full amount of the check plus a service charge of \$25, if the face value does not exceed \$50, \$30, if the face value exceeds \$50 but does not exceed \$300, \$40, if the face value exceeds \$300, or 5 percent of the face amount of the check, whichever is greater.]

( ) 32. If the IXC assesses a restoration of service charge, then the charge must be in the tariff?

( ) 33. Does the tariff indicate any special promotions? (The promotion should include exactly what charges are being reduced or waived, who is eligible, what customers have to do to be eligible, starting and ending date of promotion.)

( ) 34. Does the tariff have language on the hearing impaired rule requirement which discounts day calls to evening rates and evening calls to night rates.

Section 25-4.079 (4). Florida Statutes, Hearing/Speech Impaired Persons.


( ) 35. Does the tariff have a statement that there will be no charge for the first 50 directory assistance calls made per billing cycle for lines or trunks serving individuals with disabilities?

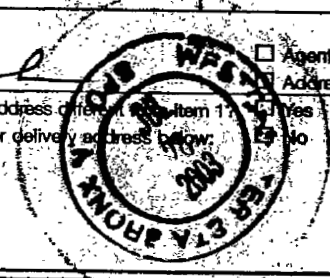
Section 25-4.115 (3) (a), Florida Statutes, Directory Assistance,



- ( ) 36. Does the tariff have language covering the Telecommunications Relay Rule?  
  
Section 25-4.160 (1), Florida Statutes, Operation of Telecommunications Relay service.
- ( ) 37. Does the tariff list all rates and charges per service?
- ( ) 38. If the IXC has them, does the tariff list all connection and minimum monthly charges?
- ( ) 39. Does the tariff have all the necessary data for computing a customers intrastate bill including any terms for discounts.

The discount should specify if interstate usage is also used in determining the effective discount.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>Print your name and address on the reverse so that we can return the card to you.</li><li>Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	A. Received by (Please Print Clearly)	B. Date of Delivery
1. Article Addressed to:  IBGH Communications, LLC 1942 Williamsbridge Road Bronx, New York 10461	C. Signature  X 	<input type="checkbox"/> Agent Addressee
	D. Is delivery address correct for item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:	
	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number		
PS		



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