

ORIGINAL

State of Florida



Public Service Commission

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

RECEIVED FPSC
APR 1 3:47 PM

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

COMMISSION
CLERK

DATE: April 1, 2004
TO: Blanca S. Bayó, Commission Clerk and Administrative Services Director
FROM: Melinda H. Watts, Engineer III, Division of Competitive Markets & Enforcement *MHW*
RE: Docket No. 040217-TC – Compliance investigation of SOBE Communications Corp. for apparent violation of Rule 25-4.019, F.A.C., Records and Reports in General.

Please add this document to the Docket file for Docket No. 040217-TC.

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC 1
- OTH _____

DOCUMENT NUMBER-DATE

04185 APR-1 3

FPSC-COMMISSION CLERK

STATE OF FLORIDA

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



DIVISION OF AUDITING & SAFETY
DANIEL M. HOPPE, DIRECTOR
(850) 413-6480

Public Service Commission

February 3, 2004

Ms. Monica Ortiz
SOBE Communications Corp.
3003 N.E. 183rd. Lane
Aventura, FL 33160-4904

Certified # 7002 0860 0001 1757 5715

Re: Undocketed – SOBE Communications Corp. (TG747); RAF Compliance Audit; 03-245-3-3

Dear Ms Ortiz:

We are auditing your revenues and Regulatory Assessment Fees for 2002 in accordance with Commission audit procedures. As part of this process, the Commission staff reconciles the revenues used to calculate your Regulatory Assessment Fee with the reported revenues. Mr. Richard Brown, the staff auditor, attempted to acquire information necessary to support your filing for your regulatory assessment fee filing for the year 2002. You have refused to submit any data to the staff auditor. You have also refused to respond to a letter from Mr. Brown's supervisor, Mr. Charleston Winston.

This RAF compliance audit is one of several random audits we perform each year. These audits are meant to be relatively simple reconciliations of the RAF return to the company's books and records. Attachment A is a copy of Commission Rule 25-4.019, F.A.C. which states that "the utility shall also furnish the Commission with any information concerning the utility's facilities or operations which the Commission may reasonably request and require." The staff auditor has simply asked for documentation to support the numbers reflected on your RAF return. Attachment B is a copy of Commission Rule 25-4.043, F.A.C. which also states "replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry."

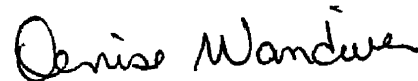
I have reviewed Mr. Brown's attempts to contact you as well as his supervisor's attempt to contact you. I have listed on Attachment C the minimum items that must be submitted to document the numbers filed on your RAF return. These may not be all-inclusive but if you submit these, that would be a substantial start in completing this audit. If you do not provide the listed information to the auditor by the close of business on February 13, 2004, or provide good reason why you should have an additional delay, we shall be forced to initiate show cause proceedings. These proceedings will be to determine if the company should be fined for failure to comply with Commission rules by not responding to audit requests. Fines for failure to follow Commission rules may be calculated at \$25,000

Ms. Monica Ortiz
February 3, 2004
Page 2 of 2

per day that the company refuses to respond. Failure to respond may also result in the cancellation of your certificate to operate.

If you have any specific reasons why it should take longer to provide these items, please call Mr. Brown, Mr. Winston, or myself. You may reach me at (850) 413-6487.

Sincerely,



Denise N. Vandiver
Bureau Chief of Auditing

Enclosures (3)

cc: Orlando District Office (Charleston Winston, Richard Brown)

ATTACHMENT A

25-4.019 Records and Reports in General.

(1) Each utility shall furnish to the Commission at such times and in such form as the Commission may require the results of any required tests and summaries of any required records. The utility shall also furnish the Commission with any information concerning the utility's facilities or operations which the Commission may reasonably request and require. All such data, unless otherwise specified, shall be consistent with and reconcilable with the utility's annual report to the Commission.

(2) Where a telephone company is operated with another enterprise, records must be separated in such manner that the results of the telephone operation may be determined at any time.

(3) Upon notification to the utility, members may, at reasonable times, make personal visits to the company offices or other places of business within or without the State and may inspect any accounts, books, records, and papers of the company which may be necessary in the discharge of Commission duties. Commission staff members will present Commission identification cards as the written authority to inspect records. During such visits the company shall provide the staff member(s) with adequate and comfortable working and filing space, consistent with the prevailing conditions and climate, and comparable with the accommodations provided the company's outside auditors.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.18, 364.183, 364.386, F.S.

History: Revised 12/1/68, Amended 5/4/81, formerly 25-4.19.

ATTACHMENT B

25-4.043 Response to Commission Staff Inquiries. The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.183, F.S.

History: New 12/1/68, formerly 25-4.43.

ATTACHMENT C

**SOBE Communications Corp.
RAF Compliance Audit 03-245-3-3
Minimum Documentation Required**

REVENUES

1. 2002 General ledger indicating total telecommunications revenues.

OR

2. Cash deposit slips indicating 2002 revenues.

OR

3. Other financial evidence detailing source of revenue and completeness of revenue, (i.e. receipt books, billing statements, etc.)

EXPENSES

1. Invoices from other telecommunication companies indicating amounts paid for the use of the intrastate telecommunications network.

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

FLORIDA PUBLIC SERVICE COMMISSION
CAPITAL CIRCLE OFFICE CENTER
2540 SHUMARD OAK BLVD., SUITE 215
TALLAHASSEE, FL 32399-0850

Attention: Denise N. Vandiver

31



SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

Ms. Monica Ortiz
SOBE Communications Corp.
3003 N. E. 183rd Lane
Aventura, FL 33160-4904

COMPLETE THIS SECTION ON DELIVERY

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

C. Signature

X *Monica Ortiz* Agent Addressee

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

FEB 10 2001

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Article Number

(Transfer from service label)

7002 0860 0001 1757 5775

Form 3811, March 2001

Domestic Return Receipt

102585-01-M-1424