

DEPOSIT DATE

512 DEC 17 2004

ORIGINAL

040847-TX

TO AVOID PENALTY AND INTEREST CHARGES, THE REGULATORY ASSESSMENT FEE RETURN MUST BE FILED ON OR BEFORE 01/31/2005

Competitive Local Exchange Company Regulatory Assessment Fee Return *total 118.0*

STATUS:

- Actual Return
- Estimated Return
- Amended Return

PERIOD COVERED:  
01/01/2004 TO 12/31/2004

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

TX315-04-0-R  
 InterCept Communications Technologies, Inc.  
 3150 Holcomb Bridge Road, Suite 200  
 Norcross, GA 30071-1370  
 Docket No. 040847-TX (Isler)

FOR PSC USE ONLY

Check# 18405

\$ 50.00 06-03-001 003001

\$ \_\_\_\_\_ P 06-03-001 004011

\$ \_\_\_\_\_ I

Postmark Date 12-9-04

Initials of Preparer vm

Please Complete Below if Official Mailing Address Has Changed

(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	\$ _____	\$ <u>50.00</u>

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 04 DEC 15 PM 1:23  
 COMMISSION CLERK

\* These amounts must be intrastate only and must be verifiable.  
 \*\* Other long distance revenue must be listed on the Interexchange 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  
 (X) Other: Does not provide telecommunications services.

BILLING INFORMATION

Complete below if billing agent if other than yourself.

CMP \_\_\_\_\_ (Name) \_\_\_\_\_ (Address: City/State/Zip) \_\_\_\_\_ (Telephone) \_\_\_\_\_

COM Do you lease telecommunications facilities? ( ) YES (X) NO

CTR IF YES, who do you lease these facilities from? Name: \_\_\_\_\_

ECR Address: \_\_\_\_\_

GCL 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.

OPC Jonathan R. Coe (Signature of Company Official) Senior Vice President (Title) 12-7-04 (Date)

MMS Jonathan R. Coe (Preparer of Form - Please Print Name)  
 Telephone Number 770 248-9600 Fax Number 770 242-6803  
 F.E.L. No. 58-2456007

SCR \_\_\_\_\_  
 SEC \_\_\_\_\_  
 OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE  
 13195 DEC 15 04  
 FPSC-COMMISSION CLERK

FRIEND, HUDAK & HARRIS, LLP  
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(770) 399-9500  
FACSIMILE (770) 395-0000  
EMAIL: fh2@fh2.com

December 8, 2004

**RECEIVED**  
DEC 09 2004  
12:22  
FPSC-COMMISSION CLERK

**VIA OVERNIGHT MAIL**

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

Re: Compliance Investigation of InterCept Communications Technologies, Inc. for  
Apparent Violation of Rule 25-4.0161, FAC, Regulatory Assessment Fees;  
Telecommunications Companies, Docket No. 040847-TX

Dear Ms. Bayo:

We are counsel for InterCept Communications Technologies, Inc. ("InterCept"). InterCept is a Georgia corporation headquartered at 3150 Holcomb Bridge Road, Suite 200, Norcross, Georgia 30071. InterCept was issued certificate number 7062 by the Florida Public Service Commission (the "Commission") to provide local telecommunications services in Florida in Docket No. 990541 on August 3, 1999 (the "CLEC Certificate"). In addition, InterCept was issued certificate number 7282 to provide interexchange services in Florida in Docket No. 990659.

This correspondence regards Order No. PSC-04-1145-PAA-TX issued on November 18, 2004 in Docket No. 040847-TX. InterCept respectfully protests the Order and hereby offers to settle all of the applicable compliance issues raised in Docket No. 040847-TX, as further discussed below.

Despite having received the CLEC Certificate in 1999, InterCept never commenced the provision of telecommunications services in Florida (or in any other state). Because its business plans changed before it began provisioning any telecommunications services, InterCept took steps to affirmatively cancel its certificates in all other states in which InterCept had been certificated to provide telecommunications services, and was under the mistaken belief that the CLEC Certificate already had been cancelled. As such, InterCept believed in good faith that it was no longer obligated to comply with the requirements discussed in Docket No. 040847-TX.

InterCept hereby offers to settle the issues raised in Docket No. 040847-TX by (i) voluntarily canceling the CLEC Certificate, and (ii) remitting the applicable 2003 and 2004 Regulatory Assessment Fees, including statutory penalties and interest. InterCept respectfully requests that the

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

Initials of person who forwarded

SGC

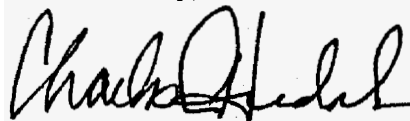
FRIEND, HUDAK & HARRIS, LLP  
ATTORNEYS AT LAW

Blanca Bayo, Director  
December 8, 2004  
Page 2

Commission accept its proposal to voluntarily cancel the CLEC Certificate in lieu of assessing any fines sought in Docket No. 040847-TX. Toward this end, InterCept is enclosing its 2003 and 2004 Regulatory Assessment Fee returns, along with full payment.

Enclosed are the original and sixteen (16) copies of this letter. Please file the letter in your usual fashion and return one (1) file-stamped copy to us in the enclosed, pre-addressed envelope. If you have any questions regarding the foregoing, please contact the undersigned.

Sincerely,



Charles A. Hudak

Counsel for InterCept Communications Technologies, Inc.

CAH/jh

Enc.

cc: Paula Isler, Florida Public Service Commission  
(with enclosure)  
InterCept Communications Technologies, Inc.  
(with enclosure)