

030624-1A

STATE OF FLORIDA

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Public Service Commission

September 23, 2003

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COMMISSION  
CLERK

Mr. Ronald E. Hale, CFO  
TelSouth Communications, Inc.  
PO Box 20038  
Knoxville, TN 37940-1038

Dear Mr. Hale:

As background information, the 2002 Regulatory Assessment Fee return form was mailed December 12, 2002, and due by January 30, 2003. When payment had not been received, a delinquent notice was sent via certified mail on February 21, 2003. The US Postal Service returned the receipt, which showed the notice was delivered and signed for by Malissa Lamar on February 26, 2003. On April 11, 2003, I wrote the company and asked for the return form and payment by April 30<sup>th</sup> to avoid an enforcement docket from being established. On June 23<sup>rd</sup>, I faxed a note to allow the company another opportunity to comply with the Regulatory Assessment Fee rule prior to opening a docket. No response was received, therefore, Docket No. 030624-TX was established for the Regulatory Assessment Fee rule violation. After the minimum payment was received, this docket was deferred from the September 16, 2003, Agenda Conference.

If the company wishes to keep its CLEC certificate active, the company must pay the past due statutory penalty and interest charges totaling \$16.00 and propose a settlement. If the company wishes to voluntarily cancel its certificate, it should pay the \$16.00 balance and the 2003 Regulatory Assessment Fee, plus write a letter requesting cancellation in compliance with Rule 25-24.820, Florida Administrative Code. Enclosed are the company's options for cancelling its CLEC certificate or keeping it active and a copy of the cancellation rule mentioned above.

If TelSouth Communications, Inc. does not respond to this letter by **October 8, 2003**, it is staff's intention to go forward with its recommendation to fine the company \$500 for violation of the Regulatory Assessment Fee rule.

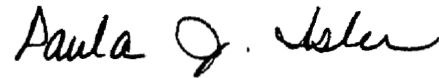
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Please review this information and let me know if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Paula J. Isler". The signature is written in a cursive style with a large initial "P" and "I".

Paula J. Isler, Research Assistant  
Bureau of Service Quality

Enclosures

cc: Docket No. 030624-TX  
Office of the General Counsel (McKay)  
TMS File No. 710

# OPTIONS

## CANCELLATION OF THE CERTIFICATE

- **Voluntary Cancellation** - In order to be granted a voluntary cancellation, the company must: 1) write a letter requesting cancellation of the certificate and explain why (such as no longer in the telecommunications business); 2) pay all past due charges in full; and 3) pay the 2003 Regulatory Assessment Fee or provide a date certain that it will be paid (such as 30 days from the date of the Commission Order cancelling the certificate).
- **Involuntary Cancellation** - If the company does nothing to resolve this docket, the certificate will be cancelled on the Commission's own motion. All outstanding Regulatory Assessment Fees, including penalty and interest charges, will be turned over to the Florida Department of Financial Services for collection.

## TO KEEP THE CERTIFICATE ACTIVE

- **Pay the fine** - If a company chooses this option, it must pay the past due Regulatory Assessment Fee in full, including statutory penalty and interest charges, plus the fine imposed after the Order is issued and the certificate will remain active. Just paying the past due amount will not prevent your certificate from being cancelled.

## OR

- **Propose a settlement** - All settlements should include the following elements:
  - 1) Docket number;
  - 2) A check for the past due amount in full. It should be noted that just paying the past due amount will not prevent your certificate from being cancelled;
  - 3) A statement that the company has taken steps to prevent future late payments of the Regulatory Assessment Fees and what those steps are;
  - 4) A waiver of objection, which should state: The company agrees to waive any objection to the administrative cancellation of its certificate should it fail to pay in accordance with its settlement offer. If, however, there is a factual dispute as to the manner or level of compliance with any provision in the settlement, Commission staff will bring the matter to the Commission for consideration; and
  - 5) Make a specific monetary settlement. There is normally a \$500 fine for this rule violation. However, the Commission has accepted amounts less than the fine amount in other similar cases.

Any settlement offer/correspondence should be addressed to Ms. Blanca Bayó, Director, Division of the Commission Clerk & Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. The proposed settlement amount should **not** be paid at this time, instead only the past due Regulatory Assessment Fee, plus penalty and interest charges should be paid. The settlement amount, if approved by the Commission, must be paid within 14 calendar days after the Commission Order is issued.

**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 canceled.
- (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) FS.  
Law Implemented 364.335, 364.345 FS.  
History--New 12-27-95.