

State of Florida



ORIGINAL

Public Service Commission

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

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

DATE: May 3, 2005

TO: Blanca S. Bayó, Commission Clerk and Administrative Services Director

FROM: Paula J. Isler, Research Assistant, Division of Competitive Markets & Enforcement *Pji*

RE: Docket No. 050238-TX - Application for certificate to provide competitive local exchange telecommunications service by USA Telephone Inc. d/b/a Choice One Telecom.

The attached, as outlined below, should be documented in Docket No. 050238-TX so that the docket file will be complete.

- Today, May 3, 2005, Mr. Jean Cherubin, Vice President of USA Telephone, hand-delivered the attached letter dated April 18, 2005, advising that the company will comply with Attachment A of Order No. PSC-04-0994-PAA-TX in Docket No. 040845-TX.
- Copy of letters dated April 8 and 19, 2005, from BellSouth to USA Telephone concerning the discontinuance of service to USA Telephone.
- Copy of letter dated April 14, 2005, transmit report dated July 12, 2001, fax cover sheet dated July 12, 2001, letter dated July 12, 2001, Order No. PSC-01-1247-PAA-TP in Docket No. 991222-TP, FTRI's monthly surcharge collection report, and a letter dated March 12, 1999, all from the Florida Telecommunications Relay, Inc. to USA Telephone.

Let me know if you have any questions.

Attachments

CMP _____

COM _____

CTR _____

ECR _____

GCL _____

OPC _____

MMS _____

RCA _____

SCR _____

SEC 1

OTH _____

DOCUMENT NUMBER-DATE

04360 MAY-4 05

FDSC-COMMISSION OF FLORIDA

USA TELEPHONE INC

4/18/2005

Florida public Service Commission
2540 Shumard Oak Blvd
Tallahassee, Florida 32399-0850
Att: Mr. Ray Kennedy

Dear Mr. Kennedy,

This letter is a formal answer of compliance to Attachment A of order # No. PSC-04-0994-PAA-TX issue on October 11, 2004. USA Telephone will abide by the PSC order and pay all applicable outstanding fee to the Commission pertaining to the Florida Relay, Inc.

It is understood that if USA Telephone Inc fails comply with such order, the authority to provide Competitive Local Exchange Services in Florida will be revoke.

u for your understanding.


Jean A. Cherubin

1510 N.E 162 Street Miami, Florida 33162 Tel-305-944-8383 Fax-305-947-8050



BellSouth Telecommunications
Interconnection Services
675 W. Peachtree Street, NE
Room 34591
Atlanta, GA 30375

Interconnection Services Marketing
Office (404) 927-7503
Fax (404) 529-7839

April 19, 2005

Mr. Jean Cherubin
USA Telephone, Inc.
1510 NE 162nd Street
Miami, FL 33162

Dear Ms. Cherubin:

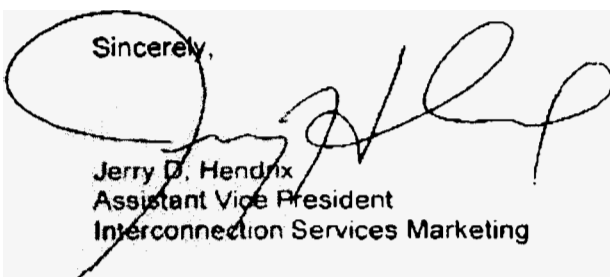
As a follow-up to my letter dated April 8, 2005, BellSouth has extended the date for discontinuance of existing service to USA Telephone, Inc. ("USA Telephone") until May 4, 2005. This extension is based on BellSouth's understanding from the Florida Public Service Commission ("Commission") that USA Telephone's new application for certification to provide telecommunications service in the state of Florida will be addressed at the Commission's May 3, 2005 Agenda Session.

If the Commission grants USA Telephone a new certificate to provide service in Florida, BellSouth will continue to provide service to USA Telephone, and will again allow new service orders to be processed. If a new certificate is not granted, then BellSouth will discontinue existing service to USA Telephone effective May 4, 2005.

As indicated in my April 8, 2005 letter, BellSouth cannot legally continue to provide service to a carrier that is not certified in that state for the provision of telecommunications services to the public. Until a decision is made concerning USA Telephone's certificate, BellSouth will not accept new orders for service.

If you have any questions, please contact your BellSouth local contract manager

Sincerely,



Jerry D. Hendrix
Assistant Vice President
Interconnection Services Marketing

cc: Parkey Jordan
Jim Meza
Nancy Sims

BellSouth Telecommunications
Interconnection Services
675 W. Peachtree Street, NE
Room 34591
Atlanta, GA 30375

Interconnection Services Marketing
Office (404) 927-7503
Fax (404) 529-7839

April 8, 2005

VIA OVERNIGHT MAIL

Mr. Jean Cherubin
USA Telephone, Inc.
1510 NE 162nd Street
Miami, FL 33162

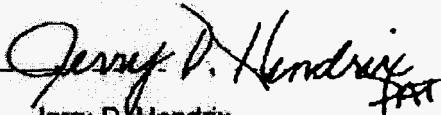
Dear Mr. Cherubin:

BellSouth has verified with the Florida Public Service Commission (PSC) that USA Telephone, Inc.'s ("USA Telephone") certification to provide telecommunications service in the state of Florida was terminated on November 5, 2004. Failure to maintain such certification is a breach of your Interconnection Agreement with BellSouth. Additionally, BellSouth is prohibited by the Florida PSC from providing services to a carrier that is not certified in that state for the provision of telecommunications services to the public. This letter shall serve as written notice that effective immediately, BellSouth will no longer accept new orders from USA Telephone. Additionally, BellSouth will proceed with the discontinuance of existing services in Florida on April 19, 2005. It is the responsibility of USA Telephone to notify its end users of this impending disconnection.

In order to prevent disconnection of service, USA Telephone must become recertified and provide documented proof of recertification to BellSouth no later than April 18, 2005. USA Telephone will be responsible for payment of full non-recurring charges to re-establish services that are disconnected as a result of this notice. In addition, a security deposit may be required in accordance with the terms and conditions set forth in the Agreement.

If you have any questions, please contact your BellSouth local contract manager

Sincerely,



Jerry D. Hendrix
Assistant Vice President
Interconnection Services Marketing

cc: Parkey Jordan
Jim Meza
Nancy Sims



1820 E. Park Avenue, Suite 101
Tallahassee, FL 32301
Voice: 800-222-3448
TTY: 888-447-5620
Business: 888-292-1950
Fax: 850-656-6099
www.ftri.org

April 14, 2005

USA Telephone, Inc.
1510 N.E. 162nd Street
North Miami Beach, Florida 33162-4716

Re: TASA Surcharge Information

Florida Telecommunications Relay, Inc. (FTRI) is the designated administrator of the Telecommunications Access System Act of 1991 (TASA), Florida Statutes 427. As such, FTRI provides specialized telecommunications equipment to qualified Florida Residents who have a certified hearing or speech impairment. In order to fund this distribution program, access lines in the State of Florida are assessed a monthly surcharge by the Local Exchange Companies and the Alternate Local Exchange Companies. As of March 1, 2004 the surcharge rate is .15 cents per access line.

Please acknowledge receipt of this letter by providing FTRI, in writing, with your company's appropriate contact name, phone number, mailing address and status concerning the collection of the TASA surcharge. A form is enclosed for your convenience. If your company has no access lines to report, please acknowledge this as well. If your company is doing business in Florida and has a separate company filing for you, please provide them with a copy of this letter. We will need their company's appropriate contact name, phone number, and mailing address as well.

If you are doing business in Florida at this time, please make copies of the enclosed surcharge report form to submit your surcharge information. The information requested is needed for FTRI's budget preparation and reporting requirements to the Florida Public Service Commission. The surcharge collection report is remitted to FTRI on a monthly basis (see Florida Statute 427.704(4)). Both the surcharge payment and collection report are due by the 15th of the month following the end of the period.

We look forward to working with you. Should you have any questions or concerns, please call the accounts receivable department at (888) 292-1950 extension 224.

Sincerely,

Cheryl Butler
Accounts Receivable

cc: Brett A. Bascom, Business Manager
Encls: 2

TRANSMIT REPORT

2001.07-12 14:25
 904-656-6099
 FLORIDA TELECOM RELAY

COM No.	REMOTE STATION	START TIME	DURATION	PAGES	RESULT	USER ID	REMARKS
444	+3059478050 /	07-12 14:23	02' 05	06/06	OK		

7460305016

USA TELEPHONE

FACSIMILE TRANSMITTAL SHEET

TO:	Mr. Cherubin	FROM:	Nadia Triplett
COMPANY:	Florida Telecommunications Relay	DATE:	7/12/01
FAX NUMBER:	305-947-8050	TOTAL NO. OF PAGES INCLUDING COVER:	6
PHONE NUMBER:	305-944-8383	SENDER'S REFERENCE NUMBER:	
RE:	Surcharge Information	YOUR REFERENCE NUMBER:	

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

If you have any questions, please direct them to Bict Bascom at (850) 6561401 Additional information will be sent in the mail.

USA TELEPHONE

FACSIMILE TRANSMITTAL SHEET

TO: Mr. Cherubin	FROM: Nadia Triplett
COMPANY: Florida Telecommunications Relay	DATE: 7/12/01
FAX NUMBER: 305-947-8050	TOTAL NO. OF PAGES INCLUDING COVER: 6
PHONE NUMBER: 305-944-8383	SENDER'S REFERENCE NUMBER:
RE: Surcharge Information	YOUR REFERENCE NUMBER:

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

If you have any questions, please direct them to Brett Bascom at (850) 6561401. Additional information will be sent in the mail.



July 12, 2001

Mr. Jean Cherubin
USA Telephone
1510 NE 162nd Street
Miami, FL 33162

Dear Mr. Cherubin,

Thank you for contacting us concerning remittance of the Telecommunications Access System Act (TASA) surcharge. As I mentioned on the telephone Florida Telecommunications Relay, Inc. (FTRI) is the designated administrator for TASA.

Enclosed is additional information concerning the TASA surcharge. As discussed the surcharge rate as of July 1, 2001 is 12 cents per access line. Please keep us informed as to the status of the previous years activity and your investigation into the resolution of those amounts.

If you have any questions please don't hesitate to contact us. My direct line is 850-656-1401 or Email at FTRI1@aol.com, in addition you may contact Nadia Triplett, Accounts Receivable Assistant 850-216-1660. Thank you.

Sincerely,

Brett A. Bascom
Business Administrator

CC: James Forstall, Executive Director
Nadia Triplett, Accounts Receivable Assistant

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for submission of proposals for relay service, beginning in June 2000, for the hearing and speech impaired, and other implementation matters in compliance with the Florida Telecommunications Access System Act of 1991.

DOCKET NO. 991222-TP
ORDER NO. PSC-01-1247-PAA-TP
ISSUED: June 4, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

PROPOSED AGENCY ACTION
ORDER APPROVING BUDGET WITH MODIFICATIONS AND ADJUSTING RELAY SURCHARGE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Background

The Telecommunications Access System Act of 1991 (TASA), sections 427.701-427.708, Florida Statutes, provides funding for the distribution of specialized telecommunications devices and the provision of intrastate telecommunications relay service through the imposition of a surcharge of up to \$.25 per access line per month. Accounts with over 25 lines are billed for only 25 lines. Under TASA, the Commission has the responsibility to review the amount of the surcharge at least annually and adjust the amount as

DOCUMENT NUMBER-DATE

06950 JUN-4 01

ORDER NO. PSC-01-1247-PAA-TP
DOCKET NO. 991222-TP
PAGE 5

Finally, we have modified line item Nos. 28, 33, and 34. These modifications are related, and reflect an adjustment to account for the proposed full-time employee.

With these modifications, we approve a 2001/2002 fiscal year budget for FTRI in the amount of \$16,793,085. The budget shall be grouped into five categories. FTRI may move amounts between these five categories not to exceed 10% of the category from which the funds are being moved; greater movement would require prior Commission authorization.

The Surcharge

To support its budget FTRI has requested a \$.12 surcharge for the next fiscal year. While this is a \$.04 increase, the current \$.08 surcharge was set specifically to reduce FTRI's surplus fund account. FTRI expects that by June 30, 2001, the surplus fund account will have been reduced to \$3,797,342 from \$10,238,799. The higher surcharge level is needed to fund FTRI's proposed budget while preventing the surplus fund account from dropping too low. The \$.12 surcharge will fund FTRI's planned programs and provide a surplus fund account balance of \$1,443,709 by June 30, 2002, approximately a month's operating expense.

For these reasons, we approve a surcharge level of \$.12 per access line. We direct all local exchange telephone companies to assess a \$.12 surcharge per access line beginning July 1, 2001.

It is therefore,

ORDERED by the Florida Public Service Commission that the attached budget for fiscal year 2001-2002 is approved as modified in the body of this order. It is further

ORDERED that the local exchange telephone companies shall assess a \$.12 surcharge beginning July 1, 2001. It is further

ORDERED that the budget shall be grouped into five categories. FTRI may move amounts between these five categories not to exceed 10% of the category from which the funds are being moved; greater movement would require prior Commission authorization. It is further



CHECK NUMBER _____

DATE: _____

FLORIDA TELECOMMUNICATIONS RELAY, INC. (FTRI)
MONTHLY SURCHARGE COLLECTION REPORT

FROM: _____ For Period: _____
(Company)

Date surcharge remitted to fund administrator: _____

_____ Check _____ Transfer Payment

Number of access lines billed: _____

Were any of the access lines prorated the surcharge? _____

- 1. Total surcharge billed \$ _____
- 2. Less surcharge not collected \$ _____
- 3. Plus surcharge collected \$ _____
(attributed to prior period)
- 4. Subtotal \$ _____
- 5. Less 1% of surcharge collected \$ _____
- 6. Total amount remitted to fund administrator \$ _____

Prepared by: _____ Phone: _____

Signed by: _____

Approved by: _____ Date: _____

Send form to:

Florida Telecommunications Relay, Inc.
Accounts Receivable Department
1311 North Paul Russell Road, Suite 101 B
Tallahassee, FL 32301-4860

Phone: 850-216-1660
Fax: 850-656-6099



March 12, 1999

USA Telephone, Inc.
Mr. Jean Andre Cherubin
1765 NE 162nd Street
Miami, FL 33162

Dear Mr. Cherubin,

Florida Telecommunications Relay, Inc. (FTRI) is the designated administrator of the Telecommunications Access System Act of 1991, Florida Statutes 427. As such, FTRI provides specialized telecommunications equipment to qualified Florida Residents who have a certified hearing or speech impairment. In order to fund this distribution program, access lines in the State of Florida are assessed a surcharge of 11 cents per month by the Local Exchange Companies and the Alternate Local Exchange Companies. This surcharge collection is remitted to FTRI, see Florida Statute 427.704(4).

In June 1998, FTRI had requested that USA Telephone, Inc. submit the enclosed FTRI Surcharge Report Form to FTRI on a monthly basis. It is our understanding that USA Telephone, Inc. had no access lines to report at that time. In order to update our files, if USA Telephone, Inc. currently has no access lines to report, please acknowledge by signing below and returning this letter as soon as possible.

In the event that USA Telephone, Inc. does begin providing access lines in Florida, please inform and notify FTRI by remitting a copy of the enclosed surcharge form with the appropriate access line information.

Your attention to this matter is greatly appreciated. If you have any questions or concerns please direct them to Feledia Cherry at (850) 671-2998.

Sincerely,


James Forstall
Executive Director

Name (please print)

Signature

Date

Enclosure

JF/fc

followup.doc