



Public Service Commission

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DATE: DECEMBER 4, 2003

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

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (T. WILLIAMS, R. KENNEDY) *RR*
OFFICE OF THE GENERAL COUNSEL (ROJAS) *RR RL*

RE: DOCKET NO. 030873-TX - APPLICATION FOR CERTIFICATE TO PROVIDE COMPETITIVE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE BY UTILITY USA, INC. D/B/A OSCATEL TELECOMMUNICATIONS.

AGENDA: 12/16/03 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: REVISED RECOMMENDATION - ORIGINALLY FILED ON NOVEMBER 20, 2003, AND DEFERRED AT STAFF'S REQUEST

FILE NAME AND LOCATION: S:\PSC\CMP\WP\030873R.RCM

CASE BACKGROUND

Staff filed a recommendation in this Docket on November 20, 2003. After the filing, staff obtained additional information (described in Part 4 of the Case Background) that has caused staff to reevaluate its position and modify its recommendation from that originally filed on November 20, 2003.

The Case Background contains four parts. Part 1, Corporate Business Relationships of Mr. Oscar Nodarse, provides a brief history of the corporate business relationships of Mr. Oscar Nodarse, vice-president, Utility USA, Inc., with other corporations that have held or currently hold certificates of public convenience and necessity with the Commission. Part 2, Staff Interaction, is

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a narrative describing interaction between staff, corporations in which Mr. Nodarse served as either an officer or director, and other telecommunications companies. Part 3, Activity of Utility USA, Inc., describes events occurring after Utility USA, Inc. filed its Application Form for Authority to Provide Competitive Local Exchange Service Within the State of Florida. Part 4, Further Findings, provides additional information staff obtained after filing a recommendation on November 20, 2003, that the Commission accept Utility USA, Inc.'s offer to settle this Docket.

Part 1 - Corporate Business Relationships of Mr. Oscar Nodarse

- January 14, 1998 - FLATEL, Inc. d/b/a Florida Telephone Company was granted authority by the Commission, in Proposed Agency Action (PAA) Order PSC-98-0093-FOF-TX (Docket No. 971434-TX), to operate as a competitive local exchange telecommunications company (CLEC) in Florida. The company's application was filed by Mr. Nodarse on November 3, 1997.
- December 3, 1998 - FLATEL, Inc. d/b/a Florida Telephone Company filed an Application for Reinstatement (Attachment A) as a registered corporation with the Florida Department of State, Division of Corporations. Mr. Nodarse was listed as director, president, secretary, and treasurer on the filing. Staff does not know the date FLATEL, Inc. originally filed as a registered corporation.
- February 18, 1999 - FLATEL, Inc. d/b/a Florida Telephone Company filed Amended and Restated Articles of Incorporation (Attachment B) with the Florida Department of State, Division of Corporations. Mr. Nodarse signed the Amended and Restated Articles of Incorporation.
- July 12, 1999 - FLATEL, Inc. d/b/a Florida Telephone Company filed a Profit Corporation Annual Report (Attachment C) with the Florida Department of State, Division of Corporations. The document shows that Mr. Nodarse was deleted as an officer of FLATEL, Inc.
- November 8, 1999 - Telebeeper, Inc. filed Articles of Incorporation (Attachment D) with the Florida Department of State, Division of Corporations. Mr. Nodarse filed the Articles and was identified as the president of Telebeeper, Inc.

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- February 9, 2000 - Telebeeper, Inc. filed an Application for Registration of Fictitious Name (Attachment E) for **Oscatel Communications** with the Florida Department of State, Division of Corporations. Mr. Nodarse filed the Application.
- March 2, 2000 - Telebeeper, Inc. was granted authority by the Commission, in Consummating Order PSC-00-0440-CO-TX which made PAA Order PSC-00-0271-PAA-TX effective and final (Docket No. 991739-TX), to operate as a CLEC in Florida. Mr. Nodarse filed the application with the Commission on November 19, 1999.
- December 12, 2000 - Telebeeper, Inc.'s request to add **Oscatel Communications** as a doing-business-as name on CLEC Certificate 7341 was approved by the Commission in Order PSC-00-2380-FOF-TX (Docket No. 001697-TX).
- August 16, 2001 - FLATEL, Inc. d/b/a Florida Telephone Company filed an Application for Registration of Fictitious Name (Attachment F) with the Florida Department of State, Division of Corporations adding **Oscatel** as a fictitious name.
- November 20, 2001 - FLATEL, Inc. d/b/a Florida Telephone Company obtained acknowledgment by the Commission, in Order PSC-01-2281-FOF-TX (Docket No. 011121-TX), of a name change on CLEC Certificate No. 5315. FLATEL, Inc. d/b/a Florida Telephone Company added d/b/a **Oscatel** and d/b/a Telephone USA to its certificate.
- January 4, 2002 - Telebeeper, Inc. d/b/a **Oscatel Communications'** CLEC Certificate was cancelled by the Commission, in Consummating Order PSC-02-0042-CO-TX which made PAA Order PSC-01-2411-PAA-TX effective and final (Docket No. 011278-TX), for non-payment of regulatory assessment fees. The certified mail copy of the PAA Order was returned to the Commission marked as "Moved-Left-No-Address." Telebeeper, Inc. d/b/a **Oscatel Communications** did not pay any regulatory assessment fees (years 2000, 2001, and 2002) after its initial certification by the Commission.
- April 11, 2002 - FLATEL, Inc. filed a Uniform Business Report (Attachment G) with the Florida Department of State, Division of Corporations. The filing added Mr. Nodarse as CEO/Director of Business Development for FLATEL, Inc.

- October 4, 2002 - Telebeeper, Inc.'s corporate registration was administratively cancelled by the Florida Department of State, Division of Corporations, for failing to file an annual report. See Attachment H.
- August 22, 2003 - Utility USA, Inc. filed Electronic Articles of Incorporation (Attachment I) with the Florida Department of State, Division of Corporations. The filing listed Mr. Oscar Carvajal and Mr. Oscar Nodarse as initial officers and/or directors of the corporation.
- August 26, 2003 - Utility USA, Inc. filed an Application for Registration of Fictitious Name (Attachment J) with the Florida Department of State, Division of Corporations. Utility USA, Inc. registered **Oscatel Telecommunications** as a fictitious name.
- September 2, 2003 - FLATEL, Inc. filed Articles of Amendment to Articles of Incorporation of FLATEL, Inc. (Attachment K) with the Florida Department of State, Division of Corporations. FLATEL, Inc. removed Mr. Oscar Nodarse from FLATEL, Inc. The reason provided was that Mr. Nodarse was no longer with FLATEL, Inc. as of August 18, 2003.
- September 2, 2003 - Utility USA, Inc. d/b/a **Oscatel Telecommunications** submitted an Application Form for Authority to Provide Competitive Local Exchange Service within the State of Florida (Application, Attachment L) with the Commission. The Application listed Mr. Oscar Nodarse as Utility USA, Inc. d/b/a **Oscatel Telecommunications'** vice-president.

Part 2 - Staff Interaction

This section of the discussion provides snapshots of instances in which third parties claim Mr. Oscar Nodarse or his corporations are causing them harm in some fashion or other. Staff also provides documentation that demonstrates Telebeeper, Inc. d/b/a Oscatel Communications may have misrepresented facts to staff regarding placement of local service freezes on customers accounts.

In addition, staff provides documents that show Telebeeper, Inc. d/b/a Oscatel Communications failed to pay BellSouth Telecommunications for wholesale services, and then, either sold or voluntarily moved its customer base to FLATEL, Inc. These actions

occurred during the fourth quarter of 2001. Mr. Nodarse eventually joined FLATEL, Inc. and was registered as an officer of FLATEL, Inc. on April 11, 2002.

Staff surmises that the d/b/a "Oscatel", and variations thereof, may have been used to maneuver customers from one local service provider to another, causing customer harm and confusion, and creating operational complications or financial hardships for other telecommunications providers.

On November 13, 2000, staff notified Telebeeper, Inc., via letter (Attachment M), about the company's actions of improperly placing local service freezes on its customers accounts. The letter also advised Telebeeper, Inc. that it was improperly using the d/b/a Oscatel. Telebeeper, Inc. did not respond to staff's November 13, 2000, letter. In an attempt to solicit a response, staff called the company and spoke with Mr. Tulio Rodriguez. Mr. Rodriguez indicated his desire to follow Commission rules and stated that the company was not placing freezes on accounts, and he stated that Telebeeper, Inc. would file a request to add the d/b/a Oscatel Communications to its CLEC certificate. As a follow-up to the phone communication with Mr. Rodriguez, staff mailed a letter (Attachment N) to Telebeeper, Inc. d/b/a Oscatel Communications dated December 5, 2000. Staff suggested a manner, where Telebeeper, Inc. d/b/a Oscatel Communications could add information to its Letter of Authorization, allowing the customer a choice of selecting or denying a local service freeze. Staff's impression was that Telebeeper, Inc. d/b/a Oscatel Communications would only place freezes on a customer's account when requested by the customer. In the next few paragraphs, staff provides documentation that suggests Telebeeper, Inc. d/b/a Oscatel Communications may have continued to place local service freezes on most, if not all, of its customers accounts.

On October 10, 2001, staff received a customer complaint against FLATEL, Inc. In the process of the investigation, staff sensed that customers of Telebeeper, Inc. d/b/a Oscatel Communications may be migrating to FLATEL, Inc. Staff contacted BellSouth Telecommunications to verify if customers of Telebeeper, Inc. d/b/a Oscatel Communications were being transferred to FLATEL, Inc. BellSouth Telecommunications' representative acknowledged that Telebeeper, Inc. d/b/a Oscatel Communications was in arrears in its payments for wholesale services, however, the representative did not know if customers were migrating and even if they were,

believed it improper to discuss customers of CLECs with staff because it may violate privacy laws. Subsequently, the Commission issued a subpoena to BellSouth Telecommunications requesting information regarding migration of customers from Telebeeper, Inc. d/b/a Oscatel Communications to FLATEL, Inc. Staff provides portions (Attachment O) of the data obtained from BellSouth Telecommunications in response to the Commission's subpoena. Attachment O, dated October 16, 2001, clearly indicates that there were freezes on customers' local service as Telebeeper, Inc. d/b/a Oscatel Communications was requesting that BellSouth Telecommunications remove the freezes so that its customers could be switched to FLATEL, Inc. Staff notes that there were more than 600 customers names and phone numbers on the list Telebeeper, Inc. d/b/a Oscatel Communications submitted to BellSouth Telecommunications in its request to remove local service freezes.

Staff investigating the complaint described in the previous paragraph later learned that BellSouth Telecommunications sent two e-mails (Attachment P) dated August 9, 2001, and November 8, 2001, to Commission staff. The subjects of both e-mails are disconnection of services to Telebeeper, Inc. scheduled for August 16, 2001, and rescheduled for November 27, 2001, for nonpayment of past due accounts. The points staff is attempting to make are two-fold: 1) Telebeeper, Inc. d/b/a Oscatel Communications appears to have continued to place local service freezes on its customers accounts even though it convinced staff otherwise; and 2) Telebeeper, Inc. d/b/a Oscatel Communications' management either sold or negotiated the move of its customer base to another carrier just prior to the final disconnect notice for non-payment from BellSouth Telecommunications. Staff further notes that Mr. Nodarse eventually joined the management team at FLATEL as the Chief Information Officer and FLATEL, Inc. added the d/b/a Oscatel to its CLEC certificate on November 20, 2001. An owner or officer of a CLEC that does not pay the wholesale provider, then transitions the customer base to another CLEC, and then joins that CLEC as a management person are "management capability" factors to consider (Section 364.337, Florida Statutes), in making a positive or negative recommendation to the Commission, when that same owner or officer is seeking approval to operate another CLEC in Florida.

What follows, is an example of a complaint filed against Mr. Nodarse by another telecommunications company. In a letter (Attachment Q) to the Commission dated January 3, 2001, Mr. Paul Joachim, Florida Telephone Services, LLC, claims that Mr. Charles

Agero of Montezuma, Inc. and Mr. Oscar Nodarse of Telebeeper, Inc. d/b/a Oscatel Communications were switching customers by telling the customers that Florida Telephone Services had changed its name to Oscatel. Mr. Joachim obtained legal counsel and copies of counsel's letters to Mr. Agero and Mr. Nodarse are included in Attachment Q. Apparently Montezuma, Inc. was serving as an agent for Florida Telephone Services, LLC and at some point entered into an arrangement whereby it would serve as an agent of Telebeeper, Inc. d/b/a Oscatel Communications.

Several more examples of staff involvement with complaints filed by other telecommunications companies against Telebeeper, Inc. d/b/a Oscatel Communications and FLATEL, Inc. d/b/a Oscatel are provided in Attachment R. The examples are: 1. USA Telephone Inc. requested assistance from staff to get a local service freeze removed; 2. Budget Phone notified staff that FLATEL, Inc. disconnected a customer rather than removing the local service freeze so the customer could transfer to Budget Phone and retain the same telephone number; and 3. staff notified Telebeeper, Inc. d/b/a Oscatel Communications, via e-mail, that a local service freeze was preventing a customer from selecting a new provider. The dates of these documents range from December 4, 2001, to April 17, 2002. Staff has included these examples to demonstrate the complications that have arisen because of the various uses of the d/b/a "Oscatel" by the companies with which Mr. Nodarse has been affiliated.

Part 3 - Activity of Utility USA, Inc.

On August 29, 2003, Utility USA, Inc. d/b/a OSCATEL Telecommunications filed an application (Attachment L) for CLEC certification.

Question 16 of the application lists Mr. Oscar Carvajal as president and Mr. Oscar Nodarse as vice-president of Utility USA, Inc. Question 15 of the application requires the applicant to indicate if any of the officers, directors, or any of the ten largest stockholders have previously been an officer, director, partner or stockholder in any other Florida certificated telephone company. It also requires that the applicant name the company and describe the relationship with the company and give the reason why the individual is no longer associated with the company. The applicant answered question 15 that Oscar Nodarse is the Chief Information Officer (CIO) of FLATEL, Inc. On August 29, 2003,

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staff received notification (Attachment S) from Mr. Abby Matari, Chief Executive Officer (CEO) of FLATEL, Inc. that Mr. Oscar Nodarse had been terminated on August 18, 2003, and was no longer employed by FLATEL, Inc. This appears to be an error in Utility USA, Inc.'s Application filed with the Commission on August 29, 2003.

In Exhibit VI of the application (Attachment L), Mr. Nodarse's resume lists him as the founder of FLATEL, Inc. and the founder and current president of Telebeeper, Inc. The applicant failed to list in question 15 of the application that Mr. Nodarse was an officer with Telebeeper, Inc. Mr. Nodarse, vice-president of Utility USA, Inc. is or was an officer of at least two companies that operated as competitive local exchange companies in Florida, namely FLATEL, Inc. and Telebeeper, Inc.

In question 17 of the application, the applicant lists that it has operated as a competitive local exchange company in Florida and is certificated to operate as a competitive local exchange company in Florida. Staff notes that Utility USA, Inc. is not certificated to operate as a competitive local exchange company in Florida. Further, question 17 of the application requires that the applicant respond if it has had regulatory penalties imposed for violations of telecommunications statutes and provide the circumstances involved. Utility USA, Inc. as a corporation appears not to have any regulatory penalties against it, however, the company officers in this case, based on answers in other portions of the application, appear to be completing the application based upon their personal experiences in the telecommunications industry. In doing so, it would be appropriate to disclose that penalties were imposed on Telebeeper, Inc., of which Mr. Nodarse claims to be the founder and current president. At the very least, Mr. Nodarse should have been identified as an officer of Telebeeper, Inc. in question 15 of the Application, which requires Utility USA, Inc. to list any of its officers that have previously been an officer in any other Florida certificated telephone company.

On December 12, 2001, the Commission issued Proposed Agency Action (PAA) Order PSC-01-2411-PAA-TX, in Docket No. 011278-TX, Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 7341 issued to Telebeeper, Inc. d/b/a Oscatel Communications for violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies. Telebeeper, Inc. failed to reply to

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the PAA Order, thus the Commission issued Consummating Order PSC-02-0042-CO-TX on January 4, 2002, making Order PSC-01-2411-PAA-TX effective and final.

Staff has received several complaints from Mr. Abby Matari, CEO of FLATEL, Inc. One example of Mr. Matari's complaints is provided as Attachment T. Mr. Matari advised staff that he had received a Local Freeze Removal Notice (Attachment U) from Utility USA, Inc., dated August 26, 2003. Mr. Matari also alleged slamming activity by Mr. Nodarse and requests that the Commission deny granting Utility USA, Inc. a CLEC certificate. (Attachment V).

Another company Mr. Nodarse has involvement with is Telephone One Inc. This company is a certificated competitive local exchange company and was used by Mr. Nodarse to move customers away from FLATEL, Inc. On September 10, 2003, staff contacted Mr. Osvaldo Fernandez, with Telephone One Inc., and requested an explanation of his company's involvement with Mr. Nodarse and Utility USA, Inc. Mr. Fernandez claimed that Mr. Nodarse had approached him and explained about a disagreement between Mr. Nodarse and Mr. Matari. Mr. Nodarse claimed that he was to obtain approximately 300 of FLATEL, Inc.'s customers as part of a negotiated departure by Mr. Nodarse from FLATEL, Inc. Because Mr. Fernandez knew Mr. Nodarse and Mr. Nodarse needed an avenue to serve customers, Mr. Fernandez agreed to provide local telephone service to Utility USA, Inc.'s customers until Utility USA, Inc. obtained certification from the Commission. When certification was approved by the Commission, Mr. Nodarse would move the customers from Telephone One Inc. to Utility USA, Inc.

When asked if the Local Freeze Removal Notice (Attachment U) was the authorization Telephone One Inc. was using to switch the customers' service from FLATEL, Inc. to Telephone One Inc., Mr. Fernandez stated that it was. Staff then advised Mr. Fernandez that the Local Freeze Removal Notice failed to meet the requirements of the Commission's Rule 25-4.118, Local, Local Toll, and Toll Provider Selection, Florida Administrative Code, and that Telephone One Inc. appears to be exposed to a potential slamming liability. Mr. Fernandez then asked what he could do to correct this matter and minimize his exposure. Mr. Fernandez claimed that he was only helping Mr. Nodarse as a favor, and that his telephone company is a "small time player". Mr. Fernandez stated that his primary income was from another source and he has no interest in making Telephone One Inc. his primary source of income.

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Staff learned from Mr. Fernandez that Telephone One Inc. had switched approximately 100 customers from FLATEL, Inc. to itself and approximately 40 more customers were in the process of being switched. Staff suggested to Mr. Fernandez that he might consider refunding all customers that had not already been switched (this is a pre-paid service) and notify the others that they have a choice of any company they want for local phone service. Also, Mr. Fernandez stated that he would not take any more orders from Mr. Nodarse and would so inform him. Mr. Fernandez submitted his proposed plan (Attachment W) in writing to staff. Staff notes that the number of complaints filed by both Mr. Nodarse against FLATEL, Inc. and complaints filed by Mr. Matari against Utility USA, Inc. subsided.

On September 11, 2003, staff was contacted by Mr. Bernie Motola, who represents Mr. Nodarse and Utility USA, Inc. Mr. Motola requested a sample of a Letter of Authorization that his client could use as a guide to develop a Letter of Authorization. E-mail correspondence between staff and Mr. Motola are provided as Attachment X. Staff fulfilled Mr. Motola's request on September 11, 2003.

On September 16, 2003, Mr. Motola e-mailed staff a Letter of Authorization (e-mail and Letter of Authorization included in Attachment X) requesting staff's review of the document for compliance with the Commission's Rule 25-4.118, Florida Administrative Code. Staff noted that the company's name on the Letter of Authorization was Universal Wireless, a certificated CLEC, that heretofore was not at issue in these matters. It was unclear to staff the relationship between Mr. Nodarse and Universal Wireless. However, staff notes that Mr. Motola's e-mail of September 16, 2003, shows onodarse@aol.com as a copy recipient of the e-mail. The e-mail address was later confirmed to be that of Mr. Oscar Nodarse. Based on information in the Commission's Master Commission Directory, Mr. Nodarse is not listed as an associate of Universal Beepers Express, Inc. d/b/a Universal Wireless. Thus staff contacted Mr. Moeen Khalil, the listed liaison of Universal Beepers Express, Inc. d/b/a Universal Wireless and asked if he were aware that legal counsel for Mr. Nodarse was seeking a sample Letter of Authorization and review of a draft Letter of Authorization that showed Universal Beepers Express, Inc. d/b/a Universal Wireless as the provider of local telephone service. Mr. Khalil stated that he was aware of Mr. Motola's request and that he had made arrangements with Mr. Nodarse, whereby Mr. Nodarse would

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serve as an agent for Universal Beepers Express, Inc. d/b/a Universal Wireless.

On November 6, 2003, the Office of the General Counsel received an amended application and a settlement offer (Attachment Y) from Lusky & Motola, P.A., counsel for Utility USA, Inc.

Part 4 - Further Findings

On November 21, 2003, staff received an e-mail (Attachment Z) from Mr. Abby Matari. Mr. Matari claims that a company, Ameriphone/Utility USA, Inc., is not a certified CLEC and is operating in Florida without Commission approval. Mr. Matari attributes the Ameriphone Letter of Authorization (Attachment Z, regarding Augusto Ramire) to Mr. Oscar Carvajal and Mr. Oscar Nodarse, officers of Utility USA, Inc. Because the e-mail was received after the close of business on Friday, November 21, 2003, staff did not undertake an investigation of this matter until Monday, November 24, 2003.

Staff was aware that Universal Beepers Express, Inc. d/b/a Universal Wireless had submitted a request to add several fictitious names (Universal Telephone, Ameri Phone, and Unitel) to its CLEC certificate. Staff is still processing this request as Universal Beepers Express, Inc. d/b/a Universal Wireless' registration with the Secretary of State, Division of Corporations had expired, requiring the company to file for reinstatement. Based on the information provided by Mr. Matari and the knowledge of Universal Beepers Express, Inc. d/b/a Universal Wireless' filing, staff contacted Mr. Nodarse's legal counsel, Mr. Bernardo Motola, on November 24, 2003. Staff requested that Mr. Motola inquire of his client if the Ameriphone Letter of Authorization was an instrument Mr. Nodarse was using to obtain Augusto Ramire's consent for Ameriphone to serve as Ramire's local exchange telecommunications provider.

The same day, Mr. Motola contacted staff and stated that the Ameriphone Letter of Authorization was being used to serve as proof that Augusto Ramire had selected Universal Beepers Express, Inc. d/b/a Universal Wireless as the local exchange service provider. Mr. Motola stated that Universal Beepers Express, Inc. d/b/a Universal Wireless was not yet providing service to Augusto Ramire, but was processing the request to activate service. Mr. Motola further stated that Universal Beepers Express, Inc. d/b/a Universal

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Wireless has used the Ameriphone Letters of Authorization as authority to serve other customers. Ameriphone is not certificated to provide telecommunications services in Florida.

Staff advised Mr. Motola that Ameriphone is not a Commission approved CLEC, and that Universal Beepers Express, Inc. d/b/a Universal Wireless should not be using the name Ameriphone on Letters of Authorization. Mr. Motola acknowledged staff's concerns and he also expressed concern that Mr. Nodarse, an agent for Universal Beepers Express, Inc. d/b/a Universal Wireless, was using an Ameriphone Letter of Authorization instead of documents belonging to Universal Beepers Express, Inc. d/b/a Universal Wireless. As previously stated in the Case Background, at Mr. Motola's request, staff reviewed Universal Beepers Express, Inc. d/b/a Universal Wireless' Letter of Authorization. Mr. Motola stated that he had advised his client to only use this Letter of Authorization.

The Commission received payment of \$592.50 from Mr. Oscar Nodarse. The payment represents the regulatory assessment fees, plus penalty and interest, owed the Commission by Telebeeper, Inc. d/b/a Oscatel Communications. The payment resolved outstanding regulatory assessment fees owed for the years 2000, 2001, and 2002.

Based on this new information and further management and technical review of the facts in this case, staff has reconsidered its earlier position to recommend acceptance to the Commission of Utility USA, Inc.'s offer to settle this docket. On November 25, 2003, staff requested that Item 20, Docket 030873-TX, be deferred from the December 2, 2003, Agenda Conference. Staff's request was approved by the Chairman and the parties were notified.

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

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept Utility USA, Inc.'s offer to settle and grant Utility USA, Inc. a certificate to provide competitive local exchange telecommunications service within the State of Florida as provided by Section 364.337, Florida Statutes?

RECOMMENDATION: No. The Commission should not accept Utility USA, Inc.'s offer to settle and should not grant Utility USA, Inc. Florida Public Service Commission Certificate No. 8419 to provide competitive local exchange telecommunications service within the State of Florida as provided by Section 364.337, Florida Statutes. The company should be required to immediately cease and desist providing competitive local exchange telecommunications service in Florida. (T. Williams, R. Kennedy, Rojas)

STAFF ANALYSIS: On September 2, 2003, Utility USA, Inc. filed an application seeking Commission authority to serve as a competitive local exchange telecommunications company in Florida. Since that filing, staff has been negotiating a settlement with Utility USA, Inc. Staff was seeking a settlement to resolve Telebeeper, Inc. d/b/a Oscatel Communications', unpaid regulatory assessment fee issues in Docket No. 011278-TX. Mr. Nodarse is the owner of Telebeeper, Inc. d/b/a Oscatel Communications and is an officer and owner of Utility USA, Inc. Also, staff was seeking assurance, in the way of commitment and monetary forfeiture from Mr. Nodarse, that he would operate in compliance with the Commission's rules and orders.

On November 6, 2003, the Office of the General Counsel received an amended application and a settlement offer (Attachment Y) from Lusky & Motola, P.A., counsel for Utility USA, Inc. In reviewing the amended application, staff notes that the company will rely on the network operation of its underlying carrier(s) for its technical maintenance and that the applicant appears to have adequate financial capabilities. The application did not contain a price list.

Section 364.337, Florida Statutes, Competitive local exchange telecommunications companies; intrastate interexchange telecommunications services; certification, states in part:

(1)... The Commission shall grant a certificate of authority to provide competitive local exchange service

upon a showing that the applicant has sufficient technical, financial, and managerial capability to provide such service in the geographic area proposed to be served. ... [emphasis added]

Mr. Nodarse obtained legal counsel who worked with staff to develop a Letter of Authorization that appeared to fulfill the requirements of the Commission's rules, but it was for Universal Beepers Express, Inc. d/b/a Universal Wireless, not Utility USA, Inc. Utility USA, Inc.'s settlement offer acknowledges staff's concerns about the company operating without a certificate and the company's use of faulty Letters of Authorization. To alleviate staff's concerns, the settlement offer provides:

The LOA's were used for a very short period of less than two weeks and proved to be unsuccessful as no customers were actually switched. Currently, Mr. Nodarse has been using LOA's, pre-approved by Mr. Kennedy at the PSC for Universal Wireless.

Although staff believed that Mr. Nodarse's managerial skills were questionable and were the basis for legitimate concern, on November 20, 2003, staff filed a recommendation supporting approval of Utility USA, Inc.'s application to operate as a CLEC in Florida. Staff believed that Mr. Nodarse's forfeiture of \$5,000, plus payment of the penalties and regulatory assessment fees in Docket No. 011278-TX, would have had a significant impact on his future practices. Staff also committed to the Commission that it would closely monitor Mr. Nodarse's actions through the complaint process and regulatory assessment fee audits, and bring enforcement action against Mr. Nodarse for Commission consideration, if appropriate.

On November 24, 2003, as described in Part 4 of the Case Background, staff was dismayed to learn, particularly after Mr. Nodarse's counsel worked with staff to develop a proper letter of authorization, that Mr. Nodarse was now using an Ameriphone Letter of Authorization. Ameriphone is not a certificated company and should not be held out to be a bonafide provider of local telephone service.

The Ameriphone Letter of Authorization, Attachment Z, displays an address of 3957 Jog Road, Greenacres, Florida 33467, which is the same address provided in Mr. Nodarse's application for Utility USA, Inc., Attachment Y. This location is Utility USA, Inc.'s

place of business, not Universal Beepers Express, Inc. d/b/a Universal Wireless'.

On November 28, 2003, the Office of the General Counsel received a facsimile (Attachment AA) from Mr. Nodarse. Mr. Nodarse appears to be responding to information that was exchanged between counsel for Utility USA, Inc. and the Commission's Office of the General Counsel. The exchange of information between the attorneys is described in detail in the Case Background, wherein the Commission's counsel was advised by Utility USA, Inc.'s counsel that the AmeriPhone Letter of Authorization was used by Universal Beepers Express, Inc. d/b/a Universal Wireless as authority to serve a specific customer, plus others.

Staff also notes that Mr. Nodarse is not listed as an officer, director, or, as far as staff knows, liaison for Universal Beepers Express, Inc. d/b/a Universal Wireless. Staff believes that Mr. Nodarse has no authority or legal basis to present himself to staff as a representative of Universal Beepers Express, Inc. d/b/a Universal Wireless. Staff believes this is another example of Mr. Nodarse's management style, and this action, coupled with other examples of Mr. Nodarse's management activities presented in the Case Background, lends further credence to staff's recommendation.

Staff is not accusing Mr. Nodarse of potential rule or statute violations related to actions for which Universal Beepers Express, Inc. d/b/a Universal Wireless bears responsibility. However, staff is very concerned about the historical and current management behaviors exhibited by Mr. Nodarse and believes his questionable management practices are legitimate reasons for denying Utility USA, Inc. authority to operate as a CLEC in Florida under Section 364.337, Florida Statutes.

Under the circumstances of this proceeding, staff believes that Mr. Nodarse's actions represent those of someone completely lacking managerial skills, and someone who has a complete lack of regard for the Commission's authority to regulate competitive local exchange telecommunications services.

Also, staff notes that after his departure from FLATEL, Inc., Mr. Nodarse has made arrangements with Telephone One Inc. and Universal Beepers Express, Inc. d/b/a Universal Wireless to provide local service to customers that Mr. Nodarse appears to have marketed. Mr. Nodarse's actions have potentially exposed both of

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

these companies to regulatory enforcement actions because they, as the providers, are ultimately responsible for proving they have legally obtained authorization from customers to provide their service. Possibly, Mr. Nodarse plans to move the customers to Utility USA, Inc. if and when he obtains the CLEC certification from the Commission.

Staff has previously acknowledged concern for Mr. Nodarse's questionable management skills and practices before filing its first recommendation on November 20, 2003. Based on these most recent events, staff believes it is in the public's best interest to recommend that the Commission deny Utility USA, Inc.'s offer to settle and that the Commission should not grant Utility USA, Inc. Florida Public Service Commission Certificate No. 8419 to provide competitive local exchange telecommunications service within the State of Florida. Staff also believes that the Commission should order the company to immediately cease and desist providing competitive local exchange telecommunications service in Florida.

DOCKET NO. 030873-TX
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ISSUE 2: Should this docket be closed?

RECOMMENDATION: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the Proposed Agency Action Order. The docket should then be closed upon issuance of a Consummating Order. **(T. Williams, R. Kennedy, Rojas)**

STAFF ANALYSIS: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of issuance of the Proposed Agency Action Order. The docket should then be closed upon issuance of a Consummating Order.

DOCKET NO. 030873-TX
 DATE: DECEMBER 4, 2003

INSTRUCTIONS BEFORE COMPLETING THIS FORM.

ATTACHMENT A

DEPARTMENT OF STATE
 Secretary of State
 CORPORATIONS

FILED

98 DEC -3 PM 1:04
 SECRETARY OF STATE
 TALLAHASSEE, FLORIDA

FLATEL, INC.

Principal Place of Business: 3814 WOODWALK BLVD LAKE WORTH FL 33467
 Mailing Address: 3814 WOODWALK BLVD LAKE WORTH FL 33467

If above addresses are incorrect in any way, line through incorrect information and enter correction below.

2. New Principal Office Address, if Applicable 1705 W. 45th St. State, Apt. #, etc.	3. New Mailing Office Address, if Applicable 1705 W. 45th St. State, Apt. #, etc.	4. Date Incorporated or Qualified To Do Business in Florida 10/09/1997
5. FID Number 65-0788827	Applied For (Not Applicable)	
6. City & State West Palm Beach, FL	City & State West Palm Beach, FL	7. CERTIFICATE OF STATUS DESIRED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO 8375 Additional Fee for a Certificate of Status

7. Names and Street Addresses of Each Officer and/or Director (Florida nonprofit corporations must list at least 3 directors)

1. Title	2. Name of Officer and/or Director	3. Street Address of Each Officer and/or Director (Do NOT Use Post Office Box Numbers)	4. City/State/Zip
D, P, S, T	Oscar Nodarse	1705 W. 45th Street	West Palm Beach, FL 33407
D, VP	Adriana Solar	1705 W. 45th Street	West Palm Beach, FL 33407

8. Name and Address of Current Registered Agent
 NODARSE, MARIA
 3814 WOODWALK BLVD
 LAKE WORTH FL 33467

9. Name and Address of New Registered Agent
 Name: Adriana Solar
 Street Address (P.O. Box Number is Not Acceptable): 1705 W. 45th Street
 State, Apt. #, etc.:
 City: West Palm Beach FL 33407

10. I, being appointed the registered agent of the above named corporation, am familiar with and accept the obligations of Section 807.2006, F.S.
 Signature of Registered Agent: *[Signature]* **SIGNATURE REQUIRED** Date: 11-18-98
 REGISTERED AGENT MUST SIGN

11. This corporation owes or has paid the current year Intangible Personal Property tax due June 30. Yes No (See other side for information on Intangible tax.)

12. I certify that I am an officer or director or the treasurer or trustee empowered to execute this application as provided for in chapter 807 or 817, F.S. I further certify that when filing this reinstatement application, the reason for dissolution has been administered, the corporate name satisfies the requirements of section 807.2002(1) or 817.0401, F.S. that all fees owed by the corporation have been paid and the names of individuals listed on this form do not qualify for an exemption under section 118.07(2)(b), F.S. The information furnished on this application is true and accurate, and my signature shall have the same legal effect as if made under oath.

SIGNATURE: *[Signature]* **SIGNATURE REQUIRED** 11/18/98
 SECRETARY OF STATE
 OSCAR NODARSE, DIRECTOR

REINSTATEMENT

300002703423-7
 12/18/98-11076-016
 888475875
 12/5/99

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

516941639

PALM BEACH

Division of Corporations

ATTACHMENT B

797000087391

Florida Department of State
Division of Corporations
Public Access System
Katherine Harza, Secretary of State

Electronic Filing Cover Sheet

Note: Please print this page and use it as a cover sheet. Type the fax audit number (shown below) on the top and bottom of all pages of the document.

((F99000004024 8)))

Note: DO NOT hit the REFRESH/RELOAD button on your browser from this page. Doing so will generate another cover sheet.

To:
Division of Corporations
Fax Number : (850)922-4000

From:
Account Name : CORPORATE CREATIONS ENTERPRISES, INC.
Account Number : 072100000245
Phone : (561)775-9980
Fax Number : (561)694-1639

99 FEB 18 PM 4:29
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

FILED

BASIC AMENDMENT

FLATEL, INC.

RECEIVED
99 FEB 18 PM 4:21
DIVISION OF CORPORATIONS

Certificate of Status	0
Certified Copy	0
Page Count	04
Estimated Charge	\$35.00

Electronic Filing Menu

Corporate Filing

Public Access Help

<http://cdcks1.doc.state.fl.us/scripts/eFilecovr.asp>

AM + Restated
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OK

H99000004024

AMENDED AND RESTATED ARTICLES OF INCORPORATION

These Amended and Restated Articles of Incorporation were adopted effective February 18, 1999 by the Corporation's Board of Directors and shareholders pursuant to section 607.1007, Florida Statutes. Each amendment set forth in these Amended and Restated Articles of Incorporation was approved by the shareholders by a vote sufficient for approval of the amendment. These Amended and Restated Articles of Incorporation supersede the original Articles of Incorporation, as amended.

Article I. Name

If no old name is listed below, the name of this Florida corporation has not been changed. If the current name listed below differs from the old name, the current name will become effective upon the filing of this document.

Current Name: Flatel, Inc.
Old Name:

Article II. Address

The mailing address of the Corporation is:
Flatel, Inc.
1705 W. 45th Street
West Palm Beach FL 33407

Article III. Board of Directors

The name of each member of the Corporation's Board of Directors is: ..

Oscar Nodarse
Adriana Solar

The affairs of the Corporation shall be managed by a Board of Directors consisting of no less than one director. The number of directors may be increased or decreased from time to time in accordance with the Bylaws of the Corporation. The election of directors shall be done in accordance with the Bylaws. The directors shall be protected from personal liability to the fullest extent permitted by applicable law.

Corporate Creations International Inc.
8895 North Military Trail #202D
Palm Beach Gardens FL 33410-6266
(561) 694-8107

H99000004024

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FILED
99 FEB 18 PM 4:29
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

H99000004024

Article IV. Capital Stock

The Corporation shall have the authority to issue 3,000,000 shares of common stock, par value \$.001 per share.

Article V. Registered Agent

The name and address of the registered agent of the Corporation is:
Corporate Creations Enterprises Inc.
4521 PGA Boulevard #211
Palm Beach Gardens FL 33418

Article VI. Corporate Existence

The corporate existence of the Corporation will begin effective upon the filing date of the original Articles of Incorporation.

The undersigned executed these Amended and Restated Articles of Incorporation on the date shown below.

Flatel, Inc.

By: 

Name: Oscar Nodarse

Title: President

Date: 2-18-99

Corporate Creations International Inc.
8895 North Military Trail #202D
Palm Beach Gardens FL 33410-6266
(561) 694-8107

H99000004024

**CERTIFICATE OF DESIGNATION
REGISTERED AGENT/OFFICE**

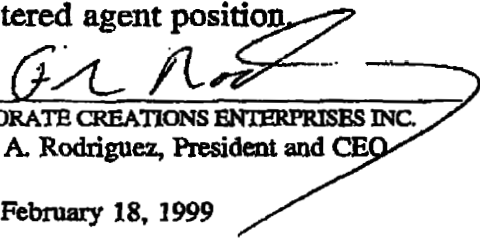
CORPORATION:

Flatel, Inc.

REGISTERED AGENT/OFFICE:

**Corporate Creations Enterprises Inc.
4521 PGA Boulevard #211
Palm Beach Gardens FL 33418**

I agree to act as registered agent to accept service of process for the corporation named above at the place designated in this Certificate. I agree to comply with the provisions of all statutes relating to the proper and complete performance of the registered agent duties. I am familiar with and accept the obligations of the registered agent position.


CORPORATE CREATIONS ENTERPRISES INC.
Frank A. Rodriguez, President and CEO

Date: February 18, 1999

Corporate Creations International Inc.
8895 North Military Trail #202D
Palm Beach Gardens FL 33410-6266
(561) 694-8107

H99000004024

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DOCKET NO. 030873-TX
 DATE: DECEMBER 4, 2003

CORPORATION WILL BE DISSOLVED ON OR AFTER SEPTEMBER 15, 1999.
 FEE 09/15/99: \$350 (IF DISSOLVED, MINIMUM AMOUNT DUE TO REINSTATE: \$750)

FILED
Jul 12, 1999 8:00 a.m.
Secretary of State
 07-12-1999 90008 033 ***550.00
ATTACHMENT C



FLORIDA DEPARTMENT OF STATE
 Katherine Harris
 Secretary of State
 DIVISION OF CORPORATIONS

1999

DOCUMENT # P97000087391
 1. Corporation Name

FLATEL, INC.

Principal Place of Business Mailing Address
 1705 W. 45TH ST. 1705 W. 45TH ST.
 WEST PALM BEACH FL 33407 WEST PALM BEACH FL 33407
 US US



DO NOT WRITE IN THIS SPACE

3. Date Incorporated or Qualified

10/09/1997

2. Principal Place of Business 1. 2128 Okeechobee Blvd Suits, Apt. #, etc. 2. W. Palm Beach FL City & State 3. 33409 Zip Country 25 USA	2a. Mailing Address 26. 2128 Okeechobee Blvd Suits, Apt. #, etc. 27. W. Palm Beach FL City & State 28. 33409 Zip Country 29 USA	4. FEI Number 65-0788827	Applies Not Ap
		5. Certificate of Status Desired <input type="checkbox"/>	\$8.75 Addit Fee Requir
		6. Election Campaign Financing Trust Fund Contribution <input type="checkbox"/>	\$5.00 May Added to Fe
		8. This corporation owes the current year Intangible Personal Property. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

9. Name and Address of Current Registered Agent

CORPORATE CREATIONS ENTERPRISES INC.
 4521 PGA BOULEVARD #211
 PALM BEACH GARDENS FL 33418

10. Name and Address of New Registered Agent

81 Name	
82 Street Address (P.O. Box Number is Not Acceptable)	
83	
84 City	FL 85 Zip Code

I, Pursuant to the provisions of sections 607.0502 and 607.1508, Florida Statutes, the above-named corporation submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida. Such change was authorized by the corporation's board of directors. I hereby accept the appointment as registered agent. I am familiar with, and accept the obligations of, section 607.0505, Florida Statutes.

SIGNATURE

Signature, typed or printed name of registered agent and title if applicable

(NOTE: Registered Agent signature required when reappointing)

DATE

OFFICERS AND DIRECTORS		ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS	
E	PSTD NODARSE, OSCAR STREET ADDRESS 1705 W. 45TH ST. ST-ZIP WEST PALM BEACH FL 33407 <input checked="" type="checkbox"/> DELETE	1.1 TITLE 1.2 NAME 1.3 STREET ADDRESS 1.4 CITY-ST-ZIP	President Adriana Solar 2128 Okeechobee Blvd W. Palm Beach FL 33409 <input checked="" type="checkbox"/> Change <input checked="" type="checkbox"/>
E	VO SOLAR, ADRIANA STREET ADDRESS 1705 W. 45TH ST. ST-ZIP WEST PALM BEACH FL 33407 <input type="checkbox"/> DELETE	2.1 TITLE 2.2 NAME 2.3 STREET ADDRESS 2.4 CITY-ST-ZIP	Vice president Victor Solar 2128 Okeechobee Blvd WPA FL 33409 <input type="checkbox"/> Change <input checked="" type="checkbox"/>
E	<input type="checkbox"/> DELETE	3.1 TITLE 3.2 NAME 3.3 STREET ADDRESS 3.4 CITY-ST-ZIP	Secretary Adriana Solar 1705 Richard Ln W Palm Bch FL 33406 <input type="checkbox"/> Change <input checked="" type="checkbox"/>
E	<input type="checkbox"/> DELETE	4.1 TITLE 4.2 NAME 4.3 STREET ADDRESS 4.4 CITY-ST-ZIP	Vice president Abido Motari 2128 Okeechobee Blvd WPA FL 33409 <input type="checkbox"/> Change <input checked="" type="checkbox"/>
E	<input type="checkbox"/> DELETE	5.1 TITLE 5.2 NAME 5.3 STREET ADDRESS 5.4 CITY-ST-ZIP	<input type="checkbox"/> Change <input type="checkbox"/>
E	<input type="checkbox"/> DELETE	6.1 TITLE 6.2 NAME 6.3 STREET ADDRESS 6.4 CITY-ST-ZIP	<input type="checkbox"/> Change <input type="checkbox"/>

I hereby certify that the information supplied with this filing does not qualify for the exemption stated in section 119.07(3)(i), Florida Statutes. I further certify that the information disclosed on this annual report or supplemental annual report is true and accurate and that my signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appear Block 12 or Block 13 if changed, or on an attachment with an address.

SIGNATURE: SIGNATURE 10-30-99 51A-108825
 SIGNATURE AND TYPED OR PRINTED NAME OF SIGNING OFFICER OR DIRECTOR Date

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

P990000 10.7.1
TRANSMITTAL LETTER

Department of State
Division of Corporations
P.O. Box 6327
Tallahassee, FL 32314

SUBJECT: Telebeep, Inc.
(proposed corporate name)

Enclosed is an original and one (1) copy of the articles of incorporation and our check for \$ 78.75.

FROM: KPS
Name (printed or typed)
4290 10th Avenue North #103
Address
Jale Worth, Fl. 33461
City, State, & Zip
(561) 434-9111
Telephone Number

99 NOV - 8 PM 2: 10
FILED
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

000003037720--
-11/08/99-01001-013
*****78.75 *****78.

Note: Please provide the original and one copy of the Articles.

KR
WA9-25427

K. Roie NOV 0 8 1999

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT D

ARTICLES OF INCORPORATION

OF

TELEBEEPER, INC.

The undersigned, for the purpose of forming a corporation for profit under the laws of the State of Florida, hereby adopt the following Articles of Incorporation:

ARTICLE I

The name of this Corporation shall be **TELEBEEPER, INC.**

ARTICLE II

DURATION

This Corporation shall have perpetual existence unless dissolved pursuant to law and shall commence business as of the date of filing of these Articles of Incorporation.

ARTICLE III

GENERAL NATURE OF BUSINESS

This corporation may engage in any activity of business permitted under the laws of the State of Florida; said corporation's primary purpose shall be to engage in the sales and repair of cellular telephones, beepers and home telephones.

FILED
99 NOV - 8 PM 2:10
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT D

**ARTICLE IV
CAPITAL STOCK**

This Corporation is authorized to issue 1000 shares of \$1.00 par value common stock, 75% to be owned by the President and 25% to be owned by the Vice-President.

**ARTICLE V
PRINCIPAL PLACE OF BUSINESS**

The principal place of business of this Corporation is: 3280 Lake Worth Road, Lake Worth, Fl. 33461 within or without the State of Florida.

**ARTICLE VI
OFFICERS AND DIRECTORS**

The names and post office address of the initial officers and directors who shall hold office for the first year of the corporation's existence or until their successors are elected are:

Oscar Nodarse (President) 505 Avenida Alegre, West Palm Beach, Fl. 33405

Freddy Vizoso (Vice-President) 5300 G Elmhurst Road, West Palm Beach, Fl. 33417

**ARTICLE VII
INCORPORATOR**

The name and address of the person signing these Articles is:

**Oscar Nodarse
3280 Lake Worth Road
Lake Worth, Fl. 33461**

**ARTICLE VIII
REGISTERED OFFICE AND REGISTERED AGENT**

The name of the registered agent and the street address of the initial registered office of this Corporation is:

**Oscar Nodarse
505 Avenida Alegre
West Palm Beach, FL 33405**

**ARTICLE IX
BY-LAWS**

The power to adopt, alter, amend or repeal By-Laws shall be vested in the Board of Directors and shareholders.

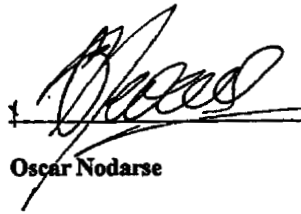
**ARTICLE X
AMENDMENTS**

This Corporation reserves the right to amend or repeal any provision contained in these Articles of Incorporation or any Amendment hereto and any right conferred upon the Stockholders is subject to this reservation.

IN WITNESS WHEREOF, the undersigned, being the original incorporator to the Articles of Incorporation herein, for the purpose of forming a corporation to do business both within and without the State of Florida, under the laws of Florida, do make and file these Articles, hereby declaring and certifying that the facts herein stated are true, this day of , 1999.

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT D

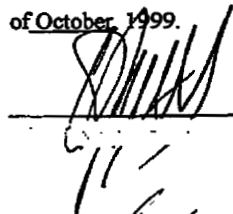


Oscar Nodarse

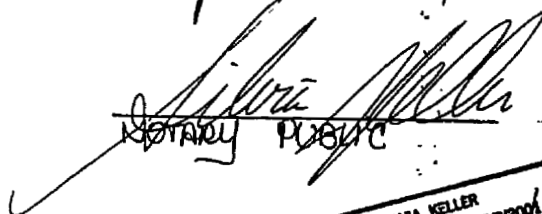
STATE OF FLORIDA)
)
COUNTY OF PALM BEACH)

BEFORE ME, the undersigned authority, personally appeared **Oscar Nodarse**, who after being first duly sworn, deposes and states, that he signed the foregoing Articles of, Incorporation for the purposes stated therein expressed.

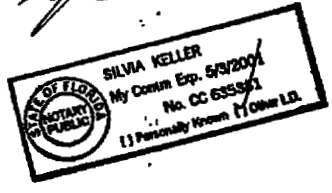
WITNESS my hand and official seal at the State and County aforesaid, this 18th day of October, 1999.



Notary Public



Notary Public


SILVIA KELLER
My Comm Exp. 5/3/2004
No. CG 633541
 Personally Known Other LD.

CERTIFICATE OF DESIGNATION
REGISTERED AGENT /REGISTERED OFFICE

Pursuant to the provisions of section 607.0501, Florida Statutes, the undersigned corporation, organized under the laws of the State of Florida, submits the following statement in designation the registered office/registered agent, in the state of Florida.

1. The name of the corporation is: TELEBEEPER, INC
2. The name and address of the registered agent and office is:

OSCAR NODARSE
505 AVENIDA ALEGRE
WEST PALM BEACH, FL. 33405

I HAVE BEEN NAMED AS REGISTERED AGENT AND TO ACCEPT SERVICE OF PROCESS FOR THE ABOVE STATED CORPORATION AT THE PLACE DESIGNATED IN THIS CERTIFICATE, I HEREBY ACCEPT THE APPOINTMENT AS REGISTERED AGENT AND AGREE TO ACT IN THIS CAPACITY. I FURTHER AGREE TO COMPLY WITH THE PROVISIONS OF ALL STATUTES RELATING TO THE PROPER AND COMPLETE PERFORMANCE OF MY DUTIES, AND I AM FAMILIAR WITH AND ACCEPT THE OBLIGATIONS OF MY POSITION AS REGISTERED AGENT.



OSCAR NODARSE /
REGISTERED AGENT

99 NOV -8 PM 2:10
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

FILED

FICTITIOUS NAME

ATTACHMENT E

00 FEB -9 PM 2:40

SECRETARY OF STATE
TALLAHASSEE, FLORIDA

1. Oscatel Communications
Fictitious Name to be Registered (see instructions if name includes "Corp" or "Inc")

2. 10500 N.W. 50th Street #103
Mailing Address of Business
Sunrise FL 33351
City State Zip Code

3. Florida County of principal place of business: Broward

4. FEI Number: 65-0626929

This space for office use only

A. Owner(s) of Fictitious Name if individual(s): (Use an attachment if necessary):

1. Last _____ First _____ M.I. _____ Address _____ City _____ State _____ Zip Code _____ SS# _____	2. Last _____ First _____ M.I. _____ Address _____ City _____ State _____ Zip Code _____ SS# _____
---	---

B. Owner(s) of Fictitious Name if other than an individual: (Use attachment if necessary):

1. <u>Telebeeper, Inc.</u> Entity Name <u>10500 N.W. 50th Street #103</u> Address <u>Sunrise</u> <u>FL</u> <u>33351</u> City State Zip Code Florida Registration Number <u>P99000098149</u> FEI Number: <u>65-0626929</u> <input type="checkbox"/> Applied for <input type="checkbox"/> Not Applicable	2. _____ Entity Name Address _____ City _____ State _____ Zip Code _____ Florida Registration Number _____ FEI Number: _____ <input type="checkbox"/> Applied for <input type="checkbox"/> Not Applicable
--	---

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. I (we) further certify that the fictitious name shown in Section 1 of this form has been advertised at least once in a newspaper as defined in chapter 50, Florida Statutes, in the county where the applicant's principal place of business is located. I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required)

Telebeeper, Inc. [Signature] 2/3/00
Signature of Owner Oscatel NW Arise Date
Phone Number: 954 047 3165

**FOR CANCELLATION COMPLETE SECTION 4 ONLY:
FOR FICTITIOUS NAME OR OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:**

I (we) the undersigned, hereby cancel the fictitious name _____, which was registered on _____ and was assigned registration number _____

G00040900070--
-02/09/00--01019--006
*****50.00

Signature of Owner _____ Date _____ Signature of Owner _____ Date _____

the applicable boxes Certificate of Status -- \$10 Certified Copy -- \$30
FILING FEE: \$50
Acknowledgements/certificates will be sent to the address in Section 1 only. CR4E-001 (12/98)

REGISTRATION OF FICTITIOUS NAME
Certificates will be sent to the address in Section 1 only.

ATTACHMENT F
Aug
Secretary of State
G01228900304

Section 1

1. OSCA TEL
Fictitious Name to be Registered (see instructions if name includes "Corp" or "Inc")
900 OSCEOLA DR
SUITE 208
Mailing Address of Business
WEST PALM BEACH FL 33409
City State Zip Code

3. Florida County of principal place of business: _____
MULTIPLE

4. FEI Number: 65-0788827

This space for office use only

Section 2

A. Owner(s) of Fictitious Name If Individual(s): (Use an attachment if necessary):

1. Last First M.I. Address City State Zip Code SS# (optional)

2. Last First M.I. Address City State Zip Code SS# (optional)

B. Owner(s) of Fictitious Name If other than an individual: (Use attachment if necessary):

1. FLATEL INC
Entity Name
900 OSCEOLA DR
Address
WEST PALM BEACH FL 33409
City State Zip Code
Florida Registration Number P97000087391
FEI Number: 65-0788827
 Applied for Not Applicable

2. Entity Name Address City State Zip Code Florida Registration Number FEI Number:
 Applied for Not Applicable

Section 3

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. I (we) further certify that the fictitious name shown in Section 1 of this form has been advertised at least once in a newspaper as defined in chapter 50, Florida Statutes, in the county where the applicant's principal place of business is located. I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required)

ADRIANA SOLAR 08/16/2001
Signature of Owner Date Signature of Owner Date
Phone Number: _____ Phone Number: _____

Section 4

**FOR CANCELLATION COMPLETE SECTION 4 ONLY:
FOR FICTITIOUS NAME OR OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:**

I (we) the undersigned, hereby cancel the fictitious name _____
_____, which was registered on _____ and was assigned
registration number _____

Signature of Owner Date Signature of Owner Date

Mark the applicable boxes Certificate of Status — \$10 Certified Copy — \$30
FILING FEE: \$50

Ap Secretary of State a
 04-11-2002 90009 020 ***150.00

DOCUMENT # P97000087391	
1. Entity Name FLATEL, INC.	
Principal Place of Business 2128 OKEECHOBEE BLVD. WEST PALM BEACH FL 33409 US	Mailing Address 2128 OKEECHOBEE BLVD. WEST PALM BEACH FL 33409 US
2. Principal Place of Business 900 Osceola Dr	3. Mailing Address
Suite, Apt. #, etc. Suite 208	Suite, Apt. #, etc.
City & State W.P.B. FL	City & State
Zip 33406	Country USA
4. FEI Number 65-0788827 <input type="checkbox"/> Applied <input type="checkbox"/> Not App	
5. Certificate of Status Desired <input type="checkbox"/> \$8.75 Additional Fee Required	
6. Name and Address of Current Registered Agent SOLAR, ADRIANA 2128 OKEECHOBEE BLVD WEST PALM BEACH FL 33409	
7. Name and Address of New Registered Agent Name Adriana Solar Street Address (P.O. Box Number is Not Acceptable) 900 Osceola Dr. Suite 208 City W.P.B. FL Zip Code 33406	
8. The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.	
SIGNATURE _____ (NOTE: Registered Agent signature required when reinstating) DATE _____	
9. This corporation is eligible to satisfy its intangible tax filing requirement and elects to do so. <input type="checkbox"/> FILE NOW!!! FEE IS \$150.00 After May 1, 2002 Fee will be \$550.00 Make Check Payable to Department of State	
10. Election Campaign Financing Trust Fund Contribution. <input type="checkbox"/> \$5.00 Max Added to Fee	
11. OFFICERS AND DIRECTORS	
TITLE NAME STREET ADDRESS CITY-ST-ZIP	V SOLAR, VICTOR 21280 OKEECHOBEE BLVD WEST PALM BEACH FL 33409 <input type="checkbox"/> Delete
TITLE NAME STREET ADDRESS CITY-ST-ZIP	P SOLAR, ADRIANA 2128 OKEECHOBEE BLVD WEST PALM BEACH FL 33409 <input type="checkbox"/> Delete
TITLE NAME STREET ADDRESS CITY-ST-ZIP	V MATARI, ABIDO 2128 OKEECHOBEE BLVD WEST PALM BEACH FL 33409 <input type="checkbox"/> Delete
TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Delete
TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Delete
TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Delete
12. ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS IN 1	
TITLE NAME STREET ADDRESS CITY-ST-ZIP	CEO/Director of Operations <input checked="" type="checkbox"/> Change <input type="checkbox"/> Solar, Victor 1768 Richard Ln W.P.B. FL 33406
TITLE NAME STREET ADDRESS CITY-ST-ZIP	CEO/CFO <input checked="" type="checkbox"/> Change <input type="checkbox"/> Solar, Adriana 1768 Richard Ln W.P.B. FL 33406
TITLE NAME STREET ADDRESS CITY-ST-ZIP	CEO/Director of Corporate Development <input checked="" type="checkbox"/> Change <input type="checkbox"/> Majari, Abido 900 Osceola Dr. Suite 208
TITLE NAME STREET ADDRESS CITY-ST-ZIP	CEO/Director of Business Development <input checked="" type="checkbox"/> Change <input type="checkbox"/> Oscar Nodarse 900 Osceola Dr Suite 208 WPA FL 33406
TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Change <input type="checkbox"/> A
TITLE NAME STREET ADDRESS CITY-ST-ZIP	<input type="checkbox"/> Change <input type="checkbox"/> A
13. I hereby certify that the information supplied with this filing does not qualify for the exemption stated in Section 119.07(3)(i), Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes, and that my name appears in Block 11 or Block changed, or on an attachment with an address, with all other like empowered	
SIGNATURE: (Signature)	

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

Department of State, Division of Corporations
Corporations Online
www.sunbiz.org Public Inquiry

Florida Profit
TELEBEEPER, INC.

PRINCIPAL ADDRESS
10500 NW 50TH ST
#103
SUNRISE FL 33351
Changed 01/25/2001

MAILING ADDRESS
10500 NW 50TH ST
#103
SUNRISE FL 33351
Changed 01/25/2001

Document Number P99000098149	FBI Number 650626929	Date Filed 11/08/1999
State FL	Status INACTIVE	Effective Date NONE

Last Event ADMIN DISSOLUTION FOR ANNUAL REPORT	Event Date Filed 10/04/2002	Event Effective Date NONE
---	---------------------------------------	-------------------------------------

Registered Agent

Name & Address
RODRIGUEZ, TULIO J 10500 NW 50TH ST #103 SUNRISE FL 33351
Name Changed: 01/25/2001
Address Changed 01/25/2001

Officer/Director Detail

Name & Address	Title
NODARSE, OSCAR	

http://ccfcorp.dos.state.fl.us/scripts/cordet.exe?a1=DEFIL&n1=P99000098149&n2=NA... 9/26/2003

DOCKET NO. 030873-TX
 DATE: DECEMBER 4, 2003

10500 NW 50TH STREET #103 SUNRISE FL 33351	PD
RODRIGUEZ, TULIO J 10500 NW 50TH STREET #103 SUNRISE FL 33351	VSTD

Annual Reports

Report Year	Filed Date
2000	01/25/2001
2001	01/25/2001

[Previous Filing](#)

[Return to List](#)

[Next Filing](#)

[View Events](#)
 No Name History Information

Document Images

Listed below are the images available for this filing.

01/25/2001 -- REINSTATEMENT
 02/09/2000 -- Amendment
 11/08/1999 -- Domestic Profit

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

[Corporations Inquiry](#)

[Corporations Help](#)

**Electronic Articles of Incorporation..
For**

UTILITY USA, INC.

The undersigned incorporator, for the purpose of forming a Florida profit corporation, hereby adopts the following Articles of Incorporation:

Article I

The name of the corporation is:
UTILITY USA, INC.

Article II

The principal place of business address:
3957 JOG ROAD
GREENACRES, FL. 33467

The mailing address of the corporation is:
3957 JOG ROAD
GREENACRES, FL. 33467

Article III

The purpose for which this corporation is organized is:
ANY AND ALL BUSINESS PERMITTED UNDER THE LAWS OF THE UNITED STATES, AND THE LAWS OF THE STATE OF FLORIDA, PRIMARILY TO ENGAGE IN THE SALES AND REPAIR OF CELLULAR TELEPHONES, BEEPERS AND HOME TELEPHONE.

Article IV

The number of shares the corporation is authorized to issue is:
100

Article V

The name and Florida street address of the registered agent is:
OSCAR CARVAJAL
3957 JOG ROAD
GREENACRES, FL. 33467

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

amiliar with and accept the responsibilities of

P03000092192
FILED
August 22, 2003
Sec. Of State

Registered Agent Signature: OSCAR CARVAJAL

Article VI

The name and address of the incorporator is:

OSCAR CARVAJAL
3957 JOG ROAD
GREENACRES, FL 33467

ATTACHMENT I

Incorporator Signature: OSCAR CARVAJAL

Article VII

The initial officer(s) and/or director(s) of the corporation is/are:

Title: PD
OSCAR CARVAJAL
3957 JOG ROAD
GREENACRES, FL. 33467

Title: VD
OSCAR NODARSE
3957 JOG ROAD
GREENACRES,, FL. 33467

Article VIII

The effective date for this corporation shall be:

08/21/2003

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

! FOR REGISTRATION OF FICTITIOUS NAME

ATTACHMENT J

DOCUMENT# G03238900224

Fictitious Name to be Registered: OSCATEL TELECOMMUNICATIONS

Mailing Address of Business: 3957 JOG ROAD
GREENACRES, FL 33467

Florida County of principal place of business: MULTIPLE

FEI Number:

Owner(s) of Fictitious Name:

UTILITY USA, INC.
3957 JOG ROAD
GREENACRES, FL 33467
Florida Registration Number: P03000092192
FEI Number: 20-0173084

FILED
Aug 26, 2003
Secretary of State

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. I (we) understand that the electronic signature(s) below shall have the same legal effect as if made under oath.

OSCAR CARVAJAL, PRESIDENT

08/26/2003

Electronic Signature(s)

Date

Certificate of Status Requested ()

Certified Copy Requested ()

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

FILED

03 SEP -2 PM 3: 36

SECRETARY OF STATE
TALLAHASSEE, FLORIDA

ARTICLES OF AMENDMENT
TO
ARTICLES OF INCORPORATION
OF

ATTACHMENT K

FLATEL, Inc.

(present name)

(Document Number of Corporation (If known))

Pursuant to the provisions of section 607.1006, Florida Statutes, this Florida profit corporation adopts the following articles of amendment to its articles of incorporation:

FIRST: Amendment(s) adopted: *(indicate article number(s) being amended, added or deleted)*

Please remove Mr. Oscar Nodarse from FLATEL, Inc. as he is no longer with the company as of August 18, 2003.

SECOND: If an amendment provides for an exchange, reclassification or cancellation of issued shares, provisions for implementing the amendment if not contained in the amendment itself, are as follows:

THIRD: The date of each amendment's adoption: August 18, 2003

FOURTH: Adoption of Amendment(s) (CHECK ONE)

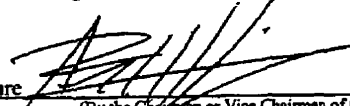
- The amendment(s) was/were approved by the shareholders. The number of votes cast for the amendment(s) was/were sufficient for approval.
- The amendment(s) was/were approved by the shareholders through voting groups. *The following statement must be separately provided for each voting group entitled to vote separately on the amendment(s):*

"The number of votes cast for the amendment(s) was/were sufficient for approval by _____"
(voting group)

- The amendment(s) was/were adopted by the board of directors without shareholder action and shareholder action was not required.
- The amendment(s) was/were adopted by the incorporators without shareholder action and shareholder action was not required.

Signed this 18th day of August, 2003

Signature



(By the Chairman or Vice Chairman of the Board of Directors, President or other officer if adopted by the shareholders)

OR

(By a director if adopted by the directors)

OR

(By an incorporator if adopted by the incorporators)

Mr. Abby Matari

(Typed or printed name)

CEO

(Title)

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT L

APPLICATION

1. This is an application for (check one):

Original certificate (new company).

Approval of transfer of existing certificate: Example, a non-certificated company purchases an existing company and desires to retain the original certificate of authority.

Approval of assignment of existing certificate: Example, a certificated company purchases an existing company and desires to retain the certificate of authority of that company.

Approval of transfer of control: Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of company:

Utility USA, Inc.

3. Name under which the applicant will do business (fictitious name, etc.):

OSCATEL Telecommunications

4. Official mailing address (including street name & number, post office box, city, state, zip code):

3957 JOG ROAD

GREENACRES, FL 33467

FORM PSC/CMU 8 (11/95)
Required by Commission Rule Nos. 25-24.805,
25-24.810, and 25-24.811

2

5. Florida address (including street name & number, post office box, city, state, zip code):

3957 JOG ROAD
GREENACRES, FL 33467

6. Structure of organization:

- Individual
- Foreign Corporation
- General Partnership
- Other _____
- Corporation
- Foreign Partnership
- Limited Partnership

7. If individual, provide:

Name: N/A
Title: _____
Address: _____
City/State/Zip: _____
Telephone No.: _____ Fax No.: _____
Internet E-Mail Address: _____
Internet Website Address: _____

8. If incorporated in Florida, provide proof of authority to operate in Florida:

(a) The Florida Secretary of State corporate registration number:
CORPORATE CHARTER NUMBER P03000092192
A Certified copy of Articles of Incorporation is attached as Exhibit I

9. **If a foreign corporation, provide proof of authority to operate in Florida:**

(a) The Florida Secretary of State corporate registration number:

N/A

10. **If using fictitious name-d/b/a, provide proof of compliance with fictitious name statute (Chapter 865.09, FS) to operate in Florida:**

(a) The Florida Secretary of State fictitious name registration number:
G03238900224

11. **If a limited liability partnership, provide proof of registration to operate in Florida:**

(a) The Florida Secretary of State registration number:

N/A

12. **If a partnership, provide name, title and address of all partners and a copy of the partnership agreement.**

Name: N/A

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: 561-642-5448

Internet E-Mail Address: _____

Internet Website Address: _____

13. **If a foreign limited partnership, provide proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS), if applicable.**

(a) The Florida registration number: N/A

14. **Provide F.E.I. Number(if applicable):** 20-0173084

15. Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

(a) adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. Provide explanation.

None of the officers, directors, or ten largest stockholders of the Corporation have previously been adjudged bankrupt, mental incompetent, or found guilty of any felony or of any crime, and no proceedings are pending which would result in such actions.

(b) an officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

OSCAR NODARSE
FLATEL, Inc. - CIO

16. Who will serve as liaison to the Commission with regard to the following?

(a) The application:

Name: Oscar Carvajal
Title: President, Utility USA, Inc.
Address: 3957 JOG ROAD
City/State/Zip: GREENACRES, FL 33467
Telephone No.: 561-642-4848 Fax No.: 561-642-5448
Internet E-Mail Address: _____
Internet Website Address: _____

(b) Official point of contact for the ongoing operations of the company:

Name: OSCAR NODARSE
Title: Vice-President, Utility USA, Inc.
Address: 3957 JOG ROAD
City/State/Zip: GREENACRES, FL 33467
Telephone No.: 561-642-4848 Fax No.:
Internet E-Mail Address:
Internet Website Address:

(c) Complaints/Inquiries from customers:

Name: Customers may call the company at its customer
Title: Service number or may contact the company in writing
Address: at 3957 JOG ROAD
City/State/Zip: GREENACRES, FL 33467
Telephone No.: 561-642-4848 Fax No.: 561-642-5448
Internet E-Mail Address:
Internet Website Address:

17. List the states in which the applicant:

(a) has operated as an alternative local exchange company.

FLORIDA

(b) has applications pending to be certificated as an alternative local exchange company.

FLORIDA

(c) is certificated to operate as an alternative local exchange company.

FLORIDA

(d) has been denied authority to operate as an alternative local exchange company and the circumstances involved.

N/A

(e) has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved.

No penalties have been imposed against the applicant in any state.

(f) has been involved in civil court proceedings with an interexchange carrier, local exchange company or other telecommunications entity, and the circumstances involved.

No civil court proceedings involving applicant in any state.

18. Submit the following:

A. Managerial capability: give resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.

Attached as Exhibit VI

B. Technical capability: give resumes of employees/officers of the company that would indicate sufficient technical experiences or indicate what company has been contracted to conduct technical maintenance.

Attached as Exhibit VI & VII

C. Financial capability.

The application should contain the applicant's audited financial statements for the most recent 3 years. If the applicant does not have audited financial statements, it shall so be stated.

The unaudited financial statements should be signed by the applicant's chief executive officer and chief financial officer affirming that the financial statements are true and correct and should include:

1. the balance sheet: Attached as Exhibit III
2. income statement: and Attached as Exhibit IV
3. statement of retained earnings. The applicant is a newly formed corporation and does not have audited financial statements.

NOTE: This documentation may include, but is not limited to, financial statements, a projected profit and loss statement, credit references, credit bureau reports, and descriptions of business relationships with financial institutions.

Further, the following (which includes supporting documentation) ~~should be~~ provided:

1. written explanation that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served.
Attached as Exhibit V
2. written explanation that the applicant has sufficient financial capability to maintain the requested service.
Attached as Exhibit V
3. written explanation that the applicant has sufficient financial capability to meet its lease or ownership obligations.
Attached as Exhibit V

THIS PAGE MUST BE COMPLETED AND SIGNED
APPLICANT ACKNOWLEDGMENT STATEMENT

1. **REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of .15 of one percent of gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of \$50 is required.
2. **APPLICATION FEE:** I understand that a non-refundable application fee of \$250.00 must be submitted with the application.

UTILITY OFFICIAL:

Oscar Carvajal	<u>Oscar Carvajal</u>
Print Name	Signature
President	<u>08-28-03</u>
Title	Date
(561) 642-4848	<u>561-642-5448</u>
Telephone No.	Fax No.

Address: 3597 JOG ROAD
GREENACRES, FL 33467

THIS PAGE MUST BE COMPLETED AND SIGNED

AFFIDAVIT

By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide alternative local exchange company service in the State of Florida. I have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083."

UTILITY OFFICIAL:

Oscar Carvajal
Print Name
President, Chief Executive Officer
and Chief Financial Officer
Title
(561) 642-4848
Telephone No.

Oscar Carvajal
Signature
08-28-03
Date
561-642-5448
Fax No.

Address: 3957 JOG ROAD
GREENACRES, FL 33467

INTRASTATE NETWORK (if available)

Chapter 25-24.825 (5), Florida Administrative Code, requires the company to make available to staff the alternative local exchange service areas only upon request.

1. POP: Addresses where located, and indicate if owned or leased.

1) _____	2) _____
_____	_____
3) _____	4) _____
_____	_____

2. SWITCHES: Address where located, by type of switch, and indicate if owned or leased.

1) _____	2) _____
_____	_____
3) _____	4) _____
_____	_____

3. TRANSMISSION FACILITIES: POP-to-POP facilities by type of facilities (microwave, fiber, copper, satellite, etc.) and indicate if owned or leased.

<u>POP-to-POP</u>	<u>OWNERSHIP</u>
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____

CERTIFICATE SALE, TRANSFER, OR ASSIGNMENT STATEMENT

I, (Name) _____
(Title) _____ of (Name of Company)

and current holder of Florida Public Service Commission Certificate Number # _____
_____, have reviewed this application and join in the petitioner's request for a:

- () sale
- () transfer
- () assignment

of the above-mentioned certificate.

UTILITY OFFICIAL:

Print Name _____

Signature _____

Title _____

Date _____

Telephone No. _____

Fax No. _____

Address: _____

DOCKET NO. 030873-TX
 DATE: DECEMBER 4, 2003

Florida Public Service Commission
 (See Filing Instructions on Back of Form)

STATUS:

- Actual Return
- Estimated Return
- Amended Return

FIELD 1

PERIOD COVERED:

FIELD 2

Please Complete Below If Official Mailing Address Has Changed

FOR PSC USE ONLY

Check# _____

\$ _____ 0603006

\$ _____ 003001

\$ _____ P

\$ _____ 0603006

\$ _____ 004011

\$ _____ I

Postmark Date _____

Initials of Preparer _____

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

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

* These amounts must be intrastate only and must be verifiable.
 ** Other long distance revenue must be listed on the Interchange, Regulatory Assessment Fee Return.

AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

CURRENT COMPANY STATUS

Facilities-Based Provider

- Reseller
- Other

BILLING INFORMATION

Complete below if billing agent if other than yourself.

 (Name) (Address: City/State/Zip) (Telephone)

COMPANY INFORMATION

Do you lease telecommunications' facilities? YES NO

If YES, who do you lease these facilities from? Name: _____

Address: _____

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her duty shall be guilty of a misdemeanor of the second degree.

 (Signature of Company Official) (Title) (Date)

 (Preparer of Form - Please Print Name) Telephone Number () Fax Number ()

REGULATORY ASSESSMENT FEE RETURN TO FILE: For companies which owed a total of \$10,000 or more of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

*On or before July 30 for the six-month period January 1 through June 30, AND
On or before January 30 for the six-month period July 1 through December 31.*

For companies which owed a total of less than \$10,000 of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

On or before January 30 for the prior twelve-month period January 1 through December 31.

However, when July 30 or January 30 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee Return may be filed or postmarked on the next business day, without penalty or interest.

FEEES: Each company shall pay 0.0015 of its gross operating revenues derived from intrastate business, as referenced in Rule 25-4.016(1), F.A.C. Gross Operating Revenues are defined as the total revenues before expenses. Gross Intrastate Operating Revenues are defined as revenues from calls originating and terminating within Florida. Do not deduct any expenses, taxes, or uncollectibles from these amounts.

On Line 8, deduct any amounts paid to another telecommunications company for the use of any telecommunications network to provide service to its customers. *Do not deduct any taxes, federal subscriber line charges, interstate long distance access charges, or amounts paid for nonregulated services such as voice mail, inside wire, maintenance, or equipment purchases/rental.* DEDUCTIONS MUST BE INTRASTATE ONLY AND MUST BE VERIFIABLE.

FAILURE TO FILE BY DUE DATE: Failure to file a return by the established due date will result in a penalty being added to the amount of fee due, 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25% (Line 11). In addition, interest shall be added in the amount of 1% for each 30 days or fraction thereof, not to exceed a total of 12% per year (Line 12). A Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report or if the minimum amount is due.

When a company fails to timely file a Regulatory Assessment Fee Return, the Commission has the authority to order the company to pay a penalty and/or cancel the company's certificate. The company will have an opportunity to respond to any proposed Commission action.

EXTENSION: A request for an extension of time up to 30 days may be made by filing the enclosed *Request for Extension to File Regulatory Assessment Fee Return* form (ESC/ADM-124), two weeks prior to the filing date. When an extension is granted, a charge shall be added to the amount due:

*0.75% of the fee to be remitted for an extension of 15 days or less, or
1.5% of the fee for an extension of 16 to 30 days.*

In lieu of paying the charges outlined above, a company may file a return and remit payment based upon estimated gross operating revenues. If such return is filed by the normal due date, the company shall be granted a 30-day extension period in which to file and remit the actual fee due without paying the above charges, provided the estimated fee payment remitted is at least 90% of the actual fee due for the period. An automatic 30-day extension to file an actual return may be obtained by checking the "Estimated Return" space in the top left-hand corner on the reverse side.

FEE ADJUSTMENTS: You will be notified as to the amount and reason for any fee adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment. The company may file a written request for a refund of any overpayments. The request should be directed to Fiscal Services at the below-referenced address.

MAILING INSTRUCTIONS: Please complete this form, make a copy for your files, and return the original in the enclosed preaddressed envelope. Use of this envelope should assure a more accurate and expeditious recording of your payment. **Make your check payable to the Florida Public Service Commission.** If you are unable to use the envelope, please address your remittance as follows:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
ATTENTION: Fiscal Services

ADDITIONAL ASSISTANCE: If you need additional assistance in preparing your Regulatory Assessment Fee Return or regarding telecommunications facilities, please contact the Division of Competitive Services at (850) 413-6600. This division may be contacted at the above-referenced address, directing correspondence to the attention of the division.

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT L

STATEMENT FOR REGISTRATION OF FICTITIOUS NAME

DOCUMENT# G03238900224

Fictitious Name to be Registered: OSCATEL TELECOMMUNICATIONS

Mailing Address of Business: 3957 JOG ROAD
GREENACRES, FL 33467

Florida County of principal place of business: MULTIPLE

FEI Number:

Owner(s) of Fictitious Name:

UTILITY USA, INC.
3957 JOG ROAD
GREENACRES, FL 33467
Florida Registration Number: P03000092192
FEI Number: 20-0173084

FILED
Aug 26, 2003
Secretary of State

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. I (we) understand that the electronic signature(s) below shall have the same legal effect as if made under oath.

OSCAR CARVAJAL, PRESIDENT

08/26/2003

Electronic Signature(s)

Date

Certificate of Status Requested ()

Certified Copy Requested ()

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT L

Certified Copy

I certify the attached is a true and correct copy of the Articles of Incorporation of UTILITY USA, INC., a Florida corporation, filed electronically on August 22, 2003 effective August 21, 2003, as shown by the records of this office.

I further certify that this is an electronically transmitted certificate authorized by section 15.16, Florida Statutes, and authenticated by the code noted below.

The document number of this corporation is P03000092192.

Authentication Code: 030822112222-500022490065#1

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capital, this the
Twenty Second day of August, 2003



Glenda E. Hood
Glenda E. Hood
Secretary of State

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

**Electronic Articles of Incorporation
For**

P03000092192
FILED
August 22, 2003
Sec. Of State

UTILITY USA, INC.

ATTACHMENT L

The undersigned incorporator, for the purpose of forming a Florida profit corporation, hereby adopts the following Articles of Incorporation:

Article I

The name of the corporation is:
UTILITY USA, INC.

Article II

The principal place of business address:
3957 JOG ROAD
GREENACRES, FL. 33467

The mailing address of the corporation is:
3957 JOG ROAD
GREENACRES, FL. 33467

Article III

The purpose for which this corporation is organized is:
ANY AND ALL BUSINESS PERMITTED UNDER THE LAWS OF THE UNITED STATES, AND THE LAWS OF THE STATE OF FLORIDA, PRIMARILY TO ENGAGE IN THE SALES AND REPAIR OF CELLULAR TELEPHONES, BEEPERS AND HOME TELEPHONE.

Article IV

The number of shares the corporation is authorized to issue is:
100

Article V

The name and Florida street address of the registered agent is:
OSCAR CARVAJAL
3957 JOG ROAD
GREENACRES, FL. 33467

DOCKET NO. 030873-TX am familiar with and accept the responsibilities of
DATE: DECEMBER 4, 2003 t.

P03000092192
FILED
August 22, 2003
Sec. Of State

Signature: OSCAR CARVAJAL

Article VI

The name and address of the incorporator is:

OSCAR CARVAJAL
3957 JOG ROAD
GREENACRES, FL 33467

ATTACHMENT L

Incorporator Signature: OSCAR CARVAJAL

Article VII

The initial officer(s) and/or director(s) of the corporation is/are:

Title: PD
OSCAR CARVAJAL
3957 JOG ROAD
GREENACRES, FL. 33467

Title: VD
OSCAR NODARSE
3957 JOG ROAD
GREENACRES, FL. 33467

Article VIII

The effective date for this corporation shall be:

08/21/2003

UTILITY USA, INC.
FORECASTED INCOME STATEMENT
FIRST YEAR OF OPERATIONS (12 MONTHS)

REVENUE

Telephone Operations	\$1,248,750	
Other Communications	\$3,246,750	
Total Revenue		\$4,495,500

DIRECT COST

Facilities	\$ 289,510	
Long Distance & Local Srvc	\$1,778,420	
Total Direct Cost		\$2,067,930

Gross Margin		\$2,427,570
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EXPENSES

Salaries	\$ 525,000	
Utilities	\$ 25,000	
Interest	\$ 220,000	
Depreciation	\$ 250,000	
Miscellaneous	\$ 5,000	
Total Expenses		\$1,025,000

Operating Income Before Taxes		\$1,402,570
Income Taxes		533,000

NET INCOME		\$869,570
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I attest that this Financial Statement is true and correct.

Chief Executive Officer
and Chief Financial Officer

Oscar Carvajal
Oscar Carvajal

**EXHIBIT
II**

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003


ATTACHMENT L

UTILITY USA, INC.
UNAUDITED
BALANCE SHEET
AS OF JULY 2003

<u>ASSETS</u>		
Current Assets		
Cash	7,500.00	
TOTAL CURRENT ASSETS		7,500.00
Fixed Assets		
Office Furn & Fixtures	2,500.00	
Machinery & Equip	2,500.00	
TOTAL FIXED ASSETS		5,000.00
TOTAL ASSETS		\$12,500.00
<u>LIABILITIES AND EQUITY</u>		
Long Term Liabilities		
Shareholders Loans	12,400.00	
TOTAL LONG TERM LIABILITIES		12,400.00
Equity		
Common Stock	100.00	
TOTAL EQUITY		100.00
TOTAL LIABILITIES AND EQUITY		\$12,500.00

I attest that this Financial Statement is true and correct.

Chief Executive Officer
and Chief Financial Officer


Oscar Carvajal

**EXHIBIT
III**

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT L

**UTILITY USA, INC.
FORECASTED BALANCE SHEET
END OF FIRST YEAR OF OPERATIONS**

ASSETS			
CURRENT ASSETS			
Cash	\$1,569,570		
Accounts Receivable	235,000		
Total Current Assets		\$2,054,570	
Equipment	\$2,500,000		
Accumulated Depreciation	250,000		
Depreciation Costs		\$2,500,000	
Total Assets			\$4,304,570
LIABILITIES AND EQUITY			
CURRENT LIABILITIES			
Accounts Payable	\$ 250,000		
Short Term Notes	250,000		
Income Taxes	533,000		
Other ST Liabilities	2,000		
Total Current Liabilities		\$1,035,000	
Long Term Liabilities		\$2,000,000	
Total Liabilities			\$3,035,000
EQUITY			
Initial Investment	\$200,000		
Paid in Capital	200,000		
Retained Earnings	869,570		
Total Equity			\$1,269,570
TOTAL LIABILITIES AND EQUITY			\$4,304,570

I attest that this Financial Statement is true and correct.

Chief Executive Officer
and Chief Financial Officer


Oscar Carvajal

**EXHIBIT
IV**

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT L

EXHIBIT V

While the cash flow from operations is expected to be sufficient in providing needed operating funds, I Oscar Carvajal, CEO for Utility USA, Inc. will pledge my personal assets should additional financing become necessary.

I currently own a controlling interest in El Mariachi, Inc. and Utility USA, Inc. The net value of my interest in these companies exceeds \$0.5 million and can be pledged to raise additional capital.

Several investors have also expressed an interest in investing in Utility USA, Inc. and the sale of stock to investors is another option to raise additional capital.

By my signature, I attest that the foregoing information is true and correct.

Chief Executive Officer *Oscar Carvajal*
Oscar Carvajal

Chief Financial Officer *Oscar Carvajal*
Oscar Carvajal

**EXHIBIT
V**

EXHIBIT VI

Utility USA, Inc. intends to provide local and long distance services to the market. The founders have extensive experience in managing the telecommunications needs of the industry. The management team's expertise in finance, customer service, operations, sales, marketing, and business administration is well suited to support its diversification into the resale telecommunications market. The following profiles of key personnel are provided as proof of the company's managerial capabilities

**OSCAR CARVAJAL, PRESIDENT AND
MARKETING DIRECTOR**

Mr. Carvajal is the founder of El Mariachi, Inc. He is currently the founder and President of Utility USA, Inc. For the past 10 years, Mr. Carvajal has successfully managed his company making it very profitable serving over 10,000 customers in south Florida alone. In the past, Mr. Carvajal was president, Vice-President, Marketing Director, and Account Executive for different corporations in domestic as well as foreign corporations extending his knowledge to the international market which includes Central and South America.

**OSCAR NODARSE, VICE-PRESIDENT AND
SALES DIRECTOR**

Mr. Nodarse is the founder of FLATEL, Inc. He is currently the founder and President of Telebeeper, Inc. For the past 15 years, Mr. Nodarse has successfully managed his company making it very profitable serving over 16,000 customers in south Florida alone. In the past, Mr. Nodarse was president, Vice-President, Director of Sales, and Account Executive for different corporations in the states of New York, Florida, and also Puerto Rico extending his knowledge to the international market which includes Central and South America, Spain and Portugal.

**EXHIBIT
VI**

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT L

EXHIBIT VII

The company intends to provide local services from all our stores and agents in all of South Florida. Rusty Butler, Communications Engineer for the company, will provide technical support for all related requirements. He will be responsible for installing, operating and maintaining the company's switching equipment.

Mr. Butler has over 18 years experience in the telecommunications industry. He has held Systems engineering positions with PAGENET, Inc., AMERICAN PAGING, Inc., L.D.S., Inc, and many other carriers in South Florida.

**EXHIBIT
VII**

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

STATE OF FLORIDA

ATTACHMENT M

Commissioners:
J. TERRY DEASON, CHAIRMAN
E. LEON JACOBS, JR.
LILA A. JABER
BRAULIO L. BAEZ



DIVISION OF COMPETITIVE SERVICES
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

November 13, 2000

Mr. Frederick Vizoso
Telebeeper, Inc.
3280 Lake Worth Road, #3
Lake Worth, Florida 33461-3684

Re: Local Service Freeze

Dear Mr. Vizoso:

This letter is provided as a follow-up to my conversation with Ms. Chavez. The purpose of my call was to discuss a problem regarding a customer who was attempting to change local service providers, only to discover that there was a freeze on local service.

As a way of background, I have recently received an increase in the number of inquiries from customers and alternative local exchange companies (ALECs) regarding local service freezes. Specifically, ALECs have contacted Public Service Commission staff to report problems that they and their potential customers are experiencing with other ALECs. The nature of the inquiries is that a customer, subscribed to one ALEC, experiences difficulty when attempting to change his local service to a competing ALEC. When the acquiring ALEC submits an order to the local exchange company, the order is not honored because the serving ALEC has placed a freeze on the customer's service.

Customers have stated that when they have called the serving ALEC to have the freeze lifted, they have been told that the only thing the company can do is disconnect service or that they can do nothing. When this happens, the customer may be without service for several days and they can not obtain the same phone number from the new ALEC.

Please be aware that a customer in Florida may voluntarily choose to place a restriction on the service to prevent an unauthorized change, however the serving provider should not restrict the service without customer authorization. I have included Rule 25-4.110, Florida Administrative Code, Customer Billing for Local Exchange Telecommunications Companies in this correspondence. Specifically, section 16 of Rule 25-4.110, Florida Administrative Code, states:

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

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT M

Mr. Frederick Vizoso
Page 2
November 13, 2000

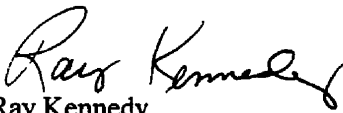
(16) Companies that bill for local service must provide notification with the customer's first bill or via letter, and annually thereafter that a PC Freeze is available. Existing customers must be notified annually that a PC Freeze is available.

The intent of section 16 of Rule 25-4.110, Florida Administrative Code, is that customer's have the option to request a freeze for the service provided by their carrier of choice. This rule does not authorize the serving ALEC, at its own discretion, to place a freeze on the customer's service. If Telebeeper, Inc. is freezing customer's service on its own initiative, then it would be violating Rule 25-4.110 (16), Florida Administrative Code. Ms. Chavez explained that the option to place a local service freeze exists in the LEC's computerized ordering system and that Telebeeper, Inc. was not aware that it should not be selecting the freeze option at its own discretion. Ms. Chavez did submit a request to the LEC to remove the freeze on the customer's line in question. Telebeeper, Inc. should remove freezes on those accounts for which the customers have not specifically requested a freeze. Should Telebeeper, Inc. fail to do so, it may be subject to legal action.

Also, Telebeeper, Inc. appears to be using the name OSCATEL as a d/b/a. Using a d/b/a is acceptable, however, Telebeeper, Inc. should submit a request for a name change to add the d/b/a OSCATEL to its Certificate of Public Convenience and Necessity as approved by the Commission. I did explain the process for doing this to another Telebeeper, Inc. employee.

Please provide a written response describing the actions taken to resolve the d/b/a issue and the local freeze issue. Your response should be submitted to me no later than November 29, 2000. Should you have any questions, I can be reached at 850-413-6584.

Sincerely,


Ray Kennedy
Bureau of Service Quality

CATS# 345388T

Mr. Frederick Vizoso
Page 3
November 13, 2000

25-4.110 Customer Billing for Local Exchange Telecommunications Companies.

(1) Each company shall issue bills monthly or may offer customers a choice of billing intervals that includes a monthly billing interval.

(2) Six months after the effective date of this rule, each billing party shall set forth on the bill all charges, fees, and taxes which are due and payable.

(a) There shall be a heading for each originating party which is billing to that customer account for that billing period. The heading shall clearly and conspicuously indicate the originating party's name. If the originating party is a certificated telecommunications company, the certificated name must be shown. If the originating party has more than one certificated name, the name appearing in the heading must be the name used to market the service.

(b) The toll-free customer service number for the service provider or its customer service agent must be conspicuously displayed in the heading, immediately below the heading, or immediately following the list of charges for the service provider. For purposes of this subparagraph, the service provider is defined as the company which provided the service to the end user. If the service provider has a customer service agent, the toll-free number must be that of the customer service agent and must be displayed with the service provider's heading or with the customer service agent's heading, if any. For purposes of this subparagraph, a customer service agent is a person or entity that acts for any originating party pursuant to the terms of a written agreement. The scope of such agency shall be limited to the terms of such written agreement.

(c) Each charge shall be described under the applicable originating party heading.

(d) 1. Taxes, fees, and surcharges related to an originating party heading shall be shown immediately below the charges described under that heading. The terminology for Federal Regulated Service Taxes, Fees, and Surcharges must be consistent with all FCC required terminology.

2. The billing party shall either:

a. Identify Florida taxes and fees applicable to charges on the customer's bill as (including but not limited to) "Florida gross receipts tax," "Franchise fees," "Municipal utility tax," and "Sales tax," and identify the assessment base and rate for each percentage based tax, fee, and surcharge, or

b.(i) Provide a plain language explanation of any line item and applicable tax, fee, and surcharge to any customer who contacts the billing party or customer service agent with a billing question and expresses difficulty in understanding the bill after discussion with a service representative.

(ii) If the customer requests or continues to express difficulty in understanding the explanation of the authority, assessment base or rate of any tax, fee or surcharge, the billing party shall provide an explanation of the state, federal, or local authority for each tax, fee, and surcharge; the line items which comprise the assessment base for each percentage based tax, fee, and surcharge; or the rate of each state, federal, or local tax, fee, and surcharge consistent with the customer's concern. The billing party or customer service agent shall provide this information to the customer in writing upon the customer's request.

Mr. Frederick Vizoso
Page 4
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(e) If each recurring charge due and payable is not itemized, each bill shall contain the following statement:

"Further written itemization of local billing available upon request."

(3) Each LEC shall provide an itemized bill for local service:

(a) With the first bill rendered after local exchange service to a customer is initiated or changed; and

(b) To every customer at least once each twelve months.

(4) The annual itemized bill shall be accompanied by a bill stuffer which explains the itemization and advises the customer to verify the items and charges on the itemized bill. This bill stuffer shall be submitted to the Commission's Division of Telecommunications for prior approval. The itemized bill provided to residential customers and to business customers with less than ten access lines per service location shall be in easily understood language. The itemized bill provided to business customers with ten or more access lines per service location may be stated in service order code, provided that it contains a statement that, upon request, an easily understood translation is available in written form without charge. An itemized bill shall include, but not be limited to the following information, separately stated:

(a) Number and types of access lines;

(b) Charges for access to the system, by type of line;

(c) Touch tone service charges;

(d) Charges for custom calling features, separated by feature;

(e) Unlisted number charges;

(f) Local directory assistance charges;

(g) Other tariff charges;

(h) Other nontariffed, regulated charges contained in the bill;

(5) All bills rendered by a local exchange company shall clearly state the following items:

(a) Any discount or penalty. The originating party is responsible for informing the billing party of all such penalties or discounts to appear on the bill, in a form usable by the billing party;

(b) Past due balance;

(c) Items for which nonpayment will result in disconnection of the customer's basic local service, including a statement of the consequences of nonpayment;

(d) Long-distance monthly or minimum charges, if included in the bill;

(e) Long-distance usage charges, if included in the bill;

(f) Usage-based local charges, if included in the bill;

(g) Telecommunications Access System Surcharge, per Rule 25-4.160(3);

(h) "911" fee per Section 365.171(13), Florida Statutes; and

(i) Delinquent date.

(6) Each company shall make appropriate adjustments or refunds where the subscriber's service is interrupted by other than the subscriber's negligent or willful act, and remains out of order in excess of 24 hours after the subscriber notifies the company of the interruption. The refund to the subscriber shall be the pro rata part of the month's charge for the

Mr. Frederick Vizoso
Page 5
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period of days and that portion of the service and facilities rendered useless or inoperative; except that the refund shall not be applicable 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. The refund may be accomplished by a credit on a subsequent bill for telephone service.

(7)(a) Bills shall not be considered delinquent prior to the expiration of 15 days from the date of mailing or delivery by the company. However, the company may demand immediate payment under the following circumstances:

1. Where service is terminated or abandoned;
2. Where toll service is two times greater than the subscriber's average usage as reflected on the monthly bills for the three months prior to the current bill, or, in the case of a new customer who has been receiving service for less than four months, where the toll service is twice the estimated monthly toll service; or
3. Where the company has reason to believe that a business subscriber is about to go out of business or that bankruptcy is imminent for that subscriber.

(b) The demand for immediate payment shall be accompanied by a bill which itemizes the charges for which payment is demanded, or, if the demand is made orally, an itemized bill shall be mailed or delivered to the customer within three days after the demand is made.

(c) If the company cannot present an itemized bill, it may present a summarized bill which includes the customer's name and address and the total amount due. However, a customer may refuse to make payment until an itemized bill is presented. The company shall inform the customer that he may refuse payment until an itemized bill is presented.

(8) Each telephone company shall include a bill insert advising each subscriber of the directory closing date and of the subscriber's opportunity to correct any error or make changes as the subscriber deems necessary in advance of the closing date. It shall also state that at no additional charge and upon the request of any residential subscriber, the exchange company shall list an additional first name or initial under the same address, telephone number, and surname of the subscriber. The notice shall be included in the billing cycle closest to 60 days preceding the directory closing date.

(9) Annually, each telephone company shall include a bill insert advising each residential subscriber of the option to have the subscriber's name placed on the "No Sales Solicitation" list maintained by the Department of Agriculture and Consumer Services, Division of Consumer Services, and the 800 number to contact to receive more information.

(10) Where any undercharge in billing of a customer is the result of a company mistake, the company may not backbill in excess of 12 months. Nor may the company recover in a ratemaking proceeding, any lost revenue which inures to the company's detriment on account of this provision.

(11) Franchise fees and municipal telecommunications taxes.

(a) When a municipality charges a company any franchise fee, or municipal telecommunications tax authorized by Section 166.231, Florida Statutes, the company may collect that fee only from its subscribers receiving service within that municipality. When a county charges a company any franchise fee, the company may collect that fee only from its subscribers receiving service within that county.

Mr. Frederick Vizoso
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(b) A company may not incorporate any franchise fee or municipal telecommunications tax into its other rates for service.

(c) This subsection shall not be construed as granting a municipality or county the authority to charge a franchise fee or municipal telecommunications tax. This subsection only specifies the method of collection of a franchise fee, if a municipality or county, having authority to do so, charges a franchise fee or municipal telecommunications tax.

(12)(a) When a company elects to add the Gross Receipts Tax onto the customer's bill as a separately stated component of that bill, the company must first remove from the tariffed rates any embedded provisions for the Gross Receipts Tax.

(b) If the tariffed rates in effect have a provision for gross receipts tax, the rates must be reduced by an amount equal to the gross receipts tax liability imposed by Chapter 203, Florida Statutes, thereby rendering the customer's bill unaffected by the election to add the Gross Receipts Tax as a separately stated tax.

(c) This subsection shall not be construed as a mandate to elect to separately state the Gross Receipts Tax. This subsection only specifies the method of applying such an election.

(d) All services sold to another telecommunications vendor, provided that the applicable rules of the Department of Revenue are satisfied, must be reduced by an amount equal to the gross receipts tax liability imposed by Chapter 203, Florida Statutes, unless those services have been adjusted by some other Commission action.

(e) When a nonrate base regulated telecommunications company exercises the option of adding the gross receipts tax as a separately stated component on the customer's bill then that company must file a tariff indicating such.

(13) Each LEC shall apply partial payment of an end user/customer bill first towards satisfying any unpaid regulated charges. The remaining portion of the payment, if any, shall be applied to nonregulated charges.

(14) All bills produced shall clearly and conspicuously display the following information for each service billed in regard to each company claiming to be the customer's presubscribed provider for local, local toll, or toll service:

- (a) The name of the certificated company;
- (b) Type of service provided, i.e., local, local toll, or toll; and
- (c) A toll-free customer service number.

(15) This section applies to LECs that provide transmission services or bill and collect on behalf of Pay Per Call providers. Pay Per Call services are defined as switched telecommunications services between locations within the State of Florida which permit communications between an end use customer and an information provider's program at a per call charge to the end user/customer. Pay Per Call services include 976 services provided by the LECs and 900 services provided by interexchange carriers.

(a) Charges for Pay Per Call service (900 or 976) shall be segregated from charges for regular long distance or local charges by appearing separately under a heading that reads as follows: "Pay Per Call (900 or 976) nonregulated charges." The following information shall be

Mr. Frederick Vizoso
Page 7
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clearly and conspicuously disclosed on each section of the bill containing Pay Per Call service (900 or 976) charges:

1. Nonpayment of Pay Per Call service (900 or 976) charges will not result in disconnection of local service;
2. End users/customers can obtain free blocking of Pay Per Call service (900 or 976) from the LEC;
3. The local or toll-free number the end user/customer can call to dispute charges;
4. The name of the IXC providing 900 service; and
5. The Pay Per Call service (900 or 976) program name.

(b) Pay Per Call Service (900 and 976) Billing. LECs and IXCs who have a tariff or contractual relationship with a Pay Per Call (900 or 976) provider shall not provide Pay Per Call transmission service or billing services, unless the provider does each of the following:

1. Provides a preamble to the program which states the per minute and total minimum charges for the Pay Per Call service (900 and 976); child's parental notification requirement is announced on preambles for all programs where there is a potential for minors to be attracted to the program; child's parental notification requirement in any preamble to a program targeted to children must be in language easily understandable to children; and programs that do not exceed \$3.00 in total charges may omit the preamble, except as provided in Section (11)(b)3.;
2. Provides an 18-second billing grace period in which the end user/customer can disconnect the call without incurring a charge; from the time the call is answered at the Pay Per Call provider's premises, the preamble message must be no longer than 15 seconds. The program may allow an end user/customer to affirmatively bypass a preamble;
3. Provides on each program promotion targeted at children (defined as younger than 18 years of age) clear and conspicuous notification, in language understandable to children, of the requirement to obtain parental permission before placing or continuing with the call. The parental consent notification shall appear prominently in all advertising and promotional materials, and in the program preamble. Children's programs shall not have rates in excess of \$5.00 per call and shall not include the enticement of a gift or premium;
4. Promotes its services without the use of an autodialer or broadcasting of tones that dial a Pay Per Call (900 and 976) number;
5. Prominently discloses the additional cost per minute or per call for any other telephone number that an end user/customer is referred to either directly or indirectly;
6. In all advertising and promotional materials, displays charges immediately above, below, or next to the Pay Per Call number, in type size that can be seen as clearly and conspicuously at a glance as the Pay Per Call number. Broadcast television advertising charges, in Arabic numerals, must be shown on the screen for the same duration as the Pay Per Call number is shown, each time the Pay Per Call number is shown. Oral representations shall be equally as clear;
7. Provides on Pay Per Call services that involve sales of products or merchandise clear preamble notification of the price that will be incurred if the end user/customer stays on the line, and a local or toll free number for consumer complaints; and

Mr. Frederick Vizoso
Page 8
November 13, 2000

8. Meets internal standards established by the LEC or IXC as defined in the applicable tariffs or contractual agreement between the LEC and the IXC; or between the LEC/IXC and the Pay Per Call (900 or 976) provider which when violated, would result in the termination of a transmission or billing arrangement.

(c) Pay Per Call (900 and 976) Blocking. Each LEC shall provide blocking where technically feasible of Pay Per Call service (900 and 976), at the request of the end user/customer at no charge. Each LEC or IXC must implement a bill adjustment tracking system to aid its efforts in adjusting and sustaining Pay Per Call charges. The LEC or IXC will adjust the first bill containing Pay Per Call charges upon the end user's/ customer's stated lack of knowledge that Pay Per Call service (900 and 976) has a charge. A second adjustment will be made if necessary to reflect calls billed in the following month which were placed prior to the Pay Per Call service inquiry. At the time the charge is removed, the end user/customer may agree to free blocking of Pay Per Call service (900 and 976).

(d) Dispute resolution for Pay Per Call service (900 and 976). Charges for Pay Per Call service (900 and 976) shall be automatically adjusted upon complaint that:

1. The end user/customer did not receive a price advertisement, the price of the call was misrepresented to the consumer, or the price advertisement received by the consumer was false, misleading, or deceptive;

2. The end user/customer was misled, deceived, or confused by the Pay Per Call (900 or 976) advertisement;

3. The Pay Per Call (900 or 976) program was incomplete, garbled, or of such quality as to render it inaudible or unintelligible, or the end user/customer was disconnected or cut off from the service;

4. The Pay Per Call (900 and/or 976) service provided out-of-date information; or

5. The end user/customer terminated the call during the preamble described in 25-4.110(11)(b)2., but was charged for the Pay Per Call service (900 or 976).

(e) If the end user/customer refuses to pay a disputed Pay Per Call service (900 or 976) charge which is subsequently determined by the LEC to be valid, the LEC or IXC may implement Pay Per Call (900 and 976) blocking on that line.

(f) Credit and Collection. LECs and IXCs billing Pay Per Call (900 and 976) charges to an end user/customer in Florida shall not:

1. Collect or attempt to collect Pay Per Call service (900 or 976) charges which are being disputed or which have been removed from an end user's/customer's bill; or

2. Report the end user/customer to a credit bureau or collection agency solely for non-payment of Pay Per Call (900 or 976) charges.

(g) LECs and IXCs billing Pay Per Call service (900 and 976) charges to end users/customers in Florida shall implement safeguards to prevent the disconnection of phone service for non-payment of Pay Per Call (900 or 976) charges.

(16) Companies that bill for local service must provide notification with the customer's first bill or via letter, and annually thereafter that a PC Freeze is available. Existing customers must be notified annually that a PC Freeze is available.

Mr. Frederick Vizoso
Page 9
November 13, 2000

(17) The customer must be given notice on the first or second page of the customer's next bill in conspicuous bold face type when the customer's presubscribed provider of local, local toll, or toll service has changed.

(18) If a customer notifies a billing party that they did not order an item appearing on their bill or that they were not provided a service appearing on their bill, the billing party shall promptly provide the customer a credit for the item and remove the item from the customer's bill, with the exception of the following:

- (a) Charges that originate from:
 - 1. Billing party or its affiliates;
 - 2. A governmental agency;
 - 3. A customer's presubscribed intraLATA or interLATA interexchange carrier; and
- (b) Charges associated with the following types of calls:
 - 1. Collect calls;
 - 2. Third party calls;
 - 3. Customer dialed calls for; and
 - 4. Calls using a 10-10-xxx calling pattern.

(19) (a) Within one year of the effective date of this rule and upon request from any customer, a billing party must restrict charges in its bills to only:

- 1. Those charges that originate from the following:
 - a. Billing party or its affiliates;
 - b. A governmental agency;
 - c. A customer's presubscribed intraLATA or interLATA interexchange carrier; and
- 2. Those charges associated with the following types of calls:
 - a. Collect calls;
 - b. Third party calls;
 - c. Customer dialed calls; and
 - d. Calls using a 10-10-xxx calling pattern.

(b) Customers must be notified of this right by billing parties annually and at each time a customer notifies a billing party that the customer's bill contained charges for products or services that the customer did not order or that were not provided to the customer.

(c) Small local exchange telecommunications companies as defined in Section 364.052(1), F.S., are exempted from this subsection.

(20) Nothing prohibits originating parties from billing customers directly, even if a charge has been blocked from a billing party's bill at the request of a customer.

Specific Authority: 350.127, 364.604(5), F.S.

Law Implemented: 364.17, 350.113, 364.03, 364.04, 364.05, 364.052, 364.19, 364.602, 364.604, F.S.

History: New 12-01-68, Amended 03-31-76, 12-31-78, 01-17-79, 07-28-81, 09-08-81, 05-03-82, 11-21-82, 04-13-86, 10-30-86, 11-28-89, 03-31-91, 11-11-91, 03-10-96, 07-20-97, 12-28-98, 07-05-00.

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

STATE OF FLORIDA

Commissioners:
J. TERRY DEASON, CHAIRMAN
E. LEON JACOBS, JR.
LILA A. JABER
BRAULIO L. BAEZ



DIVISION OF COMPETITIVE SERVICES
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

December 5, 2000

Mr. Tulio J. Rodriguez
OSCATEL Communications
10500 NW 50th Street #102
Sunrise, Florida 33351

Re: Response to Your Inquiry Regarding Local Service Restriction

Dear Mr. Rodriguez:

In response to your request regarding the handling of the local service restriction, I have taken the liberty of suggesting a method by marking the Letter of Authorization (LOA) you provided. As provided in the attached LOA, you can see that the customer will be able to select or decline the local service restriction. How you physically include this information on your LOA is your decision, however, I do suggest that the print size be at least as large as the print that currently exists on the LOA. In addition, the representative promoting your product should be prepared to fully explain the meaning of the local service restriction to any customer making application.

I have passed the changes you requested for liaison, address, phone number, etc., to the Division of Records and Reporting. The Division of Records and Reporting will make the necessary changes to the Commission's directory. I also note that your request for the name change on Certificate No. 7341 has been docketed, Docket No. 001697-TX.

Upon inclusion of the Local Service Restriction option on your LOA, it appears that you will have satisfied all the concerns expressed in my letter of November 13, 2000, CATS#345388T. I appreciate your prompt attention in resolving these matters.

I would also like to point out that the rules regarding the provisioning of alternative local exchange services can be located on the Commission's web site. The address for the web site is www.psc.state.fl.us. The rules are located in Telecommunications and are accessible in the Application section for Alternative Local Exchange Companies. You may find a review of the rules beneficial.

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DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT N

Mr. Tulio J. Rodriguez
Page 2
December 5, 2000

Should you have any questions or comments, please do not hesitate to contact me. I can be reached at 850-413-6584 and my e-mail address is rkennedy@psc.state.fl.us.

Sincerely,



Ray Kennedy
Bureau of Service Quality

Enclosure

CATS#345388Ta

--

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

Enclosure

ATTACHMENT N 05577



10500 NW 50th St. #102 • Sunnse, FL 33351
Email sales@oscatel.com • Tel (954) 747-3165

Customer Service Application and Terms Agreement

Agent Info

Official Use Only

Name _____	Account No. _____
Fax No. _____	Date _____
Sales Rep _____	Due Date _____
Call Back No. _____	Phone No. _____

BILLING ADDRESS

Name _____

Street _____ Bus Res Other: _____

City _____ State _____ Pager No () _____

PHYSICAL ADDRESS (Do not use P.O. Box)

Name _____

Street _____ Bus Res Other: _____

City _____ State _____ Rent Own Other: _____

Details Super Savings Economy Basic Deluxe Long Distance \$10 \$20 \$50

Local Service Restriction (Customer Option) YES NO

Notes (*)

Item	1st Month	Other Months
Service Fee	\$ _____	\$ _____
Maintenance Program	\$ _____	\$ _____
One Time Connection Fee	\$ _____	\$ _____
Long Distance	\$ _____	\$ _____
Features (*)	\$ _____	\$ _____
Applicable Taxes	\$ _____	\$ _____
Total	\$ _____	\$ _____

Date: _____
Customer Signature: _____

LOA: I hereby appoint OSCATEL as my agent in all related services for new phone lines and all the actual phone lines and numbers that I may designate. This Letter of Authorization (LOA) expressly authorizes OSCATEL to be my integrated communications carrier for the services selected above.



- 76 -

05577

Agent No. _____ Pin No. _____

Received from _____

Amount \$ _____

Representative Signature _____

04/04/2002 16:40 TALL. REGULATORY → 4136585

10/17/01 08:48

10/16/01 11:01

BELLSOUTH → 404 876 1410

NO.301 0010

NO.993 P002/033

NO.017 P001/004

ATTACHMENT O

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

**To: Becky Combs
Real Time Resolution Group**

**From: Kellie Jordan
Resale Account Team
205-321-4936
Fax: 205-321-5073**

Date: October 16, 2001

**RE: Letter of Authorization from Tulio
Rodriguez/Telebeeber, Inc. and request sheets to
remove Local Service Freeze and switch
customers from Telebeeber to FlaTel, Inc.**

04/04/2002 16:40 TALL. REGULATORY → 4136585
10/17/01 09:48
10/16/01 11:01 BELLSOUTH → 404 876 1410

NO.301 0011
NO.993 P003/033
NO.017 P002/004

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT O

August 10, 2001

Bell South Telecommunications

Dear Sir / Madame,

Telebeeper Inc. Bell South customer 3617 is requesting the cooperation of Bell South to remove the Local Service Freeze from Lens in order to enter negotiations regarding acquisition with Flatel Inc.

I would greatly appreciate your assistance in this matter. The end user numbers involved are attached for your review.

If you should have any questions regarding this letter, please contact Mr. Tulio J. Rodriguez at 954.214.6009.

Best regards,



Tulio J. Rodriguez
Telebeeper Inc.

Use list but only lift freeze
to Telebeeper. Do not
switch (W) or LON.

Telebeeper Inc
10500 NW 50 St. # 102 Sunrise FL 33351
Phone (954) 737 3165 Fax (954) 747 6020

04/04/2002 16:40 TALL. REGULATORY → 4136585

10/17/01 08:48

10/16/01 11:01 BELLSOUTH → 404 876 1410

NO.301 0012
NO.993 P004/033
NO.017 P003/004

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT O

E-MAIL ADDRESS: schuyez@oscutel.com

COMPANY/OCN: Telebeeper, Inc./ OCN 3617

CLIC REP: Tulio Rodriguez

TEL #: 800-377-4517

FAX #: 954-747-6020

BILLING ACCOUNT NUMBER: 305,561,904 Q92-8494-494

REMARKS: PLEASE PROCESS THE FOLLOWING REQUEST.

ACTION REQUESTED: PLEASE REMOVE LOCAL SERVICE FREEZE.

REQUESTED DUE DATE: 08/15/2001

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

08-21-01

ATTACHMENT O

E-MAIL ADDRESS: VSOLAR@FLATEL.NET

COMPANY/OCN: FLATEL/6983

CLEC REP: VICTOR SOLAR

TEL #: 561 688 2525, EXT. 105

FAX #: 561 688 7334

BILLING ACCOUNT NUMBER: ~~6983200~~

REMARKS: PLEASE PROCESS THE FOLLOWING LSR REQUEST

ACTION REQUESTED: SWITCH AS IS (W)

REQUESTED DUE DATE: 08/15/2001

(501)(303)(746)
695-2107
4/15 (2-135) } 305
* 5703 (136-270) }
0247(will) }
0630-4856 (211-420) } 561
4450 (will) }
5158-5454 (577-612) } 561
5158-5454 (613-653) } 561

04/04/2002 16:40 TALL, REGULATORY → 4136585
10/17/01 08:48
10/16/01 11:33 BELLSOUTH → 404 876 1410

NO.301 0014
NO.993 P006/033
NO.018 P001/028

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT O

**To: Becky Combs
Real Time Resolution Group**

**From: Kellie Jordan
Resale Account Team
205-321-4936
Fax: 205-321-5073**

Date: October 16, 2001

28 pages including cover sheet.

**RE: Spreadsheet sent to LCSC to remove Local
Service Freeze and switch endusers to Flatel, Inc.**

Rick Moses

From: Lynn, Tanya W [Tanya.Lynn@bellsouth.com]
Sent: Thursday, August 09, 2001 3:53 PM
To: RMoses@PSC.STATE.FL.US
Subject: Disconnection of Service

Rick:

RE: Telebeeper, Inc.

The information contained herein is considered customer proprietary information by BellSouth and should be kept confidential until such time as the customer permits release of the information.

For your information we will disconnect service to Telebeeper, Inc. on August 16, 2001 for non-payment of past due accounts. Telebeeper, Inc. has a responsibility to notify its end users that it will no longer be providing telecommunications services.

If you need any further information, please do not hesitate to call.

Tanya

Rick Moses

From: Lynn, Tanya W [Tanya.Lynn@bellsouth.com]
Sent: Thursday, November 08, 2001 1:45 PM
To: Rick Moses (E-mail)
Subject: Telebeepers, Inc

Rick:

RE: Telebeepers, Inc

The information contained herein is considered customer proprietary information by BellSouth and should be kept confidential until such time as the customer permits release of the information.

For your information we will disconnect service to Telebeepers, Inc on November 27, 2001 for non-payment of past due accounts. Telebeepers, Inc has a responsibility to notify its end users that it will no longer be providing telecommunications services.

If you need any further information, please do not hesitate to call.

Tanya



Florida Telephone Services
1667 S. Hwy 17-92 Suite 101
Longwood, FL 32750
Office (407) 331-8622
Fax (407) 331-9429

January 3, 2001

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

To Whom It May Concern:

It has come to our attention that some of our customers have been converted to Telebeepers, dba Oscatel Telecommunications, TX399, located at 10500 NW 50th Street, Sunrise FL 33351. This has occurred without the customers' knowledge or written consent. An agent of Oscatel, Moctezuma, Inc. is switching customers by telling them that Florida Telephone Services has changed it's name to Oscatel.

The following list is a small sample of the consumers we suspect have been "slammed".

Vidal Sanchez	305-242-3168
Vidal Angeles	786-243-2223
Urich Collier	786-248-0360
Rufina Rodriquez	305-245-1147
Juan Gonzales	305-242-0171
Lanetta Braithwaite	305-242-4015 ✓
Francisco Munos	786-243-1208
Fidel Vasquez	305-245-4672
Carlos Gonzalez	305-242-0786

We request that you investigate this illegal practice and require Oscatel Communications to return those customers wanting to remain with Florida Telephone Services, LLC.

Thank you in advance for your assistance in this matter.

Sincerely,

Paul B. Joachim
Florida Telephone Services, LLC

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

TODD M. HOEPKER, P.A.
COUNSELOR AT LAW

ATTACHMENT Q

390 NORTH ORANGE AVENUE • SUITE 1800 • P.O. BOX 3311 • ORLANDO, FLORIDA 32802-3311
TELEPHONE: (407) 426-2060 FACSIMILE: (407) 426-2066

January 3, 2001

VIA FACSIMILE (305) 246-2938 and
CERTIFIED MAIL, RETURN RECEIPT
REQUESTED

Charles Agero
Montezuma, Inc.
252 Washington Avenue
Homestead, FL 33030

Post-it [®] Fax Note	7571	Date	1/5/01	# of pages	4
To	Ray Kennedy	From	Paul Jonchik		
Co./Dept.		Co.	FLORIDA TELEPHONE		
Phone #		Phone #	SERVICES		
Fax #	(850) 413-6582	Fax #			

Re: Florida Telephone Services, LLC

Dear Mr. Agero:

Please be advised that the undersigned represents Florida Telephone Services, LLC with respect to the May 15, 1998 agent agreement between you and my client (the "Agreement"). My client has learned that you have engaged in deceitful and unethical conduct in your dealings with FTS and its subscribers under the Agreement.

You have collected payments, late charges and other monies from FTS subscribers and have not remitted those monies to my client on a timely basis. In fact, you have intentionally omitted to advise FTS that you have collected late charges from the subscribers. You are advising the subscribers that FTS has changed its name to "Telcoopers" or "Oscartel" and are attempting to persuade the subscribers to switch and transfer their telecommunications service to Oscartel, a direct competitor of FTS. Your actions constitute fraud, blatant violations of the Florida Public Service Commission's rules and regulations regarding slamming, and continuing breaches of Sections 2.1, 4, 10, 11, and 12 and Exhibit "B" of the Agreement.

As a result of your numerous defaults pursuant to Sections 7.1(i), (ii) and (v) of the Agreement, FTS has terminated the Agreement immediately for cause. This letter shall constitute the required written notice of the immediate termination of the Agreement.

Notwithstanding the termination, you are required to continue to comply with your obligations under the Agreement. More specifically, you are required to, and demand is hereby made that you, immediately:

- a) deliver all monies you have received to FTS with a specific itemized accounting for the monies;
- b) cease and desist from accepting any payments whatsoever from any FTS

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT Q

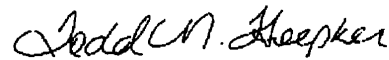
January 3, 2001
Page 2

- subscribers and advise such subscribers immediately to make all payments to FTS;
- c) deliver any and all demonstration, leasing and other equipment and any and all point of sale material (including, but not limited to, banners, posters, etc.) to FTS;
 - d) discontinue the use of any trademark or any other items involving or naming FTS, such as signs, stationery, logos or business cards;
 - e) cease and desist from representing in any way or manner whatsoever that you are an agent or representative of FTS;
 - f) advise subscribers that you are no longer authorized to act as FTS' agent and that they should directly contact FTS;
 - g) cease and desist from soliciting and diverting, or attempting to divert or solicit, any FTS subscribers to any other person or business entity; and
 - h) cease and desist from directly or indirectly competing with FTS in the business of the telecommunications services.

In the event you fail to immediately comply with the demands referenced above, FTS shall institute appropriate legal action against you in Seminole County, Florida for breach of the Agreement, fraud, injunctive relief and all other applicable causes of action under Florida law. You will be held responsible for the attorneys fees and costs incurred by FTS.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Very truly yours,



Todd M. Hoepker

Dictated by Mr. Hoepker and signed in his absence to avoid further delay.

TMH:rda

cc: Florida Telephone Services, LLC

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

TODD M. HOEPKER, P.A. ATTACHMENT Q
COUNSELOR AT LAW

390 NORTH ORANGE AVENUE • SUITE 1800 • P.O. BOX 3311 • ORLANDO, FLORIDA 32802-3311
TELEPHONE: (407) 426-2060 FACSIMILE: (407) 426-2066

January 3, 2001

**VIA FACSIMILE (954) 747-6020 and
CERTIFIED MAIL, RETURN RECEIPT
REQUESTED**

Telebeepers, Inc.
d/b/a Oscartel Communications
10500 NW 50th Street, #102 and #103
Sunrise, FL 33351
ATTN: Oscar Nodarse

Rc: Florida Telephone Services, LLC
Montezuma, Inc.

Dear Mr. Nodarse:

Please be advised that the undersigned represents Florida Telephone Services, LLC ("FTS"). On or about May 15, 1998, FTS and Montezuma, Inc. entered into an agency agreement (the "Agreement") whereby Montezuma, Inc. was appointed as non-exclusive agent for FTS under the terms and conditions of the Agreement. Attached hereto is a copy of the Agreement.

My client just learned that Montezuma, Inc. has been advising FTS subscribers that FTS has changed its name to Telebeepers and/or Oscartel and has solicited and attempted to divert FTS subscribers to Telebeepers. Montezuma's actions are blatant violations of the Agreement. Moreover, these actions constitute fraud and violations of the Florida Public Service Commission's rules and regulations regarding slamming.

Montezuma is taking these actions with your knowledge, consent, approval and active participation. As such, your company is liable for the fraud and violations of Florida Public Service Commission's rules and regulations. You are also tortiously interfering with the Agreement between FTS and Montezuma and with FTS's contracts and advantageous business relationships with its subscribers.

The purpose of this letter is to demand that you immediately cease and desist from having any involvement in the above-referenced activities and advise me in a signed writing that you have done so. If you fail to immediately cease and desist and fail to provide me with the

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

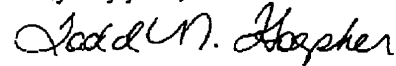
ATTACHMENT Q

January 3, 2001
Page 2

signed written assurances within five (5) days of your receipt of this letter, FTS will institute suit for an injunction and damages against you. You will be held responsible for the attorney's fees and costs incurred by FTS.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Very truly yours,



Todd M. Hoepker

Dictated by Mr. Hoepker and signed in his absence to avoid further delay.

TMH:rda

cc: Florida Telephone Services, LLC

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003



Te: (305) 944-8383
T: (800) 247-1413
Fax: (305) 947-8050

Date: 12/04/01

FAX TRANSMITTAL

Please deliver this fax to: Mr Ray Kennedy

COMPANY: FPSC

TELEPHONE: 850-413-6584

FAX: 850-413-6585

From: Tom A Cheebie

COMMENTS

Mr Kennedy

As per our conversation yesterday.

These two customers are with OS credit and want to switch to USA. But there is a freeze on the accounts. Please Help.

505-785-0720 all

jean

Page 1 of 3 Pages

CONFIDENTIALITY NOTICE

The information contained in this facsimile message is intended only for the use of the individual or entity to which it is addressed, and may contain information that is legally privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, photocopying, distribution, or the taking of any action in reliance on the contents of this facsimile is unauthorized and prohibited. If you have received this transmission in error, please notify us by phone immediately so that we can arrange for the return of the facsimile message/documents to us at no cost to you. Thank you.

1510 NE 162nd Street Miami, Florida 33162

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

561-489-9067



Your preferred local
TELEPHONE COMPANY
Tel: (305)944-8383
1(800)944-0341
Fax: (305)947-8050

RECEIPT # NO 22501

ACCOUNT # 17933

JEAN		CHARLES	
FIRST NAME	MIDDLE	LAST NAME	
518 NW 6th St		Ft Pierce	FL 34950
# & STREET	APT #	CITY	STATE ZIP

AGENT INFORMATION

CASA MULTI SERVICES
1411 Orange Ave
Ft. Pierce, FL 34950
(813) 465-9068

PAYMENT INFORMATION

Activation fee plus first month	\$ 78.-	Amount Paid: \$ 78.-
Jack / Wiring	\$ -	
Total	\$ 78.-	

By signing below, I understand that I am requesting USA Tele... to provide local telephone service at the address indicated and I do not currently have service through another local exchange company, I request that service be terminated immediately and new service be provided by USA Tele... I have read and understand both sides of this contract and I understand that I am responsible for the prompt payment of my phone bill or the telephone will be disconnected. I will be responsible for all late fees in the event of non-payment. I understand that service is local service only and that I am not permitted to incur any long distance, collect, third party billing or any other charges without my telephone number. USA Tele... is providing local service only and is NOT responsible for the telephone equipment, any wiring, jacks, individual telephone connections, or any other telecommunication devices. I understand I may choose any independent company to provide repair services for these items.

Jean E. CHARLES
Customer signature

[Signature]
Employee signature

12/01/03
Date

130 101

NEW CONNECTION RECEIPT
PREPAID LOCAL TELEPHONE SERVICE

DOCKET NO. 030873-TX

DATE: DECEMBER 4, 2003

561-466-6244



Your preferred local
TELEPHONE COMPANY
Tel: (305)944-8383
1(800)944-0341
Fax: (305)947-8050

RECEIPT # NO 22501

ACCOUNT # 17912

OSCAR		INJUSTE	
FIRST NAME	MIDDLE	LAST NAME	
703	No. 25th St	FL	Pierce
# & STREET	APT #	CITY	STATE
			34956
			ZIP

AGENT INFORMATION

CASA MULTI SERVICES
1411 Orange Ave
Ft. Pierce, FL 34960
(861) 466-9088

CW
OK

PAYMENT INFORMATION

Activation fee plus first month	\$ 75.-	Amount Paid: \$ 75.-
Jack / Wiring	\$ -	
	\$	
Total	\$ 75.-	

I am signing below, I understand that I am requesting USA Tele... to provide local telephone service at the address indicated... I understand that I am responsible for the prompt payment of this phone bill or the telephone will be disconnected. I will be responsible for all... fees in the event of non-payment. I understand that service is local service only and that I am not permitted to incur any long distance, collect, third party billing or any other charges... to my telephone number. USA Tele... is providing local service only and is NOT responsible for the telephone equipment, air wiring, jacks, individual telephone connections, or any other telecommunication devices. I understand I may choose any... company to provide repair services for these items.

11/30/01 11/30/01

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

Page 1 of 1

ATTACHMENT R

Ray Kennedy

From: Samantha Walker [samanthaw@budgetphone.com]
Sent: Wednesday, April 17, 2002 10:33 AM
To: rkennedy@psc.state.fl.us
Cc: Art Magee
Subject: FLATEL

Mr. Kennedy,

On 4/4/02 I faxed a request to FLATEL to remove a Local Service Freeze on customer Jennifer Vuich. The freeze was not removed from the customers account and yesterday (4/16/02) the customer was disconnected. FLATEL has had ample time to remove the freeze from this account and did not do so. Now this customer will have to wait an approximate additional 7 days to have phone service along with getting a new telephone number. We received this customers application on 4/3/02.

Jennifer Vuich
407-695-8270

Thanks,
Samantha Walker
Dealer Service Manager
Ext 5709

4/18/02

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT R

~~facsimile transmittal~~

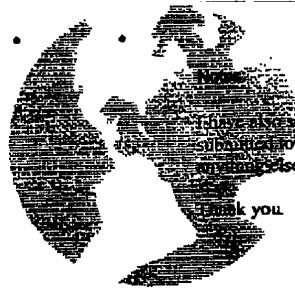
To: Ray Kennedy Fax: 850-413-6585

From: Samantha Walker/ Budget Phone, Inc. Date: 4/17/2002

Re: FLATEL Pages: 4 Including Cover

CC:

Urgent For Review Please Comment Please Reply Please Recycle



I have present this request to FLATEL. I have also printed out the original application that was submitted to Sprint and the error message that we received. Please let me know if you need anything else or have any questions.

Thank you.

Apr. 17. 2002 10:22AM Budget Phone
 FROM : FAX NO. :
 Apr 05 02 01:14p Michael J. Bazell

No. 8078 P. 2
 Apr. 15 2001 01:39PM P2
 407-688-7889 P. 1

BSP BROADCAST COMMUNICATIONS GROUP • 319-823-1100

ATTACHMENT R

DOCKET NO. 030873-TX
 DATE: DECEMBER 4, 2003

Budget Phone

Form 872

P.O. Box 19340 Shreveport, LA 71114 Fax (877) 671-3021 Customer Service: (888) 424-5588

Tracking #: _____ Decler/Store #: FL 556 Date Received: 4/2/02

Conversion **PREPAID LOCAL TELEPHONE SERVICE APPLICATION** Validated Address

Your First Name: Jennifer Middle Name: _____ Last Name: Vulich

Physical Street Address: 1114 Helen St. Apartment Number: (Trailer) Name of Apartment Complex: _____

City: Casselberry State: FL Zip Code: 32708

Have you ever had service at this address before? (circle one) No Yes
 If yes, How long ago? _____ With which telephone company did you have phone service? ETS

Your previous area code and telephone number at this address was (407) 695-8270
 Telephone number where you can be reached between 8 a.m. - 5 p.m., Monday through Friday: (407) 339-2795

Billing Address if Different:
 Address: _____
 City _____ State _____ Zip _____

New Door Neighbors Phone No. [] _____
 *Written Directions: _____

Standard Service	1st Month:	\$ 39.95
Extended Area Service		\$
Optional Services & Monthly Fees:	Activation:	\$
	(Monthly)	\$
	or Sub-total:	\$
Call Forward	\$ 5.00	\$
Call Return	\$ 3.00	\$
Call Waiting	\$ 5.00	\$
Color TV	\$10.00	\$
Non-Published Number	\$ 5.00	\$
Speed Billing	\$ 3.00	\$
Three-Way Calling	\$ 5.00	\$
Wireless Interconnect	\$ 4.99	\$
Subscriber Line Charge	\$ 4.85	\$
	Sub-Total	\$
Federal, State and Local Tax %		\$
Line Fees and Charges		\$
TOTAL DUE		\$ <u>51.78</u>

Working Service Additional Line Abandoned Station

If you receive SSI or Food Stamps, you may qualify for Life Line and Link Up programs. See your local social services agency for details.

LETTER OF AGENCY/NEW ORDER

I understand I am entering into a contractual agreement with Budget Phone, Inc. to act as my communications representative for all negotiations with telecommunications local and long distance telephone carriers and service providers. Furthermore, I understand that my signature on this application authorizes my authorization to allow Budget Phone, Inc. to handle all negotiations for service requests, and the issuance of orders on my telephone service at the address I have provided on this agreement and on the phone number listed by Budget Phone, Inc. with further notice. This authorization does not preclude my ability to act in my own behalf to change service providers. I authorize Budget Phone, Inc. to install carrier blocks as protect myself from an unauthorized change in my local service provider without my expressed written consent. I have read Budget Phone, Inc.'s Terms and Conditions and agree to the provisions herein. I certify that all information provided here is true and correct.

Please read above form before signing

Applicant's Signature: [Signature] Date: 4/2/02

OFFICE USE ONLY

Status _____ Number Assigned () _____
 Est. DDT: ____/____/____ P.V.R. LI Date Completed ____/____/____

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

* Transmission Result Report (MemoryTX) (Apr 5 2002 1:54PM) * * *

Date/Time: Apr. 5 2002 1:51PM

ATTACHMENT R

File No. Mode	Destination	Pg (s)	Result	Page Not Sent
5350 Memory TX	918775939723	P 2	OK	

Reason for error
 E. 1) Hang UP or line fail
 E. 3) No answer

E. 2) Busy
 E. 4) No facsimile connection



To: PLATE, Fax 877-291-9723
 From: Suncoast Walker/Budget Phone, Inc. Date 4/4/2002
 Re: Local Provider Service Process Page(s) 2 Includes Cover
 CC: Florida Public Service Commission
 Input For Review Please Comment I'll Respond I'll Respond Again



Customers have signed a Letter of Agency authorizing business service with Budget Phone. Please remove the Local Service Process from the document several A.S.A.P.

No. 8078 P. 4

Budget Phone

Apr. 17. 2002 10:22AM

1 of 1

SR Status/Completion		P.J.L	
SR No.	407-695-8270	SR Date	04/03/2002 14:07:07
Date Recd	04/03/2002 10:01:56	Complet	
Code Data	11	Priority	11
ESDC	11	SR Type	
Reason Code		Reason Code	
Reason Code Desc	C1-CONFLICTING INFORMATION G1-ORDER REQUEST NOT VAILD		
Remarks	SWE 04-03-02 PLEASE VERIFY THE SPELLING OF THE END USERS LAST NAME AND PLEASE HAVE END USER REMOVE LOCAL SERVICE FREEZE FROM CURRENT ACCOUNT, WE WILL BE UN-ABLE TO PROCESS THIS ORDER UNTIL THIS IS		
8494	401080	1	

~~Ray Kennedy~~

From: Ray Kennedy
Sent: Tuesday, February 13, 2001 10:55 AM
To: 'Tulio J. Rodriguez'
Subject: RE: Local Service Freeze case 36157T

Thank you Mr. Rodriguez. I will let the customer know the due date. Please do not forget to fax me the LOA. I appreciate your quick response.

-----Original Message-----

From: Tulio J. Rodriguez [mailto:tulio@oscatel.com]
Sent: Tuesday, February 13, 2001 10:52 AM
To: Ray Kennedy
Subject: Re: Local Service Freeze case 36157T

From: Oscatel Communciations
To: Ray Kennedy

Mr. Kennedy:

We have submitted this morning as per your request the unfreeze order to Bell South through our PON # OC010213041, they have given us a Due Date of 02-16-01 we have already asked them to expedite the unfreeze.

----- Original Message -----

From: Ray Kennedy <RKennedy@PSC.STATE.FL.US>
To: <tulio@oscatel.com>
Sent: Tuesday, February 13, 2001 7:41 AM
Subject: Local Service Freeze

> I have received another complaint regarding a freeze on local service.
> The
> customer's name is Anita Youngkin and her phone number is 305-251-4513.
> The
> customer has authorized a change in her local service provider, however,
> the
> acquiring company can not complete the transaction in Bellsouth's LENS
> system because of the local service freeze placed by Oscatel.
>
> Please deactivate the freeze as quickly as possible and let me know when
> this has occurred. Also, please fax me a copy of the LOA signed by Ms.
> Youngkin authorizing Oscatel to become her local service provider.
>
> Please provide the requested information by 4:00pm on February 14, 2001.
> Should you have any questions, please feel free to contact me. The
> complaint has been assigned Case No. 361575T.
>
> Thank You,
>
> Ray Kennedy
> Florida Public Service Commission
> Bureau of Service Quality
> Voice 850-413-6584
> FAX 850-413-6585
>

Ray Kennedy

From: Flatelinc@aol.com

Sent: Friday, August 29, 2003 6:40 PM

To: Tim Smoak; David Tarr; Kathy Tomlinson; Carolyn Ward; Brenda Wrixon; Bridget Paschal; Jose Perez; Pat Price; Glen Ramcharan; Eric Reinhold; Martin Reinstein; Javier Rocha; Joan Seymour; Tim Smoak; Drusilla Jones; Wayne Jordan; Ray Kennedy; Janet Kibler; Cynthia Lamb; Jim Loggins; Jamey Mahon; John Malone; Leisa Mangina; Matt Mardemess; Karen Melanson; David Melton; Paulette Miller; Shanna Montgomery; Charlie deMenzes; Florida Department of State Division of Corporations; Bob Hanke; Jack Hickman; Gary Holme; Paula Hopkins; Mandy Jenkins; Rolanda Jenkins; Shelia Adams; Jeff Austein; Eric Bowman; David Butler; Sam Caldwell; Trish Cartwright; Sandra Cetti

Subject: Oscar Nodarse has been terminated and no longer employed by FLATEL, Inc.

To Whom It May Concern:

It is my position as CEO to inform you, your department and your company that as of August 18, 2003 Mr. Oscar Nodarse will no longer be employed by FLATEL, Inc., its D/B/A's or affiliates as his position with the company has been terminated.

Let it be known from this day forward Mr. Nodarse will not at any time, fashion, form, or manner, either directly or indirectly divulge, disclose, or communicate to any person, firm, or corporation in any manner whatsoever any information of any kind, nature, or description concerning any matters affecting or relating to the business of FLATEL, Inc., including, without limitation, the names of any of its customers, the prices it obtains or has obtained, obtained, or at which it sells or has sold its products, services or any other information concerning the business of FLATEL, Inc., its D/B/A's, affiliates and its manner of operation, or its plans, processes, or other data of any kind, nature, or description without regard to whether any or all of the foregoing matters would be deemed confidential, material or important.

It is imperative the parties hereby and respectfully understand the foregoing matters are important, material, confidential and gravely affect the effective and successful conduct of the business of FLATEL, Inc. and its good will, and that any breach of the terms of this section is a material breach with legal consequences.

If you have any questions or concerns regarding this email, please contact our office at the information provided in this email.

Respectfully,
Mr. Abby Matari
CEO / Corporate Development
FLATEL, Inc.
Florida Telephone Co.
Telephone USA
2300 Palm Beach Lakes Blvd.
Executive Center Suite 210
West Palm Beach, FL 33409
E AMatari@Flatel.net
P 561-688-2525 x 102
F 561-688-7334
www.Flatel.net

This message contains information from FLATEL, Inc. which may be confidential and privileged. If you are not an intended recipient, please refrain from any disclosure, copying, distribution or use of this information and note that such actions are prohibited. If you have received this transmission in error, please notify by email AMatan@Flatel.net.

Ray Kennedy

From: Flatelinc@aol.com
Sent: Wednesday, September 03, 2003 2:25 PM
To: rkennedy@psc.state.fl.us
Subject: Customer Slamming

Mr. Kennedy,

It has been some time since we last spoke; I hope things are well with you. It is unfortunate that I have to contact you regarding serious matters; I wish it could be different.

I recently fired an employee at FLATEL and I have reason to believe that he stole a list of our customer data base. He is also soliciting and slamming our current customers who are being disconnected for this reason. It seems he is reselling services to our customers and billing them through [Utility USA, Inc. / El Mariachi](#) (click to see corporate information), however Telephone One, Inc. is the company providing the service and billing Utility USA, Inc. / El Mariachi.

I believe I am correct in saying that pursuant to the Florida Public Service Commission, [Utility USA, Inc. / El Mariachi](#) acting as an agent of [Telephone One, Inc.](#) (click to see corporate information) in the State of Florida cannot resell service to its customers through another reseller.

If you have any questions or concerns regarding this email, please contact our office at the information provided below.

Best regards,
Mr. Abby Matari
CEO / Corporate Development
FLATEL, Inc.
Florida Telephone Co.
Telephone USA
2300 Palm Beach Lakes Blvd.
Executive Center Suite 210
West Palm Beach, FL 33409
E AMatari@Flatel.net
P 561-688-2525 x 102
F 561-688-7334
www.Flatel.net

This message contains information from FLATEL, Inc. which may be confidential and privileged. If you are not an intended recipient, please refrain from any disclosure, copying, distribution or use of this information and note that such actions are prohibited. If you have received this transmission in error, please notify by email AMatari@Flatel.net.

GREEN Florida
 The Green Card Member and associated...
Maxio Mendez
 588 1798
 08-26-03

Simple Pla
\$49.00

OSCATEL
HOME PHONE SERVICE

POSTED

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

3957 Jog Rd Greenacres FL, 33467 Telephone: 561-642-4348

UTILITY USA, INC, DBA OSCATEL TELECOMMUNICATIONS AUTHORIZED AGENT OF TELEPHONE ONE.

LOCAL FREEZE REMOVAL NOTICE

I Maxio Mendez request my current carrier FLATEL to please remove the freeze off my account immediately, due to my wish to switch to OSCATEL TELECOMMUNICATIONS EXCLUSIVE AGENT OF TELEPHONE ONE starting on 08-26-03 will have TELEPHONE ONE as my local carrier.

Yo Maxio Mendez pido que mi proveedor de servicio telefonico local actualmente (FLATEL) remueva el freeze local de mi linea telefonica, yo deseo tener a OSCATEL TELECOMMUNICATIONS AGENTE EXCLUSIVO DE TELEPHONE ONE empezando 08-26-03 yo tendre a TELEPHONE ONE como proveedor local.

CUSTOMER SIGNATURE

Maxio Mendez DATE: 08-26-03

1111 North H Street
Lake Worth, 33460
561 588 1798

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT U

OSCATEL
TELECOMMUNICATIONS®
3957 JOG RD GREENACRES FL, 33467
PHONE 561-642-4848 FAX 561-642-5448

ATT :JACKY

COMMENTS: Attach you will find the local freeze removal notice sign by the customer as you can see this form is written in Spanish and English all this customer are aware that their service is being change to OSCATEL TELECOMMUNICATIONS and that FLATEL has nothing to do with them anymore, now what FLATEL is doing once they receive this from is calling this customer up to 11:00pm (we have had complains here at OSCATEL TELECOMMUNICATIONS , and if the can't get a hold of the customer they are disconnecting the service and they are keeping the freeze on the customer's account we don't think this is right because the ones that are suffering right now is the customer's we have this freeze removal notice sign and dated for every single customer that wants to have their service with us.

Please let us know if you need any more prove that this customer want to be with us and FLATEL is not letting customers have their right to decide who do they want to have as their telephone provider

Appreciate your attention to this matter.

Respectfully,


Oscar Nodarse

Co-owner of Utility Usa, Inc, dba Oscatel Telecommunications
Exclusive agent of Telephone One

FLATEL Inc

ORIGINAL

September 10, 2003

DISTRIBUTION CENTER
03 SEP - 11 AM 9: 52

Florida Public Service Commission
Tallahassee, FL

RECEIVED- FPSC
SEP 11 AM 11: 29
COMMISSION
CLERK

RE: Docket 030873 Objection to Utility USA, Inc. Company Code: TX742


To whom it may concern:

It is in FLATEL's best interest to request that the Florida Public Service Commission please reconsider their position to grant regulation approval of Mr. Oscar Nodarse and Mr. Oscar Carvajal represented as Utility USA, Inc. to operate in the state of Florida as a Competitive Local Exchange Provider.

Mr. Nodarse is a former employee of FLATEL which was recently fired and we have available proof and reason to believe that this group has stolen a list of the customers from our data base belonging to FLATEL (dba OSCATEL) and has begun and will continue to "SLAM" our customers. They have used our dba OSCATEL without authority in order to mislead the consumers and collect their money without switching them and allowing the customers to be disconnected.

If you have any questions or concerns regarding this letter, please contact our corporate office at the information provided.

Best Regards,


Mr. Abby Matari
CEO / Corporate Development
FLATEL, Inc.
E: AMatari@Flatel.net
P: 561-688-2525 x 102
F: 561-688-7334

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- SPMS _____
- SEC _____
- OTH _____

Cc: Commissioners
Appointed Administrators
Jason Rojas
Thomas Williams
Ray Kennedy

Handwritten mark

2300 Palm Beach Lakes Blvd., Executive Center Suite 210 West Palm Beach, FL 33409
P 561.688.2525 F 561.688.7334
www.Flatel.net

DOCUMENT NUMBER - DATE
08594 SEP 11 03
FPSC-COMMISSION CLERK

ATTACHMENT W

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

TELEPHONE ONE

September 11, 2003

Florida Public Service Commission
Mr. Jason P. Rojas
Capitol Circle Office Center
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Reference: Conference call dated September 10th, 2003, at approximately 4:30 pm between Mr. Ray Kennedy, Mr. Jason P. Rojas and Mrs. Penelope J. Davis for the PSC and Osvaldo Fernandez for Telephone One, Inc.

Dear Mr. Rojas

This letter is to confirm that Telephone One, Inc has ceased processing all orders from Oscatel Telecommunications and its affiliates as of September 10th, 2003 at 4:30pm, as instructed.

Should you have any questions or concerns, feel free to contact the undersigned at your convenience.

Sincerely,

Osvaldo (ozzie) Fernandez
Telephone One, Inc

3611 SOUTHWEST 8TH STREET • CORAL GABLES, FLORIDA • 33134 [ZIP/POSTAL CODE]
PHONE: 305.444.3050 • FAX: 305.448.9840

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

TELEPHONE ONE

ATTACHMENT W

FACSIMILE TRANSMITTAL SHEET

TO Mr. Jason P. Rojas	FROM Osvaldo Fernande
COMPANY: Florida Public Service Commission	DATE: 9/11/2003
FAX NUMBER: 850.413.6180	TOTAL NO OF PAGES INCLUDING COVER: 2
PHONE NUMBER	SENDER'S REFERENCE NUMBER:
RE: Oscatel issue	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

[CLICK HERE AND TYPE RETURN ADDRESS]

Ray Kennedy

From: Lusky & Motola, P.A. [motolusk@bellsouth.net]
Sent: Friday, September 12, 2003 10:41 AM
To: Ray Kennedy
Cc: Jason Rojas
Subject: RE: Sample LOA

Thank you. We have passed the form LOA to our client and will be providing you with the form for your prior approval.
Bernie Motola

Jason:
Kindly advise when the staff has made its recommendation or made any decisions relative to Utility USA, Inc's application. Kindly provide us with copy of any and all documents related to Utility USA utilized by the PSC in making its recommendation.

Regards,
Bernie Motola

-----Original Message-----
From: Ray Kennedy [mailto:RKennedy@PSC.STATE.FL.US]
Sent: Thursday, September 11, 2003 4:12 PM
To: 'motolusk@bellsouth.net'
Cc: Jason Rojas
Subject: Sample LOA

Per your request, attached is a sample LOA that depicts the requirements of Rule 25-4.118, Florida Administrative Code. As stated, staff would be happy to review your LOA before you put it to use.

Ray Kennedy
Bureau of Service Quality
Florida Public Service Commission
Phone 850-413-6584
Fax 850-413-6585

From: Lusk & Motola, P.A. [motolusk@bellsouth.net]
Sent: Tuesday, September 16, 2003 2:37 PM
To: Ray Kennedy
Subject: RE: Sample LOA



LETTER OF
IZATION (PS)

Attached is the sample LOA referred to in our previous email.

-----Original Message-----

From: Ray Kennedy [mailto:RKennedy@PSC.STATE.FL.US]
Sent: Tuesday, September 16, 2003 1:24 PM
To: 'Lusk & Motola, P.A.'
Cc: Jason Rojas
Subject: RE: Sample LOA

Mr. Motola,

I have received your e-mail, but the LOA is not attached.

Ray Kennedy

-----Original Message-----

From: Lusk & Motola, P.A. [mailto:motolusk@bellsouth.net]
Sent: Tuesday, September 16, 2003 1:06 PM
To: Ray Kennedy
Cc: Jason Rojas; [REDACTED]
Subject: RE: Sample LOA

Dear Messrs. Kennedy and Rojas:
Attached is the LOA our client intends to use to change customers. Kindly pre-approve the form prior to its use.

Our client thanks you, in advance, for your prompt attention to this matter.

Very Truly Yours,
Bernardo Motola

-----Original Message-----

From: Ray Kennedy [mailto:RKennedy@PSC.STATE.FL.US]
Sent: Thursday, September 11, 2003 4:12 PM
To: 'motolusk@bellsouth.net'
Cc: Jason Rojas
Subject: Sample LOA

Per your request, attached is a sample LOA that depicts the requirements of Rule 25-4.118, Florida Administrative Code. As stated, staff would be happy to review your LOA before you put it to use.

Ray Kennedy
Bureau of Service Quality
Florida Public Service Commission
Phone 850-413-6584
Fax 850-413-6585



LETTER OF AUTORIZATION (LOA)

- **Customer's Billing Name:** _____
- **Address:** _____
- **Telephone Number(s) to Change:**

The customer's change request will apply only to the number(s) listed on this LOA. There must be only one presubscribed local, one presubscribed local toll, and one presubscribed toll provider for each number listed.

The person requesting the change(s) in service is authorized to request changes. The services of Universal Wireless to which you wish to subscribe for the numbers listed above are:

Local Exchange Service* _____ Local Toll Service _____ Toll Service _____

The Local Exchange Company may charge a fee for each provider change selected.

Customer's Signature: _____

The customer's signature on this LOA will result in a change of the customer's provider for the telephone number(s) listed above.

ray kennedy

From: Lusky & Motola, P.A. [mailto:motolusk@bellsouth.net]
Sent: Thursday, September 18, 2003 10:52 AM
To: Ray Kennedy
Subject: RE: Sample LOA

305.446.1245

-----Original Message-----

From: Ray Kennedy [mailto:RKennedy@PSC.STATE.FL.US]
Sent: Thursday, September 18, 2003 10:26 AM
To: 'Lusky & Motola, P.A.'
Subject: RE: Sample LOA

Good Morning,

Could you please provide your phone number. I can explain the changes to the LOA over the phone easier than I can explain via e-mail. If that is acceptable to you, you can either call me or I can call you. When we talk, you will need a copy of the form you sent me.

Ray Kennedy
Bureau of Service Quality
Florida Public Service Commission
Phone 850-413-6584
Fax 850-413-6585

-----Original Message-----

From: Lusky & Motola, P.A. [mailto:motolusk@bellsouth.net]
Sent: Wednesday, September 17, 2003 3:34 PM
To: Ray Kennedy
Subject: RE: Sample LOA

Dear Mr. Kennedy:

Kindly advise as to whether the PSC approves the form sent to you for pre-approval.

-----Original Message-----

From: Ray Kennedy [mailto:RKennedy@PSC.STATE.FL.US]
Sent: Tuesday, September 16, 2003 2:49 PM
To: 'Lusky & Motola, P.A.'
Subject: RE: Sample LOA

I now have it. We should be back to you no later than tomorrow.

Ray Kennedy
Bureau of Service Quality
Florida Public Service Commission
Phone 850-413-6584
Fax 850-413-6585

-----Original Message-----

From: Lusky & Motola, P.A. [mailto:motolusk@bellsouth.net]
Sent: Tuesday, September 16, 2003 2:37 PM
To: Ray Kennedy
Subject: RE: Sample LOA

Attached is the sample LOA referred to in our previous email.

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT X

From: Ray Kennedy [mailto:RKennedy@PSC.STATE.FL.US]
Sent: Tuesday, September 16, 2003 1:24 PM
To: 'Lusky & Motola, P.A.'
Cc: Jason Rojas
Subject: RE: Sample LOA

Mr. Motola,

I have received your e-mail, but the LOA is not attached.

Ray Kennedy

-----Original Message-----

From: Lusky & Motola, P.A. [mailto:motolusk@bellsouth.net]
Sent: Tuesday, September 16, 2003 1:06 PM
To: Ray Kennedy
Cc: Jason Rojas; onodarse@aol.com
Subject: RE: Sample LOA

Dear Messrs. Kennedy and Rojas:
Attached is the LOA our client intends to use to change customers. Kindly pre-approve the form prior to its use.

Our client thanks you, in advance, for your prompt attention to this matter.

Very Truly Yours,
Bernardo Motola

-----Original Message-----

From: Ray Kennedy [mailto:RKennedy@PSC.STATE.FL.US]
Sent: Thursday, September 11, 2003 4:12 PM
To: 'motolusk@bellsouth.net'
Cc: Jason Rojas
Subject: Sample LOA

Per your request, attached is a sample LOA that depicts the requirements of Rule 25-4.118, Florida Administrative Code. As stated, staff would be happy to review your LOA before you put it to use.

Ray Kennedy
Bureau of Service Quality
Florida Public Service Commission
Phone 850-413-6584
Fax 850-413-6585

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ORIGINAL

ATTACHMENT Y /

LUSKY & MOTOLA, P.A.

Attorneys at Law
301 Almarin Avenue
Suite 345
Coral Gables, Florida 33134

ATTORNEYS
JEFFREY LUSKY
BERNARDO MOTOLA

TELEPHONE (305) 446-1245
FACSIMILE (305) 446-1205
email: motolusk@bellsouth.net

OFFICE ADMINISTRATOR/LEGAL ASSISTANT
ANA L. ARCLA

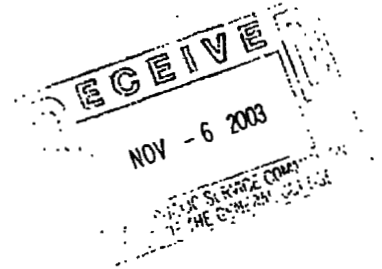
RECEIVED FPSC
03 NOV 12 AM 11:16

VIA USPS EXPRESS MAIL

November 5, 2003

Jason P. Rojas, Esq.
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-7019

030873-TX



RE: Amended Application for Authority to Provide Alternative Local Exchange Telecommunications Service by Utility USA, Inc./Offer to Settle Regulatory Assessments and Penalties

Dear Mr. Rojas:

In accordance with our previous telephone conversations in the last two weeks, we are hereby enclosing an Amended Application for Authority to Provide Alternative Local Exchange Telecommunications Service, on behalf of our client Utility USA, Inc., reflecting changes requested by the PSC.

Oscar Nodarse, an officer and owner of Utility and a former owner and officer of Telebeeper, Inc. is agreeable to making payment of regulatory assessment fees (RAF), plus interest and penalty in the total amount of \$720.50 for 2000, 2001 and 2002. Be advised that Mr. Nodarse sold Telebeeper, Inc. in April of 2001 and transferred full responsibility to the new owner. In the interest, however, of resolving pending issues that would assist the expedited acquisition of the certificate of authority, our client agrees to pay the total RAF.

You have also advised that Utility USA is to be fined for having operated without certification and using faulty Letters of Authorization. Be advised that our client was making an attempt to transfer customers when he experienced an unexpected acrimonious split with Aby Matari at Flatel, Inc. He was abruptly ousted from the company, notwithstanding his 22.22% ownership of Flatel, Inc. Mr. Nodarse was the original founder and sole shareholder of Flatel. It is anticipated that a civil action will be brought against Aby Matari and Flatel, Inc. to resolve the pending dispute.

The LOA's were used for a very short period of less than two weeks and proved to be unsuccessful as no customers were actually switched. Currently, Mr. Nodarse has been using LOA's, pre-

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC 1
- OTH None

DOCUMENT NUMBER-DATE

11256 NOV 12 03

FPSC-COMMISSION CLERK

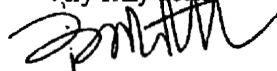
Jason P. Rojas, Esq
November 5, 2003
Page Two

approved by Mr. Kennedy at the PSC for Universal Wireless. Again, without admitting liability and in the interest of assisting in the acquisition of the certificate of authority for Utility USA, Mr. Nodarse offers to settle the fine for operating without certification for the total sum of \$5,000.00. You have advised that the application for Utility will be scheduled for the November 20, 2003 agenda.

Kindly contact me at your earliest convenience with your comments relative to this matter.

We look forward to working the swift resolution of this matter with you.

Very Truly Yours,



Bernardo Motola
BM/ala
cc: Utility USA, Inc.
Jorge Chamizo, Esq.

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT Y

ORIGINAL

030873-TX

**** FLORIDA PUBLIC SERVICE COMMISSION ****

DIVISION OF COMPETITIVE MARKETS AND ENFORCEMENT
CERTIFICATION

APPLICATION FORM
for
AUTHORITY TO PROVIDE
ALTERNATIVE LOCAL EXCHANGE SERVICE
WITHIN THE STATE OF FLORIDA

Instructions

- ◆ This form is used as an application for an original certificate and for approval of the assignment or transfer of an existing certificate. In the case of an assignment or transfer, the information provided shall be for the assignee or transferee (See Page 12).
- ◆ Print or type all responses to each item requested in the application and appendices. If an item is not applicable, please explain why.
- ◆ Use a separate sheet for each answer which will not fit the allotted space.
- ◆ Once completed, submit the original and six (6) copies of this form along with a non-refundable application fee of **\$250.00** to:

Florida Public Service Commission
Division of the Commission Clerk and Administrative Services
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6770

- ◆ If you have questions about completing the form, contact:

Florida Public Service Commission
Division of Competitive Markets and Enforcement
Certification
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850
(850) 413-6600

Check received with filing and forwarded to Fiscal for deposit. Fiscal to forward deposit information to Records.

Initial of person who forwarded check

03 AUG 29 AM 11:38

DISTRIBUTION CENTER

08127 SEP-26

FPS-COMMISSION CLERK

FORM PSC/CMU 8 (11/95)
Required by Commission Rule Nos. 25-24.805,
25-24.810 and 25-24.811

APPLICATION

1. This is an application for (check one):

- Original certificate (new company).
- Approval of transfer of existing certificate: Example, a non-certificated company purchases an existing company and desires to retain the original certificate of authority.
- Approval of assignment of existing certificate: Example, a certificated company purchases an existing company and desires to retain the certificate of authority of that company.
- Approval of transfer of control: Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of company:

Utility USA, Inc.

3. Name under which the applicant will do business (fictitious name, etc.):

4. Official mailing address (including street name & number, post office box, city, state, zip code):

3957 JOG ROAD
GREENACRES, FL 33467

5. Florida address (including street name & number, post office box, city, state, zip code):

3957 JOG ROAD
GREENACRES, FL 33467

6. Structure of organization:

- | | |
|--|---|
| <input type="checkbox"/> Individual | <input checked="" type="checkbox"/> Corporation |
| <input type="checkbox"/> Foreign Corporation | <input type="checkbox"/> Foreign Partnership |
| <input type="checkbox"/> General Partnership | <input type="checkbox"/> Limited Partnership |
| <input type="checkbox"/> Other _____ | |

7. If individual, provide:

Name: N/A

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

8. If incorporated in Florida, provide proof of authority to operate in Florida:

- (a) The Florida Secretary of State corporate registration number:
CORPORATE CHARTER NUMBER P03000092192
A Certified copy of Articles of Incorporation is attached as Exhibit I

9. If foreign corporation, provide proof of authority to operate in Florida:

(a) The Florida Secretary of State corporate registration number:

N/A

10. If using fictitious name-d/b/a, provide proof of compliance with fictitious name statute (Chapter 865.09, FS) to operate in Florida:

(a) The Florida Secretary of State fictitious name registration number:
603238900224

11. If a limited liability partnership, provide proof of registration to operate in Florida:

(a) The Florida Secretary of State registration number:

N/A

12. If a partnership, provide name, title and address of all partners and a copy of the partnership agreement.

Name: N/A

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: 561-642-5448

Internet E-Mail Address: _____

Internet Website Address: _____

13. If a foreign limited partnership, provide proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS), if applicable.

(a) The Florida registration number: N/A

14. Provide F.E.I. Number(if applicable): 20-0173084

15. Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

(a) adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. Provide explanation.

None of the officers, directors, or ten largest stockholders of the Corporation have previously been adjudged bankrupt, mental incompetent, or found guilty of any felony or of any crime, and no proceedings are pending which would result in such actions.

(b) an officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

OSCAR NODARSE

FLATEL, INC. - 22.22% STOCK HOLDER STILL

TELEBEEPER, INC. -DBA OSCATEL COMMUNICATIONS DIRECTOR

16. Who will serve as liaison to the Commission with regard to the following?

(a) The application:

Name: Oscar Carvajal

Title: President, Utility USA, Inc.

Address: 3957 JOG ROAD

City/State/Zip: GREENACRES, FL 33467

Telephone No.: 561-642-4848

Internet E-Mail Address: _____

Internet Website Address: _____

(b) Official point of contact for the ongoing operations of the company:

Name: OSCAR NODARSE
Title: Vice-President, Utility USA, Inc.
Address: 3957 JOG ROAD
City/State/Zip: GREENACRES, FL 33467
Telephone No.: 561-642-4848 Fax No.: _____
Internet E-Mail Address: _____
Internet Website Address: _____

(c) Complaints/Inquiries from customers:

Name: Customers may call the company at its customer
Title: Service number or may contact the company in writing
Address: at 3957 JOG ROAD
City/State/Zip: GREENACRES, FL 33467
Telephone No.: 561-642-4848 Fax No.: 561-642-5448
Internet E-Mail Address: _____
Internet Website Address: _____

17. List the states in which the applicant:

(a) has operated as an alternative local exchange company.

FLORIDA- MR NODARSE UNDER FLATEL INC. AND TELEBEEPER INC.
NOT UNDER UTILITY USA, INC.

(b) has applications pending to be certificated as an alternative local exchange company.

NO

(c) is certificated to operate as an alternative local exchange company.

FLORIDA_ MR. NODARSE UNDER FLATEL INC.
NOT UNDER UTILITY USA, INC.

-
- (d) has been denied authority to operate as an alternative local exchange company and the circumstances involved.

YES - TELEBEPER, INC. HAD PENALTIES IMPOSED
WHEN IT WASN'T PAID, THE CERTIFICATE WAS CANCELED.

-
- (e) has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved.

YES - TELEBEPER, INC. HAD PENALTIES IMPOSED.
WHEN THEY WEREN'T PAID CERTIFICATE WAS CANCELLED.

-
- (f) has been involved in civil court proceedings with an interexchange carrier, local exchange company or other telecommunications entity, and the circumstances involved.

NO CIVIL court proceedings involving applicant in any state.

18. Submit the following:

- A. Managerial capability: give resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.**

Attached as Exhibit VI

- B. Technical capability: give resumes of employees/officers of the company that would indicate sufficient technical experiences or indicate what company has been contracted to conduct technical maintenance.**

Attached as Exhibit VI & VII

C. Financial capability.

The application should contain the applicant's audited financial statements for the most recent 3 years. If the applicant does not have audited financial statements, it shall so be stated.

The unaudited financial statements should be signed by the applicant's chief executive officer and chief financial officer affirming that the financial statements are true and correct and should include:

1. the balance sheet: Attached as Exhibit III
2. income statement: and Attached as Exhibit IV
3. statement of retained earnings. The applicant is a newly formed corporation and does not have audited financial statements.

NOTE: This documentation may include, but is not limited to, financial statements, a projected profit and loss statement, credit references, credit bureau reports, and descriptions of business relationships with financial institutions.

Further, the following (which includes supporting documentation) ~~should be~~ provided:

1. written explanation that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served.
Attached as Exhibit V
2. written explanation that the applicant has sufficient financial capability to maintain the requested service.
Attached as Exhibit V
3. written explanation that the applicant has sufficient financial capability to meet its lease or ownership obligations.
Attached as Exhibit V

THIS PAGE MUST BE COMPLETED AND SIGNED
APPLICANT ACKNOWLEDGMENT STATEMENT

1. **REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of .15 of one percent of gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of \$50 is required.
2. **APPLICATION FEE:** I understand that a non-refundable application fee of \$250.00 must be submitted with the application.

UTILITY OFFICIAL:

Oscar Carvajal

Print Name
President

Title
(561) 642-4848

Telephone No.

Oscar Carvajal

Signature
08-28-03 10-31-03

Date
561-642-5448

Fax No.

Address: 3597 JOG ROAD

GREENACRES, FL 33467

THIS PAGE MUST BE COMPLETED AND SIGNED

AFFIDAVIT

By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide alternative local exchange company service in the State of Florida. I have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083."

UTILITY OFFICIAL:

Oscar Carvajal
Print Name
President, Chief Executive Officer
and Chief Financial Officer
Title
(561) 642-4848
Telephone No.

Oscar Carvajal
Signature
08-28-03 10-31-03
Date
561-642-5448
Fax No.

Address: 3957 JOG ROAD
GREENACRES, FL 33467

INTRASTATE NETWORK (if available)

Chapter 25-24.825 (5), Florida Administrative Code, requires the company to make available to staff the alternative local exchange service areas only upon request.

1. POP: Addresses where located, and indicate if owned or leased.

1) _____	2) _____
_____	_____
3) _____	4) _____
_____	_____

2. SWITCHES: Address where located, by type of switch, and indicate if owned or leased.

1) _____	2) _____
_____	_____
3) _____	4) _____
_____	_____

3. TRANSMISSION FACILITIES: POP-to-POP facilities by type of facilities (microwave, fiber, copper, satellite, etc.) and indicate if owned or leased.

<u>POP-to-POP</u>	<u>OWNERSHIP</u>
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT Y

CERTIFICATE SALE, TRANSFER, OR ASSIGNMENT STATEMENT

I, (Name) _____
(Title) _____ of (Name of Company)

and current holder of Florida Public Service Commission Certificate Number # _____
_____, have reviewed this application and join in the petitioner's request for a:

- () sale
- () transfer
- () assignment

of the above-mentioned certificate.

UTILITY OFFICIAL:

Print Name _____

Signature _____

Title _____

Date _____

Telephone No. _____

Fax No. _____

Address: _____

TORY ASSESSMENT FEE RETURN MUST BE FILED ON OR BEFORE ~~FEBRUARY 1, 2004~~

Alternative Local Exchange Company Regulatory Assessment Fee Return

STATUS:

- Actual Return
- Estimated Return
- Amended Return

PERIOD COVERED:

12/03

Florida Public Service Commission

(See Filing Instructions on Back of Form)

FIELD 1

Please Complete Below if Official Mailing Address Has Changed

FOR PSC USE ONLY

Check# _____
 \$ _____ 0603006
 \$ _____ 003001
 \$ _____ P
 \$ _____ 0603006
 \$ _____ 004011
 \$ _____ I
 Postmark Date: _____
 Initials of Preparer: _____

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

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

* These amounts must be intra-state only and verifiable.
 ** Other long distance revenue must be listed on the Intra-Exchange Regulatory Assessment Fee Return.

AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

CURRENT COMPANY STATUS

Facilities-Based Provider

- Reseller
- Other:

BILLING INFORMATION

Complete below if billing agent if other than yourself.

(Name) (Address: City/State/Zip) (Telephone)

COMPANY INFORMATION

Do you lease telecommunications facilities? YES NO
 If YES, who do you lease these facilities from? Name: _____

Address: _____

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her duty shall be guilty of a misdemeanor of the second degree.

(Signature of Company Official) (Title) (Date)
 (Preparer of Form - Please Print Name) Telephone Number () Fax Number ()

FLORIDA PUBLIC SERVICE COMMISSION
Instructions For Filing Regulatory Assessment Fee Return
(Alternative Local Exchange Company)

WHEN TO FILE: For companies which owed a total of \$10,000 or more of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

*On or before July 30 for the six-month period January 1 through June 30, AND
On or before January 30 for the six-month period July 1 through December 31.*

For companies which owed a total of less than \$10,000 of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

On or before January 30 for the prior twelve-month period January 1 through December 31.

However, when July 30 or January 30 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee Return may be filed or postmarked on the next business day, without penalty or interest.

FEES: Each company shall pay 0.0015 of its gross operating revenues derived from intrastate business, as referenced in Rule 25-4.0161(1), F.A.C. Gross Operating Revenues are defined as the total revenues before expenses. Gross Intrastate Operating Revenues are defined as revenues from calls originating and terminating within Florida. Do not deduct any expenses, taxes, or uncollectibles from these amounts.

On Line 8, deduct any amounts paid to another telecommunications company for the use of any telecommunications network to provide service to its customers. *Do not deduct any taxes, federal subscriber line charges, interstate long distance access charges, or amounts paid for nonregulated services such as voice mail, inside wire, maintenance, or equipment purchases/rentals.* DEDUCTIONS MUST BE INTRASTATE ONLY AND MUST BE VERIFIABLE.

FAILURE TO FILE BY DUE DATE: Failure to file a return by the established due date will result in a penalty being added to the amount of fee due, 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25% (Line 11). In addition, interest shall be added in the amount of 1% for each 30 days or fraction thereof, not to exceed a total of 12% per year (Line 12). A Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report or if the minimum amount is due.

When a company fails to timely file a Regulatory Assessment Fee Return, the Commission has the authority to order the company to pay a penalty and/or cancel the company's certificate. The company will have an opportunity to respond to any proposed Commission action.

EXTENSION: A request for an extension of time up to 30 days may be made by filing the enclosed Request for Extension to File Regulatory Assessment Fee Return form (ESC/ADM-124), two weeks prior to the filing date. When an extension is granted, a charge shall be added to the amount due:

0.75% of the fee to be remitted for an extension of 15 days or less, or
1.5% of the fee for an extension of 16 to 30 days.

In lieu of paying the charges outlined above, a company may file a return and remit payment based upon estimated gross operating revenues. If such return is filed by the normal due date, the company shall be granted a 30-day extension period in which to file and remit the actual fee due without paying the above charges, provided the estimated fee payment remitted is at least 90% of the actual fee due for the period. An automatic 30-day extension to file an actual return may be obtained by checking the "Estimated Return" space in the top left-hand corner on the reverse side.

FEE ADJUSTMENTS: You will be notified as to the amount and reason for any fee adjustments. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustments. The company may file a written request for a refund of any overpayments. The request should be directed to Fiscal Services at the below-referenced address.

MAILING INSTRUCTIONS: Please complete this form, make a copy for your files, and return the original in the enclosed preaddressed envelope. Use of this envelope should assure a more accurate and expeditious recording of your payments. Make your check payable to the Florida Public Service Commission. If you are unable to use the envelope, please address your remittance as follows:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0830
ATTENTION: Fiscal Services

ADDITIONAL ASSISTANCE: If you need additional assistance in preparing your Regulatory Assessment Fee Return or regarding telecommunications facilities, please contact the Division of Competitive Services at (850) 413-6600. This division may be contacted at the above-referenced address, directing correspondence to the attention of the division.

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT Y

Certified Copy

I certify the attached is a true and correct copy of the Articles of Incorporation of UTILITY USA, INC., a Florida corporation, filed electronically on August 22, 2003 effective August 21, 2003, as shown by the records of this office.

I further certify that this is an electronically transmitted certificate authorized by section 15.16, Florida Statutes, and authenticated by the code noted below.

The document number of this corporation is P03000092192.

Authentication Code: 030822112222-500022490065#1

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capital, this the
Twenty Second day of August, 2003



Glenda E. Hood
Glenda E. Hood
Secretary of State

Electronic Articles of Incorporation
For

P03000092192
FILED
August 22, 2003
Sec. Of State

UTILITY USA, INC.

The undersigned incorporator, for the purpose of forming a Florida
profit corporation, hereby adopts the following Articles of Incorporation:

Article I

The name of the corporation is:
UTILITY USA, INC.

Article II

The principal place of business address:
3957 JOG ROAD
GREENACRES, FL. 33467

The mailing address of the corporation is:
3957 JOG ROAD
GREENACRES, FL. 33467

Article III

The purpose for which this corporation is organized is:
ANY AND ALL BUSINESS PERMITTED UNDER THE LAWS OF THE UNITED
STATES, AND THE LAWS OF THE STATE OF FLORIDA, PRIMARILY TO
ENGAGE IN THE SALES AND REPAIR OF CELLULAR TELEPHONES,
BEEPERS AND HOME TELEPHONE.

Article IV

The number of shares the corporation is authorized to issue is:
100

Article V

The name and Florida street address of the registered agent is:
OSCAR CARVAJAL
3957 JOG ROAD
GREENACRES, FL. 33467

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

ATTACHMENT Y

I hereby declare I am familiar with and accept the responsibilities of
registered agent.

P03000092192
FILED
August 22, 2003
Sec. Of State

Registered Agent Signature: OSCAR CARVAJAL

Article VI

The name and address of the incorporator is:

OSCAR CARVAJAL
3957 JOG ROAD
GREENACRES, FL 33467

Incorporator Signature: OSCAR CARVAJAL

Article VII

The initial officer(s) and/or director(s) of the corporation is/are:

Title: PD
OSCAR CARVAJAL
3957 JOG ROAD
GREENACRES, FL. 33467

Title: VD
OSCAR NODARSE
3957 JOG ROAD
GREENACRES, FL. 33467

Article VIII

The effective date for this corporation shall be:

08/21/2003

UTILITY USA, INC.
FORECASTED INCOME STATEMENT
FIRST YEAR OF OPERATIONS (12 MONTHS)

REVENUE

Telephone Operations	\$1,248,750	
Other Communications	\$3,246,750	
Total Revenue		\$4,495,500

DIRECT COST

Facilities	\$ 289,510	
Long Distance & Local Srvc	\$1,778,420	
Total Direct Cost		\$2,067,930

Gross Margin \$2,427,570

EXPENSES

Salaries	\$ 525,000	
Utilities	\$ 25,000	
Interest	\$ 220,000	
Depreciation	\$ 250,000	
Miscellaneous	\$ 5,000	
Total Expenses		\$1,025,000

Operating Income Before Taxes	\$1,402,570
Income Taxes	533,000

NET INCOME \$869,570

I attest that this Financial Statement is true and correct.

Chief Executive Officer
and Chief Financial Officer



Oscar Cervajal

EXHIBIT
II

UTILITY USA, INC.
UNAUDITED
BALANCE SHEET
AS OF JULY 2003

<u>ASSETS</u>		
Current Assets		
Cash	7,500.00	
TOTAL CURRENT ASSETS		7,500.00
Fixed Assets		
Office Furn & Fixtures	2,500.00	
Machinery & Equip	2,500.00	
TOTAL FIXED ASSETS		5,000.00
TOTAL ASSETS		\$12,500.00
<u>LIABILITIES AND EQUITY</u>		
Long Term Liabilities		
Shareholders Loans	12,400.00	
TOTAL LONG TERM LIABILITIES		12,400.00
Equity		
Common Stock	100.00	
TOTAL EQUITY		100.00
TOTAL LIABILITIES AND EQUITY		\$12,500.00

I attest that this Financial Statement is true and correct.

Chief Executive Officer
and Chief Financial Officer

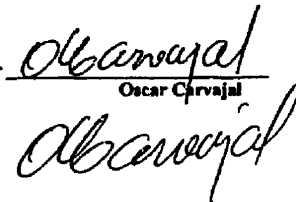

Oscar Cervajal

EXHIBIT
III

**UTILITY USA, INC.
 FORECASTED BALANCE SHEET
 END OF FIRST YEAR OF OPERATIONS**

ASSETS			
CURRENT ASSETS			
Cash	\$1,569,570		
Accounts Receivable	235,000		
Total Current Assets		\$2,054,570	
Equipment	\$2,500,000		
Accumulated Depreciation	250,000		
Depreciation Costs		\$2,500,000	
Total Assets			\$4,304,570
LIABILITIES AND EQUITY			
CURRENT LIABILITIES			
Accounts Payable	\$ 250,000		
Short Term Notes	250,000		
Income Taxes	533,000		
Other ST Liabilities	2,000		
Total Current Liabilities		\$1,035,000	
Long Term Liabilities	\$2,000,000		
Total Liabilities			\$3,035,000
EQUITY			
Initial Investment	\$200,000		
Paid in Capital	200,000		
Retained Earnings	869,570		
Total Equity		\$1,269,570	
TOTAL LIABILITIES AND EQUITY			\$4,304,570

I attest that this Financial Statement is true and correct.

Chief Executive Officer and Chief Financial Officer *Oscar Cervajal*
 Oscar Cervajal

Oscar Cervajal

**EXHIBIT
 IV**

EXHIBIT V

While the cash flow from operations is expected to be sufficient in providing needed operating funds, I Oscar Carvajal, CEO for Utility USA, Inc. will pledge my personal assets should additional financing become necessary.

I currently own a controlling interest in El Mariachi, Inc. and Utility USA, Inc. The net value of my interest in these companies exceeds \$0.5 million and can be pledged to raise additional capital.

Several investors have also expressed an interest in investing in Utility USA, Inc. and the sale of stock to investors is another option to raise additional capital.

By my signature, I attest that the foregoing information is true and correct.

Chief Executive Officer *Oscar Carvajal*
Oscar Carvajal

Chief Financial Officer *Oscar Carvajal*
Oscar Carvajal

**EXHIBIT
V**

Ray Kennedy

ATTACHMENT Z

From: Flatelinc@aol.com
Sent: Friday, November 21, 2003 5:08 PM
To: rkennedy@psc.state.fl.us; JRojas@psc.state.fl.us
Subject: AmeriPhone / Universal Wirelless / Utility USA

Mr. Kennedy,

Ameriphone / Utility USA is not a certified Competitive Local Exchange Company with the Florida Public Service Commission and therefore is in serious violation of operating in the state of Florida without certification.

FLATEL has obtained an application from Utility USA / AmeriPhone to bring to the Commissions attention that Oscar Carvajal and Oscar Nodarse continues to operate without a license after being notified by the Commission to discontinue this action.

Utility USA / AmeriPhone continues to resell Local Exchange Service using Universal Wirelless which maybe also be reselling to other resellers, which I believe is in violation of the Commission bylaws as well.

Please see the attached .tif file of the application / LOA obtained for your review. The address is that of Utility USA / AmeriPhone and not of a legitimate CLEC company.

If you have any questions or concerns regarding this email, please contact our office at the information provided below.

Best regards,
Mr. Abby Matari
CEO / Corporate Development
FLATEL, Inc.
Florida Telephone Co.
Telephone USA
2300 Palm Beach Lakes Blvd.
Executive Center Suite 210
West Palm Beach, FL 33409
E AMatari@Flatel.net
P 561-688-2525 x 102
F 561-688-7334
www.Flatel.net

This message contains information from FLATEL, Inc. which may be confidential and privileged. If you are not an intended recipient, please refrain from any disclosure, copying, distribution or use of this information and note that such actions are prohibited. If you have received this transmission in error, please notify by email AMatari@Flatel.net.

Ameriphone

Servicio Telefónico Residencial

3957 JOG RD GREENACRES FL, 33467
 561-642-4848 (877) 642-2423 FAX 561-642-0770 FAX (877) 642-5448

NUEVA CONECCION

Nombre de el Agente: <u>LACARROTT DIX</u>	Cuenta:
Numero de Agente: <u>1038</u>	Fecha de Activacion PON:
Fecha:	Numero de el telefono:

Notas:

Nombre de el cliente <u>AUGUSTO RAMIREZ</u>		
Direccion: <u>52 NE 11 ST</u>	Apt#/Floor: <u>APTO # 12</u>	
Ciudad: <u>Homestead</u>	Estado: <u>FL</u>	Codigo Postal: <u>33030</u>
Numero de Trabajo:	Cell/Beeper#:	
Numero de el Vecino:		

SERVICIO DE CONECCION GRATIS

➔ **\$49.00**
PLAN SIMPLE
Incluye llamadas de larga distancia dentro de los Estados Unidos*
GRATIS
Acceso a numeros 1-800
Acceso a 911

Clientes conectados entre	Ciclo de Facturacion	Vence
1 st - 7 th	1	1
8 th - 15 th	2	8
16 th - 23 rd	3	16
24 th - 31 st	4	24

****Importante, Favor lea Cuidadosamente****

*Con la firma, el cliente entiende y/o autoriza: (1) Que la informacion en la aplicacion es correcta, (2) No habra reembolso una vez sido procesada la aplicacion, (3) Ameriphone, no sera responsable por el periodo de tiempo que se tome en la activacion, (4) Cualquier opcion o cambio en el servicio estara sujeto a cargos extra.

* 50 minutos de larga distancia dentro de los Estados Unidos todos los meses.

Firma del Cliente: _____

Fecha: 11-17-03

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003

*FBA
80-413-6200*

ATTACHMENT AA

November 28, 2003

Mr.
Jasari Rojas
Office of the General Counsel
Tallahassee, Fl

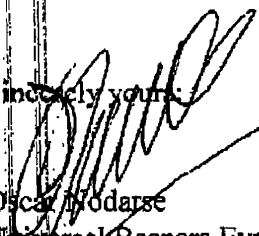
Mr. Rojas:

I would like to clarify that the letter in discussion is not an LOA, it is an Spanish version of a New Customer sign for New Service and nowhere in it's entire content says anything about changing, moving or switching service from another company or carrier. I'm also including a copy of the original letter signed by the customer requesting a new connection of telephone service for his home. If you read the two letters closely you will find some differences, a) the letter in your power was never signed by the customer to validate it, b) the letter in your power says ap#12, when the service was really connected on ap#2 (you can verify this information with Bell South), and c) most important of all is the fact that the application for new service we used has the Universal Wireless logo. I must emphasize that Universal Beepers Express has one DBA authorized by the PSC, but also has in process of approval the Uniphone, Unitel and Universal Telephone DBA's by the PSC office, and according to Mrs. Tony McCoy these should be ready by the time you read this letter.

We don't know how the letter you have in your possession came to be in the hands of Mr. Abby Matari.

What Mr. Matary is trying to do is to deviate de PSC office attention to avoid legal competition to which every citizen and company is entitled according to the Communications reform of 1996.

Sincerely yours:


Oscar Modarse
Universal Beepers Express
Agent Development Office

PD: please find enclosed copy of the original New Connection letter processed by our office.

DOCKET NO. 030873-TX
DATE: DECEMBER 4, 2003



UNIVERSAL BEEPERS EXPRESS CUS 5804
v:00

Local Exchange Navigation System

ATTACHMENT AA

Inquiry Address Validation

Valid Address

0000 COMPLETED SUCCESSFULLY

52 NE 11TH ST APT 2 HOMESTEAD FL 33030	Working (786) 243-3265
--	------------------------

Continue to CSR ▶

Validate Address

Street Number: 52 Suffix:

Dir-Prefix: NE Street Name: 11TH T/F: ST

Dir-Suffix:

Unit: APT 2 Elevation: Structure:

City: HOMESTEAD State: FL Zip: 33030

Descriptive Address:

Route: Box:

Telephone Number: (786) 243-3265

References | Cancel | Reset

Validate ▶

Copyright 2001 - BellSouth Telecommunications, Inc. - All Rights Reserved

LENS Version 14.0
ZUBE001

bos61685 /6
11/28/2003

DOCKET NO. 030873-TX
 DATE: DECEMBER 4, 2003

ATTACHMENT AA

UNIVERSAL WIRELESS

WIRELESS PHONE SERVICE

NEW CONNECTION

Agency Name: LA CARIDAD DISC		Customer's Acc #:	
Agency number: 1038	Disc Date:	PLAN:	
Date: 11-17-03	Telephone #: 786-243-3265		
Name: <u>MUEB - INTRODUCCION</u>			
Customer's Name: <u>AGUSTO RAMIRE</u>			
Address: <u>52 NE 11 ST.</u>		Apt#/Floor: <u>APT 112</u>	
City: <u>MIRAPLATA</u>		State: <u>FLA</u>	
Work Number:		Area Code: <u>305</u>	
Cell Number:		Cell/Beeper#:	

FREE CONNECTION PLANS

SERVICE DESCRIPTION

SERVICE TYPE	Local Access SIMPLE PLAN	Local Access INLINE PLAN	Local Access TOTAL PLAN
	Unlimited local calling and unlimited long distance*	Caller ID, Call waiting national Long distance*	Includes local calls from Sebastian to Key West. Nation wide long distance*. All features available. Call waiting Caller ID Anonymous call rejection and more. 25 different services available
MONTHLY PAYMENTS:	\$49.00	\$49.00	\$73.99

*Calls from Sebastian Key West include area codes (772-461-954-303-786)

Customer's connect	Billing cycle	Date due
1 st - 7 th	1	1st
8 th - 15 th	2	8th
16 th - 23 rd	3	15th
24 th - 31 st	4	22nd

Con la firma, el cliente entiende y/o autoriza: (1) Que la informacion en la aplicacion es correcta, (2) No Habra reembolso una vez sido procesada la aplicacion, (3) Universal Beepers Express, no sera responsable por el periodo de tiempo que se tome en la activacion, (4) Cualquier opcion o cambio en el servicio estara sujeto a cargos extra.

FAXED NOV 19 2003

Nombre del Cliente: CAUSOZ R Fecha: 11-17-03

Date Received: 11/17/03

Account Opened: 11/18/03 Acct. # 1396

Due Date: 11/20/03 Phone #: (786) 243-3265

Date Completed: 11/20/03 Checked By: D.O.

- 137 -

Agent: La caridad. 1 Pno# AR57