

ORIGINAL
STATE OF FLORIDA

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

Public Service Commission

November 17, 2003

RECEIVED - FPSC
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COMMISSION
CLERK

Mr. William R. Heitz, P.A.
20 Nevile Lane
Rochester, NY 14618

RE: Docket No. 030620-TX - Intercontinental Communications Group, Inc. d/b/a Fusion Telecom (TX270)

Dear Mr. Heitz:

On October 6, 2003, Order No. PSC-03-1105-PAA-TX was issued, which required payment of the 2001 and 2002 Regulatory Assessment Fees, along with statutory late payment charges. The Order stated that protests must be received by the Commission by the close of business on October 27, 2003. Due to a scrivener's error, the Order did not mention that a \$1,000 fine had also been imposed by the Commission and the omission was corrected on October 21, 2003, by the Office of the General Counsel issuing an amendatory Order.

On October 27, 2003, the Commission received Fusion Telecom's payment for the 2001 and 2002 Regulatory Assessment Fees (no late payment charges for 2002). In addition, via fax, the Commission received a letter from you requesting that the docket be dismissed since the company had complied with the Order. The Order referenced in your letter was the amendatory Order, which imposed the \$1,000 fine (the \$1,000 fine was not received). As information, the Commission does not accept faxed filings, therefore, your faxed letter was not considered a timely response to the Proposed Agency Action Orders.

To avoid further confusion, on November 6, 2003, Order No. PSC-03-1252-PAA-TX was sent out, which reissued the Proposed Agency Action Order, to state that a \$1,000 fine had been imposed and to correct the fact that the company did not owe the 2001 Regulatory Assessment Fee. This not only corrected the previous errors, but gave the company additional time to fully respond. The new protest period ends November 27, 2003.

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Post-It® Fax Note	7671	Date	11/17/03	# of pages	6
To	William Heitz	From	Paula Isler		
Co./Dept.	Fusion	Cc.	FPSC		
Phone #	585-442-4205	Phone #	850-413-6502		
Fax #	309-404-3968	Fax #	413-6503		

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FPSC-COMMISSION CLERK

Mr. William R. Heitz, P.A.
Page 2
November 17, 2003

In order to resolve this docket, the company must:

- Pay the \$17.00 statutory late payment charges for 2002;
- Propose a settlement in lieu of the \$1,000 fine imposed, or pay the \$1,000 fine; and
- Request a refund of the company's double payment of the 2001 Regulatory Assessment Fee.

I am enclosing a breakdown of the 2002 late payment charges, a sample settlement offer that you can use as an example which was from another company in similar circumstances, and a summary of the 2001 Regulatory Assessment Fee showing a credit. As stated above, the Commission must receive the company's response (which must have an original signature) by Thursday, November 27, 2003.

Please review this information and let me know if you have any questions. I can be reached at the address at the bottom of page 1, by phone at (850) 413-6502, by fax at (850) 413-6503, or via interest e-mail at PIsler@psc.state.fl.us.

Sincerely,



Paula J. Isler, Research Assistant
Bureau of Service Quality

Enclosures

cc: Docket No. 030620-TX
Office of the General Counsel (Rojas)

COMPANY IDENTIFICATION

Printed on 11/17/2003 at 14:36:25 by PJI

Complete Name: Intercontinental Communications Group, Inc. d/b/a Fusion Telecom

Mailing Name: Fusion Telecom

Company Code: TX270

FEID Number: 65-0527930

RAF ACCOUNT FOR THE PERIOD 01/01/2002 THROUGH 12/31/2002

Reg. Date: 03/25/1999 Inactive Date:
 Service: CLX - Competitive Local Exchange
 Received: Actual RAF Form
 Status: Pending
 Amended: No Extension: No
 Frozen: No Comments: No
 Payment Count: 1 Payment Made to Date
 Operating Rev: \$0.00 Interstate Rev: \$0.00
 RAF Rate: 0.0015 Net RAF Due: \$50.00

Assessment	Due	Paid	Owe
RAF	\$50.00	\$50.00	\$0.00
Penalty	\$12.50	\$0.00	\$12.50
Interest	\$4.50	\$0.00	\$4.50
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$67.00	\$50.00	\$17.00

Last modification was made on Tuesday, October 28, 2003 at 3:00 PM by Valorie Moore

Period covered: 01/01/2002 through 12/31/2002 RAF rate: 0.0015
 Operating rev: \$0.00 Gross intrastate rev: \$0.00
 Documents: Actual RAF form received on 10/24/2003
 RAF form mailed on 10/22/2003
 RAF form mailed on 04/10/2003
 Delinquent letter mailed on 02/19/2003
 RAF form mailed on 12/05/2002

Postmarked	Trans Date	Date Posted-By	Dep #	Check #	Check Amount
10/24/2003	10/28/2003	10/28/2003-VPM	JD391	012785	\$50.00
	RAF paid		JD391		\$50.00

Sample ORIGINAL

LAW OFFICES OF THOMAS K. CROWE, P.C.
2300 M STREET, N.W.
SUITE 800
WASHINGTON, D.C. 20037

TELEPHONE (202) 973-2890
FAX (202) 973-2891
E-MAIL firm@tkcrowe.com

October 4, 2001

RECEIVED-FPSC
01 OCT -5 AM 11:31
COMMISSION
CLERK

BY OVERNIGHT DELIVERY (850-413-6770)

Ms. Blanca Bayo
Director
Division of the Commission Clerk & Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Request to Keep The Mobile Phone Company, Inc.,
(ALEC Certificate No. 5742) Active - Docket No. 011146-TX

Dear Ms. Bayo:

The Mobile Phone Company, Inc. ("MPC") hereby notifies the Florida Public Service Commission of its request to keep The Mobile Phone Company's ALEC Certificate No. 5742 active. MPC is proposing a settlement amount of \$500.00 to resolve Docket No. 011146-TX. In addition, MPC has filed the Regulatory Assessment Fee Return ("RAF") and paid all past due regulatory assessment fees, plus penalty and interest charges for the calendar period ending December 31, 2000.

Upon review of the applicable laws and regulations of the State of Florida, The Mobile Phone Company has implemented operational and procedural controls to ensure future Regulatory Assessment Fee Returns are filed in a complete, accurate and timely manner. The new procedures and systems implemented should ensure timely filings of future RAF returns and prevent future late payments of regulatory assessment fees.

Furthermore, MPC agrees to a waiver of objection to the administrative cancellation of the company's certificate in the event its offer is accepted and it fails to comply with the terms which it has offered. 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.

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COM
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DISTRIBUTION CENTER

DOCUMENT NUMBER - DATE

1-2682 OCT -5 01

FPSC-COMMISSION CLERK

Sample

Blanca Bayo
October 4, 2001
Page 2

Should you have any questions, please contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to be 'TKC', with a long horizontal flourish extending to the right.

Thomas K. Crowe
Daron T. Threet,
Counsel for The Mobile Phone
Company, Inc.

COMPANY IDENTIFICATION

Printed on 11/17/2003 at 14:36:31 by PJI

Complete Name: Intercontinental Communications Group, Inc. d/b/a Fusion Telecom

Mailing Name: Fusion Telecom

Company Code: TX270

FEID Number: 65-0527930

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

Reg. Date: 03/25/1999 Inactive Date:
 Service: CLX - Competitive Local Exchange
 Received: Actual RAF Form
 Status: Satisfied
 Amended: Yes Extension: No
 Frozen: No Comments: No
 Payment Count: 2 Payments Made to Date
 Operating Rev: \$150,826.00 Interstate Rev: \$0.00
 RAF Rate: 0.0015 Net RAF Due: \$226.24

Assessment	Due	Paid	Owe
RAF	\$226.24	\$365.59	\$-139.35
Penalty	\$13.94	\$56.56	\$-42.62
Interest	\$21.91	\$25.45	\$-3.54
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$262.09	\$447.60	\$-185.51

Last modification was made on Tuesday, October 28, 2003 at 3:00 PM by Valorie Moore

Period covered: 01/01/2001 through 12/31/2001 RAF rate: 0.0015
 Operating rev: \$150,826.00 Gross intrastate rev: \$2,100,869.00
 Documents: Actual RAF form received on 10/24/2003
 Actual RAF form received on 03/14/2002
 Delinquent letter mailed on 02/20/2002
 RAF form mailed on 12/06/2001

Postmarked	Trans Date	Date Posted-By	Dep #	Check #	Check Amount
10/24/2003	10/28/2003	10/28/2003-VPM	JD391	012785	\$358.25
		RAF paid	JD391		\$226.24
		Penalty paid	JD391		\$56.56
		Interest paid	JD391		\$25.45
03/14/2002	03/20/2002	03/20/2002-JIK	HI191	8456	\$139.35
		RAF paid	HI191		\$139.35

TRANSMISSION VERIFICATION REPORT

TIME : 11/17/2003 15:53
NAME : PSC
FAX : 4137077
TEL : 4137077

DATE, TIME	11/17 15:50
FAX NO. /NAME	613094043968
DURATION	00:02:34
PAGE(S)	06
RESULT	OK
MODE	STANDARD ECM