

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-

RECEIVED-FPSC
13 APR 29 AM 10:24
COMMISSION CLERK

DATE: April 29, 2013
TO: Ann Cole, Commission Clerk – PSC, Office of Commission Clerk
FROM: Toni J. Earnhart, Regulatory Analyst II, Office of Telecommunications
RE: Docket No. 120306-TX; Broadband Communities of Florida, Inc.

Please add the attached documentation to the docket file and edit the docket title and program modules from:

Request for cancellation of Certificate of Necessity No. 8447 by Broadband Communities of Florida, Inc., effective December 4, 2012. Program Module B1(f)

to:

Compliance investigation of Certificate No. 8447, issued to Broadband Communities of Florida, Inc., for apparent first-time violation of Rule 25-4.0161, FAC., Regulatory Assessment Fees; Telecommunications Companies. Program Module A18a & A10

Please call 413-6532, if you have any questions.

Attachments

DOCUMENT NUMBER-DATE

02228 APR 29 2013

FPSC-COMMISSION CLERK

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TX762-12-0-D
 Broadband Communities of Florida, Inc.
 7 Fredon Marksboro Road
 Newton, NJ 07860-5013

2. Article Number
 (Transfer from service label)

7011 3500 0001 5979 1126

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery
 AH MacNaughton 2/26/03

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
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4. Restricted Delivery? (Extra Fee) Yes

DOCUMENT NUMBER-DATE
 02228 APR 29 03
 EPSC-COMMISSION CLERK

STATE OF FLORIDA

COMMISSIONERS:
RONALD A. BRISÉ, CHAIRMAN
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
Julie I. Brown



OFFICE OF THE GENERAL COUNSEL
S. CURTIS KISER
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

February 21, 2013

TX762-12-0-D
Broadband Communities of Florida, Inc.
7 Fredon Marksboro Road
Newton, NJ 07860-5013

Dear Certificate/Registration Holder:

The purpose of this letter is to inform you that the Commission has not received the 2012 Regulatory Assessment Fee (RAF) return and payment. As required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code (F.A.C.), you were mailed a RAF return form on December 15, 2012, and payment was due on January 30, 2013.

Because you are delinquent in payment, in addition to the RAF, which is 0.0016 of a company's intrastate revenues or a minimum fee of \$600, whichever is greater, the company must now pay late payment charges. The late payment charges, consisting of interest and penalty, are outlined on the reverse side of the RAF return form. If you have misplaced or require a copy of the 2012 RAF return form, please contact David Brown or Valorie Moore at the numbers listed below or via e-mail.

If payment is not postmarked within 15 calendar days of receipt of this notice, as evidenced by the certified mail receipt, Rule 25-4.0161, F.A.C., automatically imposes a penalty of \$500, \$1,000, or \$2,000, in addition to the interest and penalty listed in the preceding paragraph. The penalty is based on the number of prior dockets against a company for violation of the RAF rule. For example, if a company has no prior dockets and fails to pay in accordance with this notice, it automatically will be assessed a \$500 penalty. For one prior docket, it automatically will be assessed a \$1,000 penalty and for two, a \$2,000 penalty. For a third docket, staff will submit a recommendation to the Commission seeking cancellation of the company's certificate or cancellation of its tariff and removal from the register.

Therefore, it is very important that you pay the 2012 Regulatory Assessment Fee plus late payment charges immediately. If you have any questions, please contact David Brown at (850) 413-6267 or Valorie Moore at (850) 413-6275 or via e-mail at dbrown@psc.state.fl.us or vmoores@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink that reads "S. Curtis Kiser".

S. Curtis Kiser
Office of the General Counsel

cc: Fiscal Services Section

Regulatory Assessment Fee History Form

History History 2 Statistics Comments Forms Mailing Company Accounts Dockets Consumer

Company Identification

Complete Name: **Broadband Communities of Florida, Inc.**

Mailing Name: **Broadband Communities of Florida, Inc.**

Company Code: **TX762** Regulated **03/17/2004** Inactive

History Summary Information

RAF Period Covered: **01/01/2012-12/31/2012 CLX** Service: **CLX**

Navigation: [Home] [Left] [Right] [End]

| Description | RAF Period | Postmark | Amount |
|-----------------------------|------------------|------------|--------|
| Delinquent letter generated | 01/01-12/31/2012 | 02/19/2013 | |
| RAF form generated | 01/01-12/31/2012 | 12/10/2012 | |

Isolate All Entries

Isolate

Print/Preview

Edit

Document Image

Cancel

Navigation: [Home] [Left] [Right] [End]

1 of 1

Modification Log

02/19/2013

Last modification was made on Tuesday, February 19, 2013 at 10:50 AM by David Brown

Regulatory Assessment Fee Account Information

History | **History 2** | Statistics | Comments | Forms | Mailing | Company | Accounts | Dockets | Consumer

Company Identification

Complete Name: **Broadband Communities of Florida, Inc.**

Mailing Name: **Broadband Communities of Florida, Inc.**

Company Code: **TX762** | Regulated: **03/17/2004** | Inactive:

RAF Account Information

RAF Period Covered: **01/01/2012-12/31/2012 CLX** | Service: **CLX**

Audited | Confidential | RAF Form Received | RAF Account Satisfied | Amended Return | Extension Approved
 Correspondence Suspended | Bankruptcy | Comments Available

Operating Revenue: **\$0.00** | Gross Intrastate Revenue: **\$0.00**

RAF Rate:

Number of Payments Received: **0**

Actual Return | Estimated Return
 | |

| Assessments | 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 |

Print/Preview

RAF Documents

Annual Reports

Edit

Cancel

1 of 1

Modification Log

12/10/2012

Last modification was made on Monday, December 10, 2012 at 9:54 AM by David Brown

Toni Earnhart

From: Toni Earnhart
Sent: Wednesday, March 27, 2013 3:41 PM
To: 'wjm@wjmesq.com'; 'TCannon@frontdoornet.com'
Cc: Toni Earnhart
Subject: Docket No. 120306-TX; Broadband Communities of Florida, Inc.

Importance: High

I wanted to send a courtesy email to see if your Company plans to pay the 2012 RAF to continue with the voluntary cancellation established in Docket No. 120306-TX.

Our RAF data system is currently showing that Broadband Communities of Florida, Inc.'s RAF is currently past due and will have P&I accrued as well.

If paying the minimum, the P&I is \$72 if submitted by March 30th.

I am the Analyst that processes Compliance Actions for the Commission.

I will be opening dockets on noncompliant companies within the next week or so.

The voluntary compliance action will convert to a Commission Ordered cancellation and the company will be fined an additional \$500 prior to cancellation.

To avoid the compliance action, please try to submit the past due RAF and P&I by March 30th.

Call or email if you have any questions. Let me know if you need me to mail you another 2012 RAF form to complete and submit.

*Toni Joy Earnhart, Regulatory Analyst
Florida Public Service Commission
Office of Telecommunications
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
Phone 850-413-6532
Fax 850-413-6533*

Toni Earnhart

From: Toni Earnhart
Sent: Monday, January 28, 2013 11:48 AM
To: 'wjm@wjmesq.com'
Cc: 'TCannon@frontdoornet.com'
Subject: FL Docket No. 120306; Request for cancellation of Certificate of Necessity No. 8447 by Broadband Communities of Florida, Inc., effective December 4, 2012.

Importance: High

The above docket can not be processed voluntarily with a December 2012 effective date if the company does not pay the 2012 minimum RAF of \$600 by the due date of January 30, 2012 (postmarked).

Please submit the \$600 minimum RAF due in order for Staff to continue processing the cancellation request.

Paying the 2012 RAF after January 30th will result in a 2013 effective date and the company owing a 2013 minimum RAF of \$600 as well.

Call or email if you have any questions.

***Toni Joy Earnhart, Regulatory Analyst
Florida Public Service Commission
Office of Telecommunications
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
Phone 850-413-6532
Fax 850-413-6533***

Toni Earnhart

From: Toni Earnhart
Sent: Tuesday, December 04, 2012 10:53 AM
To: wjm@wjmesq.com
Subject: FW: 2011 RAF P&I as well as the 2012 minimum RAF of \$600 due for a voluntary cancellation in good standing
Attachments: tx762-11-0-p-2.pdf
Importance: High

Mr. Mac Naughton,

Thank you for copying me on your request for voluntary cancellation. I will be opening a cancellation request docket this week.

As a due diligence review, I noticed that there was an outstanding penalty and interest (P&I) due for the 2011 RAF and I have copied you on the letter mailed with the amount due. The 2012 RAF forms will be mailed out in mid-December as well. In having no customers, the minimum due would be \$600.

In order to cancel a company in good standing, all outstanding RAF payments, penalties and interest must be current. The 2012 RAF is due January 30th in 2013, however, you can pay it earlier along with the 2011 P&I which will allow me to complete the cancellation process immediately. Otherwise, I have to wait until the Broadband's RAF account is paid in full.

If you have any questions, please feel free to contact me.

Take Care,

***Toni Joy Earnhart, Regulatory Analyst
Florida Public Service Commission
Office of Telecommunications
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
Phone 850-413-6532
Fax 850-413-6533***

From: Toni Earnhart
Sent: Tuesday, December 04, 2012 10:46 AM
To: Toni Earnhart
Subject: 2011 RAF P&I as well as the 2012 minimum RAF of \$600 due for a voluntary cancellation in goodstanding

On Dec 3, 2012, at 3:17 PM, Toni Earnhart wrote:

> Mr. Mac Naughton,
>
> I was forwarded Broadband's request for cancellation of its
> telecommunications certificate.
>
> I believe there may have been an attachment that was separated from

- > the originally email that made its way to my desk.
- >
- > Can you please resend the attachment to my attention so I may use it
- > to establish a cancellation docket.
- >
- > Also note that the 2012 RAF payment forms are being mailed in a few
- > weeks. Please make sure the company pays the 2012 RAF before its due
- > date so that I can complete the processing of their voluntary
- > cancellation request.
- >
- > Call or email if you have any questions.
- >
- > Toni Joy Earnhart, Regulatory Analyst Florida Public Service
- > Commission Office of Telecommunications
- > 2540 Shumard Oak Blvd.
- > Tallahassee, FL 32399
- > Phone 850-413-6532
- > Fax 850-413-6533
- >
- > Correspondence from Broadband Communities of Florida, Inc., requesting
- > cancellation of certificate.
- >
- > Please forward.
- >
- > Angie
- >
- > -----Original Message-----
- > From: W. James Mac Naughton [<mailto:wjm@wjmesq.com>]
- > Sent: Thursday, November 29, 2012 5:31 PM
- > To: Consumer Contact
- > Subject: Broadband Communities of Florida, Inc.
- >
- > Please see attached
- >

W. James Mac Naughton
7 Fredon Marksboro Road
Newton, NJ 07860
732-213-8180 (direct)
732-634-3700 (office)
732-875-1250 (fax)