

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-

ORIGINAL

DATE: July 9, 2007
TO: Ann Cole, Commission Clerk – PSC, Office of Commission Clerk *gm*
FROM: Toni J. McCoy, Regulatory Analyst II, Division of Competitive Markets & Enforcement
RE: Docket No. 070334-TX; Email Correspondence related to CLEC Application Fee

Please add the attached emails to the docket file.

The emails discuss the insufficient funds/returned CLEC Application Check No. 1011 and its resolution with the Commission.

Call 413-6532, if you have any questions.

RECEIVED-FPSC
07 JUL -9 PM 3:16
COMMISSION
CLERK

DOCUMENT NUMBER-DATE

05716 JUL -9

FPSC-COMMISSION CLERK

ORIGINAL

Toni McCoy

From: Toni McCoy
Sent: Friday, July 06, 2007 11:03 AM
To: 'joe.tortoretti@epathcommunications.com'
Subject: RE: ePath Communications, Inc./Docket No. 070334-TX
Importance: High

Mr. Tortoretti,

The Commission's Fiscal Division has received the replacement check and return check fee for the CLEC application fee. I am waiting for the second check to clear the bank.

I still need a letter explaining why the application fee check was returned for insufficient funds and what measures are in place so that does not continue to occur, and a statement reinforcing that the company is fiscally solvent.

This is necessary supplemental information for the docket file. I will continue to pend the CLEC recommendation to the Commission until the documentation is received. Call if you have any questions.

Toni Joy McCoy
Regulatory Analyst
Florida Public Service Commission
Bureau of Market Development
TMCCOY@PSC.STATE.FL.US
850/413-6532 Direct Line
850/413-6533 Fax Line

From: joe.tortoretti@epathcommunications.com [mailto:joe.tortoretti@epathcommunications.com]
Sent: Thursday, June 21, 2007 11:03 AM
To: Toni McCoy
Subject: RE: ePath Communications, Inc./Docket No. 070334-TX

Toni

Could you provide a contatc number for Ms. Tully so that I can correct this situation and determine its cause. Thank you for your assistance.

Regards

Joe Tortoretti
President/CEO

e-Path Communications, Inc.
5110 Eisenhower Blvd., Suite 300,
Tampa, Florida 33634
Tel: 813-840-4160
Direct 813-840-4161
Cell 941-504-5080
Fax: 813-840-4156

7/6/2007

DOCUMENT NUMBER-DATE
05716 JUL-9 5
FPSC-COMMISSION CLERK

Web: www.epathcommunications.com

□ Next Generation Wireless Broadband Networks □

----- Original Message -----

Subject: ePath Communications, Inc./Docket No. 070334-TX
From: "Toni McCoy" <TMcCoy@PSC.STATE.FL.US>
Date: Thu, June 21, 2007 10:33 am
To: <joe.tortoretti@epathcommunications.com>
Cc: "Raquel Tully" <RTully@PSC.STATE.FL.US>, "Victor McKay" <VMcKay@PSC.STATE.FL.US>

Mr. Tortoretti,

The Commission's Fiscal Division has notified me that e-path's CLEC application fee check was returned for insufficient funds. Please contact Ms. Tully and handle the matter expeditiously.

The CLEC application fee and the insufficient funds fee will need to be cleared up prior to further Commission action. I will also need a letter of explanation to address the matter. How it happened and another guaranty that your company is financially solvent.

Toni Joy McCoy
Regulatory Analyst
Florida Public Service Commission
Bureau of Market Development
TMCCOY@PSC.STATE.FL.US
850/413-6532 Direct Line
850/413-6533 Fax Line

From: Raquel Tully
Sent: Thursday, June 21, 2007 10:14 AM
To: Toni McCoy
Subject:

I received notice from the bank that check number 1011 for E-Path communications in the amount of \$400.00 was returned for insufficient Funds.

Toni McCoy

From: Raquel Tully
Sent: Wednesday, June 27, 2007 9:18 AM
To: Toni McCoy
Subject: RE:

Yes. I received the \$20.00 and it is a cashier's check

From: Toni McCoy
Sent: Wednesday, June 27, 2007 9:17 AM
To: Raquel Tully
Subject: RE:

Let me know when it clears. Did you get the extra \$20 too?

From: Raquel Tully
Sent: Tuesday, June 26, 2007 2:39 PM
To: Toni McCoy
Subject:

I received the replacement check for E-Path this afternoon.

Toni McCoy

From: Raquel Tully
Sent: Thursday, June 21, 2007 1:37 PM
To: Toni McCoy
Subject: RE: ePath Communications, Inc./Docket No. 070334-TX

He has called, and is making arrangements to send us a check . I will let you know when we receive it.

From: Toni McCoy
Sent: Thursday, June 21, 2007 1:36 PM
To: Raquel Tully
Subject: RE: ePath Communications, Inc./Docket No. 070334-TX

He said he would call when he left me a voice message. If he doesn't by the end of the week let me know and I will send a certified letter. I am not going to take this item to Agenda this time until that second check and bounce fee clears. When they bounce a check after telling us they are fiscally sound, there is a problem. I am required to get them to tell me why it happened and to address fiscal solvency for the docket file. Could be a trend.

From: Raquel Tully
Sent: Thursday, June 21, 2007 11:48 AM
To: Toni McCoy
Subject: RE: ePath Communications, Inc./Docket No. 070334-TX

Toni,

I have not heard from them, but the reason was there was not sufficient funds in that account

From: Toni McCoy
Sent: Thursday, June 21, 2007 11:05 AM
To: 'joe.tortoretti@epathcommunications.com'
Cc: Raquel Tully
Subject: RE: ePath Communications, Inc./Docket No. 070334-TX

I am sorry about that, here it is 850/413-6257.

Toni Joy McCoy
Regulatory Analyst
Florida Public Service Commission
Bureau of Market Development
TMCCOY@PSC.STATE.FL.US
850/413-6532 Direct Line
850/413-6533 Fax Line

From: joe.tortoretti@epathcommunications.com [mailto:joe.tortoretti@epathcommunications.com]
Sent: Thursday, June 21, 2007 11:03 AM
To: Toni McCoy

6/21/2007

Subject: RE: ePath Communications, Inc./Docket No. 070334-TX

Toni

Could you provide a contact number for Ms. Tully so that I can correct this situation and determine its cause. Thank you for your assistance.

Regards

Joe Tortoretti
President/CEO

e-Path Communications, Inc.
5110 Eisenhower Blvd., Suite 300,
Tampa, Florida 33634
Tel: 813-840-4160
Direct 813-840-4161
Cell 941-504-5080
Fax: 813-840-4156
Web: www.epathcommunications.com

Next Generation Wireless Broadband Networks

----- Original Message -----

Subject: ePath Communications, Inc./Docket No. 070334-TX
From: "Toni McCoy" <TMcCoy@PSC.STATE.FL.US>
Date: Thu, June 21, 2007 10:33 am
To: <joe.tortoretti@epathcommunications.com>
Cc: "Raquel Tully" <RTully@PSC.STATE.FL.US>, "Victor McKay"
<VMcKay@PSC.STATE.FL.US>

Mr. Tortoretti,

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Toni Joy McCoy
Regulatory Analyst
Florida Public Service Commission
Bureau of Market Development
TMCCOY@PSC.STATE.FL.US
850/413-6532 Direct Line
850/413-6533 Fax Line

From: Raquel Tully
Sent: Thursday, June 21, 2007 10:14 AM

6/21/2007

To: Toni McCoy
Subject:

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Toni McCoy

From: Toni McCoy
Sent: Thursday, June 21, 2007 10:33 AM
To: 'joe.tortoretti@epathcommunications.com'
Cc: Raquel Tully; Victor McKay
Subject: ePath Communications, Inc./Docket No. 070334-TX
Importance: High

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Toni Joy McCoy
Regulatory Analyst
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From: Raquel Tully
Sent: Thursday, June 21, 2007 10:14 AM
To: Toni McCoy
Subject:

I received notice from the bank that check number 1011 for E-Path communications in the amount of \$400.00 was returned for insufficient Funds.

Toni McCoy

From: joe.tortoretti@epathcommunications.com
Sent: Friday, July 06, 2007 2:17 PM
To: Toni McCoy
Subject: e-Path Communications
Attachments: epath explain letter.doc; epath apology.doc

Toni,

Please accept the attached letters to explain the reason for the return of check #1011 submitted to the State of Florida Public Service Commission in the amount of \$400 by e-Path Communications, Inc. e-Path Communications' outsourced payroll service, Paychex, Inc., duplicated the May 2007 payroll on May 24th in error. This caused a negative balance in our checking account. The Public Service Commission check was presented for payment on May 25, 2007 and was returned due to this error.

e-Path is financially sound. The return of the check was not due to a financial problem. Please accept my apology for any problems caused by this. We have resubmitted certified funds to replace this check which have cleared our bank.

If you require any further information, please contact me on 941-504-5080.

Regards

Joe Tortoretti
President/CEO

e-Path Communications, Inc.
5110 Eisenhower Blvd., Suite 300,
Tampa, Florida 33634
Tel: 813-840-4160
Direct 813-840-4161
Cell 941-504-5080
Fax: 813-840-4156
Web: www.epathcommunications.com

Next Generation Wireless Broadband Networks

----- Original Message -----
Subject: Letter for client N245
From: "Stivers, Rebecca Jean" <rstivers@paychex.com>
Date: Fri, July 06, 2007 1:45 pm
To: joe.tortoretti@epathcommunications.com

Joe,

Attached is the letter that you requested. I sincerely apologize for any and all inconvenience that this has caused. Please feel free to contact us with any other issues or concerns regarding your account that you may need. Thank you and we look forward to your business in the future! Have a great weekend!

Rebecca Stivers

Paychex Inc.
Payroll Specialist
727-579-4700 ext. 29440
Fax: 727-579-4224

Because we value your opinion, we periodically mail out client surveys. When you receive a survey, please take a moment to complete the survey and return it to us. Please let us know if there is anything we can do to ensure you will rate our service as "excellent".

The information contained in this message may be privileged, confidential, and protected from disclosure. If the reader of this message is not the intended recipient, or any employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer.

Thank you. Paychex, Inc.

July 9, 2007

Dear Sir or Madam:

Paychex, Inc, a national payroll processing service, has the responsibility for processing payroll for Epath Communications, Inc. We sincerely apologize for the inconvenience you have experienced due to checks that have been returned as a result of a Paychex payroll processing error.

Paychex processed a payroll on May 24, 2007, for Epath Communications in error; as a result, Epath Communications' bank account was overdrawn. This was entirely a Paychex error, and Epath Communications, Inc., was not at fault.

On behalf of Paychex, Inc., I respectfully request that you not penalize Epath Communications, Inc., for this incident. Their good standing with your organization is of the utmost importance. If you need additional information, please contact me at 727-579-4700, ext. 29440. Thank you for your understanding.

Sincerely,

Cindy Ozga
Client Service Supervisor

<Print on letterhead>

July 9, 2007

Mr. Joe Tortoretti
Epath Communications, Inc.
5110 Eisenhower Blvd.
Suite 300
Tampa, FL 33634

Dear Joe:

Paychex, Inc. is committed to providing you with the highest level of service possible. Please accept my apology for the payroll processing error that occurred with your account.

Due to an internal Paychex error, a payroll dated May 24, 2007, was processed for your business by mistake. As a result, your company bank account was overdrawn.

I am sorry for the inconvenience this has caused you. Please issue the enclosed letter to any organizations that may have experienced a bounced check due to this mistake. I assure you this situation is not typical of our usual level of service.

If you have questions or other concerns, please do not hesitate to contact me at 727-579-4700, ext. 29440. Thank you for choosing Paychex.

Sincerely,

Cindy Ozga
Client Service Supervisor