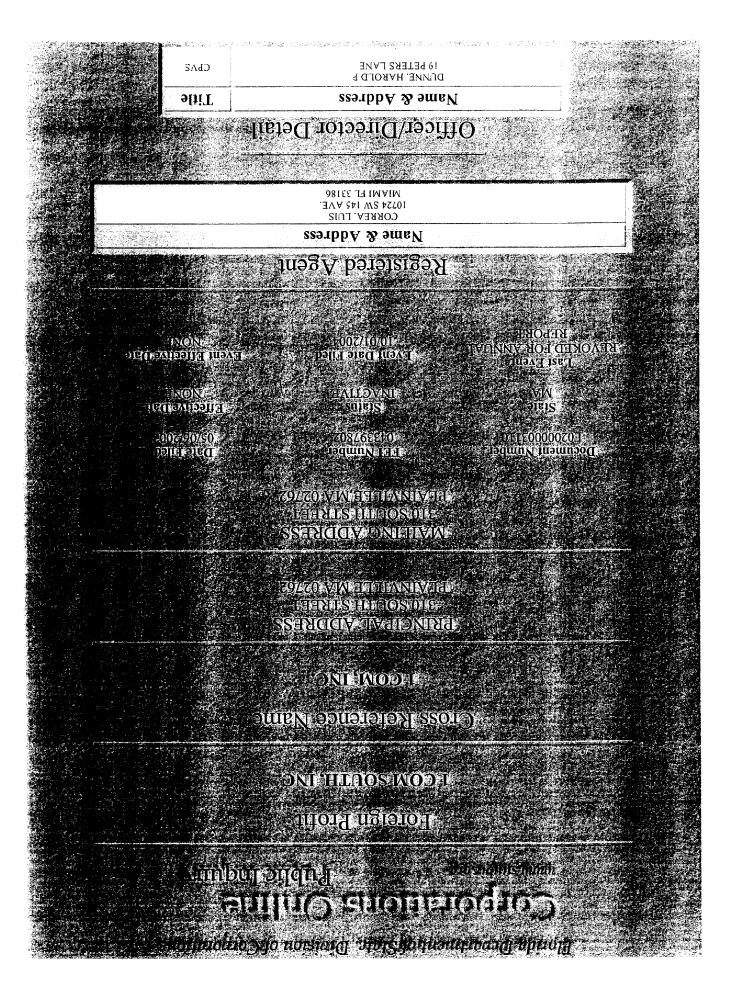
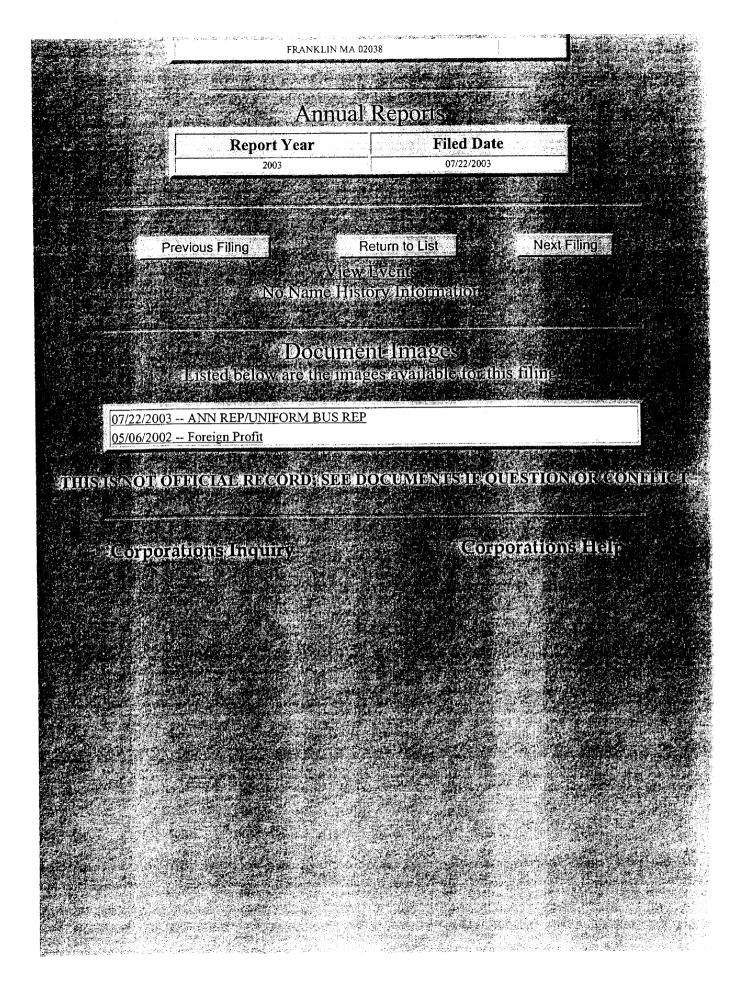
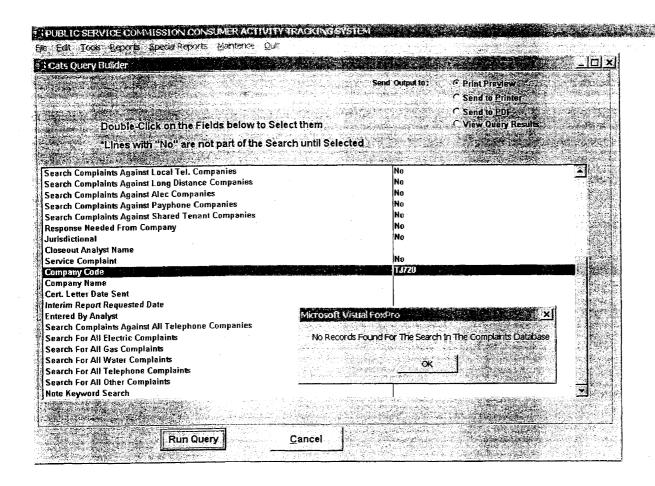
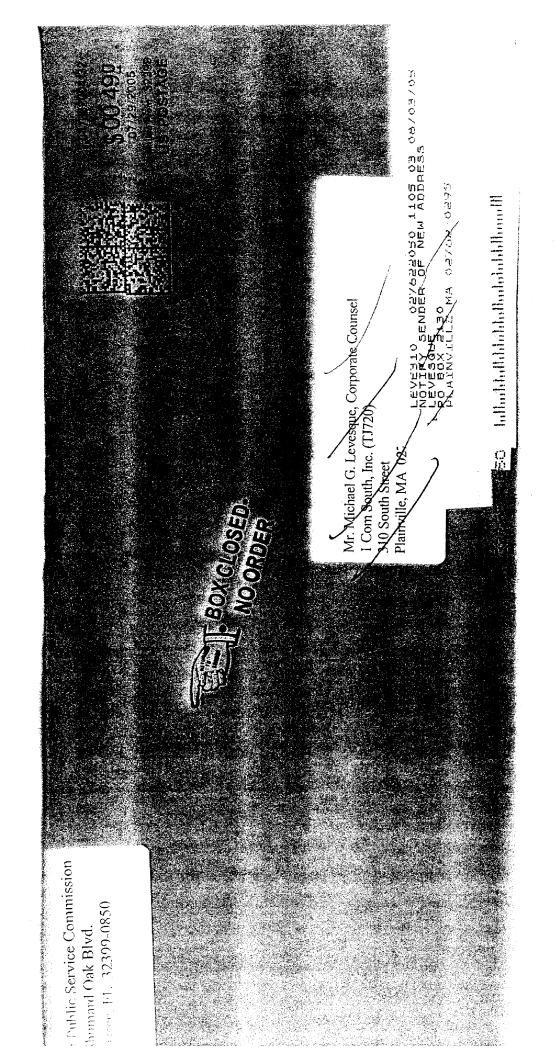
REQUEST TO ESTABLISH DOCKET (Please Type)								
Date:	10/6/2005		Docket No.:	050727-17				
1. Divisio	n Name/Staff Name:	Division Of Competitive Ma	arkets & Enforce	ement/Isler				
2. OPR:	Division Of Competitive Markets & Enforcement							
3. OCR:	Office Of The General Counsel							
4. Sugges		ompliance investigation of 720, for apparent violation		o/a 1 Com South, Inc., IXC Registration No. 36, Florida Statutes.				
A. B.	A. Provide NAMES OR ACRONYMS ONLY if a regulated company.							
				·				
2	. Interested persons	and their representatives	(if any):					
<u></u>								
<b></b>								
6. Check	one:							
		on is attached.						
	Documentation	on will be provided with r	ecommendatio	on.				
				DCCUMENT NUMBER: DATE				





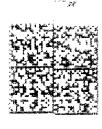






# Public Service Commission State of Florida

Tallahassee, Florida 32399-0850 2540 Shumard Oak Boulevard



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> 310 South Street Plainville, MA 02762-1547 1 Com South, Inc.

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#### COMMISSIONERS: BRAULIO L. BAEZ, CHAIRMAN J. TERRY DEASON RUDOLPH "RUDY" BRADLEY LISA POLAK EDGAR



DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT
BETH W. SALAK
DIRECTOR
(850) 413-6600



Hublic Service Commission

August 9, 2005

TJ720 1 Com South, Inc. 310 South Street Plainville, MA 02762-1547

Dear Sir or Madam:

On December 24, 2003, the Florida Public Service Commission issued Order No. PSC-03-1469-FOF-TL (Order) that granted the petitions filed by Incumbent Local Exchange Companies (ILECs) Verizon, Sprint, and BellSouth, to reduce their intrastate switched access charges to interstate parity. (Dockets Nos. 030867-TL, 030868-TL, 030869-TL, respectively.) The Order was appealed to the Florida Supreme Court which issued its opinion on July 7, 2005, upholding the Commission's decision.

The Order also addressed Docket No. 030961-TL, the flow-through of ILEC switched access reductions by Interexchange Carriers (IXCs), pursuant to Section 364.163(2), Florida Statutes.

In the Order, the Commission set forth the following requirements to be fulfilled by the IXCs:

- (1) IXCs are required to flow-through the switched access rate reductions.
- (2) IXCs are required to file tariffs within 44 days of the ILECs' filed tariffs.
- (3) The ILEC and the IXC tariffs should become effective simultaneously.
- (4) IXC rate reductions shall remain in effect for no less than one year subsequent to parity being accomplished.
- (5) IXC rate reductions should be flowed-through to residential and business customers on a pro-rata basis according to access minutes of use.

The Order differentiated among the IXCs as to what should be included in their tariff filings. The Order stated that all IXCs that paid \$1 million or more in intrastate switched access charges within the most recent 12 month period should include in their tariff filings:

(1) a calculation of the dollar benefit associated with the ILEC's intrastate access rate reductions.

<sup>&</sup>lt;sup>437</sup> A notice of correction was issued on July 13, 2005.

IXC Tariff Requirements Page 2 of 2

8/9/2005

- (2) separate demonstrations that residential and business long distance rates have been reduced and the estimated annualized revenue effect, residential and business, including how those estimates were made.
  - (3) a demonstration that all rate reductions have been flowed through.

For IXCs that paid less than \$1 million in intrastate switched access charges within the most recent 12 month period, the Commission required them to include in their tariff filings a letter certifying as such, and that they have complied with each of the flow-through requirements as specified in Section 364.163(2), Florida Statutes. Additionally, any IXC whose intrastate switched access expense reduction is \$100 or less per month would not be obligated to flow through its reduction, but must attest to such through a letter filed with this Commission.

As the order requires IXCs to file tariffs within 44 days of the ILECs' filed tariffs so that the flow-through of the reductions occurs concurrently, it is recommended that your company monitor the Commission's website for the latest ILEC tariff filings. Currently, it appears the three ILECs will file their tariffs in mid September. The ILEC tariff filings can be viewed at the Commission website <a href="https://www.FloridaPSC.com">www.FloridaPSC.com</a>. From that website click on "Telecommunications," scroll to "Tariff Information," and then click on "Search by Company" which will bring you to a list of companies to scroll through. Verizon's company code is TL710, Sprint's is TL727 and BellSouth's is TL720. If you have any questions please call Rick Wright at 850-413-6435.

Sincerely,

Beth W. Salak

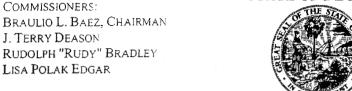
Director

Division of Competitive Markets & Enforcement

BHI IN Slike

cc: Rick Wright, Professional Accountant Specialist, Bureau of Competitive Markets Cheryl Bulecza-Banks, Chief, Bureau of Competitive Markets

#### STATE OF FLORIDA



DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT
BETH W. SALAK
DIRECTOR
(850) 413-6600

# Hublic Service Commission

July 29, 2005

Mr. Michael G. Levesque, Corporate Counsel 1 Com South, Inc. (TJ720) 310 South Street Plainville, MA 02762-1547

Dear Mr. Levesque:

The Regulatory Assessment Fee (RAF) is due by January 30<sup>th</sup> of each year for the preceding calendar year. For certificate holders, the RAF is owed even if a telecommunications company may not have started operations or had any revenues. Since payment has not been made, statutory penalty and interest charges are now applicable. If payment for the 2004 RAF is postmarked by August 19, 2005, the penalty is 25% and the interest is 7% of the amount owed. The interest continues to accrue until the RAF is paid.

Our records show that the 2004 RAF return notice was mailed on December 10, 2004, and a delinquent notice was mailed on February 18, 2005. As of this date, our records do not show receipt of the RAF return or payment. A copy of the 2004 RAF return form is enclosed. If full payment, including penalty and interest charges, along with the RAF return form, are not received by August 19, 2005, a docket may be established. Your company may be fined or the certificate cancelled if you do not respond. Please note that once a docket has been established, just paying the delinquent RAF amount will not prevent the company's certificate from being cancelled.

If you wish to cancel your certificate voluntarily and leave in good standing with the Commission, your company should write a letter requesting cancellation, pay the past due amount in full, complete the 2004 RAF return form, either pay the 2005 RAF or provide a date certain it will be paid, and comply with the requirements of Rule 25-24.474, Florida Administrative Code, copy enclosed. Any unpaid RAFs, including penalty and interest charges, are turned over to collections. Our records show you also have a small past due balance of \$6.61 from a prior year. When returning payment and a copy of the completed 2004 Regulatory Assessment Fee return form, please use the enclosed blue envelope, which will insure prompt processing.

If you have any questions, please contact me at (850) 413-6502, by fax at (850) 413-6503, by e-mail at pisler@psc.state.fl.us. or by writing to me at the address below.

Sincerely.

Paula J. Isler

Bureau of Service Quality

**Enclosures** 

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

### Interexchange Company Regulatory Assessment Fee Return

STATUS:		olic Service Commission Instructions on Back of Form)	FOR PSC USE ONLY Check#	
Actual Return Estimated Return Amended Return PERIOD COVERED: 01/01/2004 TO 12/31/2004	TJ720-04-0-R 1 Com South, Inc. 310 South Street Plainville, MA 02 (Isler)	762-1547	\$ 06-03-00 003000 \$ P 06-03-00 00400 \$ I Postmark Date	01 01
	Please Complete Bel	low If Official Mailing Address Has Changed		
(Name of Company)		(Address)	(City/State) (Zip	<u></u>
1. Long Distance Services 2. Access Services 3. Private Line Services 4. Leased Facilities & Circuits S. 5. Miscellaneous Services 6. TOTAL Telephone Services 7. LESS: Amounts Paid to Other (see "2. Fees" on back) 8. TOTAL REVENUES For Reg 9. Regulatory Assessment Fee D 10. Penalty for Late Payment (see 11. Interest for Late Payment (see 12. TOTAL AMOUNT DUE * These amounts must be intrastate on AS PROVIDED  ( ) Facilities-Based Carrier ( ) Alternate-Operator Service	Telecommunications Companulatory Assessment Fee Calculus (Multiply Line 8 by 0.0015) "3. Failure to File by Due Date "3. Failure to File by Due Date Use and must be verifiable.  O IN SECTION 364.336, I  CUR  ( ) Reseller ( ) Rebiller	lation ) e" on back)	\$	
(Name) What is the total amount of customer deposit Amount: \$ for 19			(Telephone) s the total amount of bond held (if applicable)? nt: \$ Expires:	_
•	() YES () NO n? Name:	MPANY INFORMATION		-
l, the undersigned owner/officer of the al and correct statement. I am aware that pursus servant in the performance of his/her duty sha	ant to Section 837.06, Florida S	Statutes, whoever knowingly makes a false statem	knowledge and belief the above information is a trent in writing with the intent to mislead a public	ue
(Signature of Company Off	icial)	(Title)	(Date)	_
(Preparer of Form - Please	Print Name)		Fax Number (	
PSC/CMF-153 (Rev. 11/11/99)		F.E.I. No.		

#### COMPANY IDENTIFICATION

Printed on 07/19/2005 at 11:06:30 by PJI

Complete Name: 1 Com, Inc. d/b/a 1 Com South, Inc.

Mailing Name: 1 Com South, Inc.

Company Code: TJ720 FEID Number:

#### RAF ACCOUNT FOR THE PERIOD 01/01/2003 THROUGH 12/31/2003

Req. Date:

02/28/2003

Inactive Date:

Service:

IXC - Interexchange Telephone

Received:

Actual RAF Form

Status:

Pending

Amended:

No

Extension:

No

Frozen:

No

Comments:

No

Payment Count: 1 Payment Made to Date Operating Rev:

\$36,700.00

Interstate Rev:

\$0.00

RAF Rate: 0.0015

Net RAF Due:

\$55.05

Assessment	Due	Paid	Owe
RAF	\$55.05	\$50.00	\$5.05
Penalty	\$5.51	\$5.00	\$0.51
Interest	\$1.10	\$0.05	\$1.05
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$61.66	\$55.05	\$6.61

#### Last modification was made on Friday, April 2, 2004 at 9:59 AM by David Brown

1 COM, INC. D/B/A 1 COM SOUTH, INC. (TJ720)

Industry: Telecommunications, Service provided: IXC Company type: Interexchange Telephone Companies Regulation date: 02/28/2003, Inactive date:

Certificate number: N/A, County:

Company liaison: Michael G. Levesque, Corporate Counsel

Mailing address:

Location address:

310 South Street

310 South Street

Plainville, MA 02762-1547

Plainville, MA 02762-1547

E-mail address: MLevesque@lcominc.com Web site: http://www.lcominc.com Phone number: (508) 699-1771

Fax number: (508) 699-1779

Period covered: 01/01/2003 through 12/31/2003 Operating rev: \$36,700.00 Interstate rev: RAF rate: 0.0015 \$0.00

Documents: Actual RAF form received on 03/30/2004

RAF form faxed on 03/24/2004

Remarks: Sent to Mike at (508) 699-1779 Delinquent letter mailed on 02/20/2004 Delinquent letter mailed on 02/19/2004 Delinquent letter mailed on 02/18/2004

RAF form mailed on 12/03/2003

Postmarked Trans Date Date Posted-By Dep & Check a Check Amount 03/30/2004 04/02/2004 04/02/2004-DBR JJ450 10342 SEE.CE RAF paid JJ450 \$51.00

> Penalty paid

J5450 - - . -

53.00

#### 25-24.474 Cancellation of a Certificate.

- (1) The Commission may on its own motion cancel a company's certificate for any of the following reasons:
- (a) Violation of the terms and conditions under which the authority was originally granted;
  - (b) Violation of Commission rule or order; or
  - (c) Violation of Florida Statutes.
- (2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:
  - (a) Statement of intent and date to pay Regulatory Assessment Fee.
  - (b) Statement of why the certificate is proposed to be cancelled.
  - (c) A statement on treatment of customer deposits and final bills.
  - (d) Proof of individual customer notice regarding discontinuance of service.
- (3) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

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

Law Implemented: 350.113, 350.127(1), 364.285, 364.337, 364.345, F.S.

History: New 2/23/87, amended 3/13/96.

#### State of Florida



# Public Service Commission

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

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

DATE:

June 22, 2005

TO:

Paula J. Isler, Research Assistant, Division of Competitive Markets & Enforcement

FROM:

Hong Wang, Management Review Specialist, Commission Clerk & Administrative for

Services

RE:

Returned Mail - 1 Com South, Inc. - Company Codes 11720 & TX684

Mail addressed to the organization at the address shown below has been returned to the Commission by the U.S. Postal Service for the reason indicated on the attached copy of the envelope. Staff in the Case Management Review Section has confirmed that the address matches that in the Master Commission Directory. Attempts to contact the company by telephone and e-mail have been unsuccessful.

1 Com South, Inc. 310 South Street Plainville, MA 02762-1547

If you are successful in contacting the company, please furnish current mailing and location addresses, as well as any other updated MCD information you obtain. Thank you for assisting this division in maintaining current information in the Master Commission Directory.

LKF/ Attachment TJ720+TX684

047382004132

Tallahassee, FL 32399,0850

Michael Kevesque, Jorg. Counsel

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1 Com South, Inc. 310 South Street Plainville MA 02762-1547

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RETURN TO SENDER

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COMMISSIONERS:
BRAULIO L. BAEZ, CHAIRMAN
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON
LISA POLAK EDGAR

#### STATE OF FLORIDA



GENERAL COUNSEL RICHARD D. MELSON (850) 413-6248

# Public Service Commission

February 18, 2005

TJ720-04-0-D 1 Com, Inc. d/b/a 1 Com South, Inc. 310 South Street Plainville, MA 02762-1547

Dear Certificate Holder:

The Division of the Commission's Clerk and Administrative Services has forwarded your account to our office to address the nonpayment of the Regulatory Assessment Fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 2004, which was due January 31, 2005. The RAFs return form was mailed to you on **December 15**, 2004, and to date, Commission records reflect that payment has not been received.

According to Florida Law, you are required to add interest charges at 12% per annum, and a 5% penalty for each 30-day period or fraction thereof, beyond the due date, up to a maximum of 25% in addition to the delinquent amount due. In addition, pursuant to Section 364.285, Florida Statutes, the Commission is authorized to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each offense, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of Chapter 364.

Utilities are charged with knowledge of our rules and statutes. Moreover, it is general Commission practice that all utilities that apply for certificate receive a copy of all applicable rules. Further, in accordance with Section 364.335, Florida Statutes, as part of the application process, utilities provide an affidavit indicating that they have read and understood the applicable rules.

If you wish to request another form, please contact David Brown or Valorie Moore at the number below. The payment should be identified with the company code and the company's name. Failure to provide payment within 15 days of this notice will result in the establishment of a docket to address your failure to return the RAFs form and pay RAFs in accordance with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. As specified above, pursuant to Section 364.285, Florida Statutes, the Commission may impose a fine or cancel your certificate. Therefore, it is important that you address this matter now.

If you have paid your fees, please provide us with your check number and the date that it was paid.

Should you have any questions concerning this letter please contact **David Brown** at (850) 413-6267 or **Valorie Moore** at 413-6275 or via Internet e-mail at dbrown@psc.state.fl.us or vmoore@psc.state.fl.us.

Sincerely,

Richard D. Melson General Counsel

Pour O. Mes

KMP Enclosure

cc:

David Brown, Bureau of Administrative Services/Fiscal Services Section Valorie Moore, Bureau of Administrative Services/Fiscal Services Section

Ruhlir Service Commissi

2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

TJ726-04-0-D 1 C6m, Inc. d/b/a 1 C6m South, Inc. 316 South Street Plainville, MA 02762-1547

NOT 3/13/05

02-18/2006 Maller From 32399 US POSTAGE

S. 1977 3

1st Police 2/22 2nd Notice 3/7 No.

#### COMPANY IDENTIFICATION

Printed on 07/19/2005 at 11:06:44 by PJI

Complete Name: 1 Com, Inc. d/b/a 1 Com South, Inc.

Mailing Name: 1 Com South, Inc.

Company Code: TJ720 FEID Number:

#### RAF ACCOUNT FOR THE PERIOD 01/01/2004 THROUGH 12/31/2004

Reg. Date:

02/28/2003

Inactive Date:

Service:

IXC - Interexchange Telephone

Received:

No RAF Form

Status:

Pending

Amended:

No

Extension:

No

Frozen:

No

Comments:

No

Payment Count: 0 Payments Made to Date Operating Rev:

\$0.00

Interstate Rev:

\$0.00

RAF Rate:

Net RAF Due:

\$0.00

Assessment	Due	Paid	Owe
RAF	\$0.00	\$0.00	\$0.00
Penalty	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$0.00	\$0.00	\$0.00

Last modification was made on Wednesday, December 1, 2004 at 9:24 AM by David Brown

1 COM, INC. D/B/A 1 COM SOUTH, INC. (TJ720)

Industry: Telecommunications, Service provided: IXC Company type: Interexchange Telephone Companies Regulation date: 02/28/2003, Inactive date:

Certificate number: N/A, County:

Company liaison: Michael G. Levesque, Corporate Counsel Mailing address: Location address: 310 South Street

310 South Street

Plainville, MA 02762-1547

Plainville, MA 02762-1547

E-mail address: MLevesque@lcominc.com Web site: http://www.lcominc.com Phone number: (508) 699-1771 Fax number: (508) 699-1779

Period covered: 01/01/2004 through 12/31/2004

RAF rate:

\$0.00

\$0.00 Interstate rev: Operating rev: Documents: Delinquent letter mailed on 02/16/2005

RAF form mailed on 12/01/2004

# MCD Company Information for TJ720 | St + PreV

#### Printed on 07/14/2005 at 11:42:39 by PJI

TJ720

Company Code: Complete Name:

1 Com, Inc. d/b/a 1 Com South, Inc. 1 Com South, Inc.

Mailing Name:

Certificate No(s): Status:

N/A Active

Regulation Date:

02/28/2003

Bankruptcy:

No

Company Liaison #1: Title:

Michael G. Levesque

Corporate Counsel 310 South Street

Mailing Address:

Physical Location:

Plainville, MA 02762-1547

310 South Street

Plainville, MA 02762-1547 (508) 699-1771 (508) 699-1779

Phone: Fax:

Related Dockets:

020986-TI

Application for certificate to provide interexchange telecommunications service by 1 Com, Inc. d/b/a 1 Com South, Inc.