

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of USA Telephone Inc. d/b/a CHOICE ONE Telecom for apparent violation of Section 364.183(1), F.S., Access to Company Records, and Rule 25-4.0161, FAC, Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 040845-TX  
ORDER NO. PSC-04-0994A-PAA-TX  
ISSUED: November 3, 2004

AMENDATORY ORDER

BY THE COMMISSION:

On October 11, 2004, we issued Order No. PSC-04-0994-PAA-TX. The main purpose of the original Order was to assess penalties of \$10,000 and \$1,000 against USA Telephone Inc. d/b/a CHOICE ONE Telecom (USA Telephone) for its apparent violation of Section 364.183(1), Florida Statutes, Access to Company Records and for its apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, for not paying its 2003 Regulatory Assessment Fee (RAF). Furthermore, the Order required USA Telephone to submit the required information listed in Attachment A to the Order to the Division of Regulatory Compliance and Consumer Assistance.

However, due to a scrivener's error, reference to USA Telephone's required payment of RAFs was omitted from the sixth, seventh, and eighth ordering paragraphs. Likewise, the seventh and eighth ordering paragraphs erroneously read that the penalties shall be referred to the Department of Financial Services for further collection efforts. Therefore, the sixth, seventh, and eighth ordering paragraphs of Order No. PSC-04-0994-PAA-TX are amended to reflect that USA Telephone is required to pay RAFs, including statutory late payment charges, in addition to the \$10,000 and \$1,000 penalties. Additionally, the seventh and eighth ordering paragraphs of Order No. PSC-04-0994-PAA-TX are amended to reflect that the RAFs, including statutory late payment charges, shall be referred to the Department of Financial Services for further collection efforts, not the \$10,000 and \$1,000 penalties.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the sixth, seventh, and eighth ordering paragraphs of Order No. PSC-04-0994-PAA-TX are hereby amended to reflect that USA Telephone Inc. d/b/a CHOICE ONE Telecom is required to pay its Regulatory Assessment Fees, including statutory late payment charges, in addition to the \$10,000 and \$1,000 penalties. It is further

ORDERED that the seventh and eighth ordering paragraphs of Order No. PSC-04-0994-PAA-TX are hereby amended to reflect that the Regulatory Assessment Fees, including statutory

DOCUMENT NUMBER-DATE

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ORDER NO. PSC-04-0994A-PAA-TX  
DOCKET NO. 040845-TX  
PAGE 2

late payment charges, shall be referred to the Department of Financial Services for further collection efforts.

ORDERED that Order No. PSC-04-0994-PAA-TX is reaffirmed in all other respects.

By ORDER of the Florida Public Service Commission this 3rd day of November, 2004.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

(SEAL)

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