

ORIGINAL

M E M O R A N D U M

March 23, 2000

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (VACCARO) *TV*

RE: DOCKET NO. 000231-TX - INITIATION OF SHOW CAUSE PROCEEDINGS AGAINST ERNEST COMMUNICATIONS, INC. FOR APPARENT VIOLATION OF SECTION 364.183(1), F.S., ACCESS TO COMPANY RECORDS.

Please place the attached in the Docket File for the above-referenced docket.

TV/sa
Attachment

AFA _____
 APP _____
 CAP _____
 CMU _____
 CTR _____
 EAG _____
 LEG _____
 MAS _____
 OPC _____
 RRR _____
 SEC I _____
 WAW _____
 OTH _____

DOCUMENT NUMBER-DATE

03672 MAR 23 00

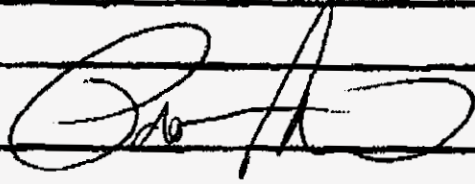
FPSC-RECORDS/REPORTING



Fax

To: Mr. Tim Vercaro From: Paul Masters
 Fax: (850) 413-6182 Pages: 5
 Phone: _____ Date: _____
 Ref: _____ CC: _____

- Urgent For Review Please Comment Please Reply Please Recycle

• Comments: Thanks,


Ernest Group, Inc.

6475 Jimmy Carter Blvd., Suite 300 Norcross, GA 30071

770-448-7788 770-448-5882 (fax)



03/22/00

Mr. Tim Vaccaro
Staff Counsel
State of Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. Vaccaro,

I am writing to address a situation that has been brought to my attention regarding our company's apparent failure to allow the Florida Public Service Commission access to company records.

First of all, let me state that our company is very excited about offering local service to small businesses in the state of Florida. Although we have had our authority for some time, our company timetable called for operations to begin in the third or fourth quarter of 2000, so ECI has yet to provide any service or perform any operations in Florida.

Second, I would like to apologize for not completing the 1999 ALEC Data Request earlier. Due to some personnel issues, which have since been addressed, ECI fell behind in some of its reporting and compliance requirements. However, I personally completed and mailed your Request in late January of this year. I am told that you have no record of its receipt, but I can assure you that it was done well before your Memorandum of March 16th that named Ernest Communications, Inc. in the Show Cause proceedings.

I am enclosing another completed copy of the 1999 ALEC Data Request, and would like to offer you assurance that this single incident was the result of an isolated employee problem that has been rectified. Furthermore, you can be certain that ECI is fully aware of its responsibilities and obligations as a corporate citizen of the State of Florida, and intends to fully adhere to those requirements.

Thanks again for your assistance and understanding. Please let me know if you need any further information or clarification on this subject.

Sincerely,



Paul Masters
President

DOCKET NOS. 000222-TX, 000223-TX, 000227-TX
000228-TX, 000229-TX, 000230-TX, 000231-TX,
000232-TX
DATE: March 16, 2000

ATTACHMENT A

1999 ALEC Data Request

Florida Statute 384.02(2) defines basic local service as:

"Basic local telecommunications service" means voice-grade, flat-rate residential and flat-rate single line business local exchange services which provide dial tone, local usage necessary to place unlimited calls within a local exchange area, dual tone multi-frequency dialing, and access to the following: emergency services such as "911," all locally available interexchange companies, directory assistance, operator services, relay services, and an alphabetical directory listing. For a local exchange company, such terms shall include any extended area service routes, and extended calling service in existence or ordered by the commission on or before July, 1 1999.

1.
 - a. Are you providing service to service to residential customers in Florida that complies with the above definition of basic local service? *no*
 - b. To how many residential customers are you providing basic local service in Florida? *0*
 - c. What are your current rates for providing residential basic local service? *0*
 - d. Are you providing service to business customers in Florida that complies with the above definition of basic local service? *no*
 - e. To how many business customers are you providing basic local service in Florida? *0*
 - f. What are your current rates for providing business basic local service in Florida? *0*

2. Are you currently providing other forms of local service (business or residential) in Florida that may not meet Florida's statutory definition of basic local service? (Examples could include: multiline business users; services with toll restrictions or usage; mandatory \$00 blocking; limited amount of local calling included in the monthly charge; bundled service offerings; etc.) (If yes, continue with question #2; if no, skip to Question #3)
 - a. Are you currently providing other forms of local service to residential customers in Florida? *no*
 - b. If the response to a. is affirmative, please describe the forms of local service you are providing to residential customers in Florida. (If available, please provide brochures or comparable materials.) *---*
 - c. If the response to a. is affirmative, please indicate your current rates for the services indicated in response to b. *---*
 - d. Are you currently providing other forms of local service to business customers in Florida? *no*
 - e. If the response to d. is affirmative, please describe the forms of local service you are providing to business customers in Florida. (If available, please provide brochures or comparable materials.) *---*
 - f. If the response to d. is affirmative, please indicate your current standard rates for the services indicated in response to e. *---*

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ATTACHMENT A

- 3. a. Please describe the method(s) you are using to provide telephone services (e.g., resale, interconnection, unbundled network elements, facility-based, etc.). *None. ECI*
- b. *currently does not offer local service in Florida*
For each exchange where you are providing any form of residential local telephone service, please identify by exchange (a list of exchanges is attached), the number of residential access lines served. (See example below)
- c. For each exchange where you are providing any form of business local telephone service, please identify by exchange (a list of exchanges is attached), the number of business access lines served. (See example below)

Examples

Miami Exchange:	Residential Access Lines - 154	Business Access Lines - 255
Yulee Exchange:	Residential Access Lines - 181	Business Access Lines - 202

- d. For billing and accounting purposes, do you differentiate between residential and business customers? *N/A*
- e. Are you currently offering any enhanced services? If yes, what are they? *NO*
- f. Have you experienced any significant barriers in entering Florida's local exchange market? Please list and describe any obstacles or barriers encountered. *NO*
- g. Have you experienced any difficulties involving any agreements you may have with incumbent LECs? If so, please describe any significant problems encountered. *N/A*
- h. Do you anticipate that your long-term manner of providing service will differ from your current practice? If so, do you expect becoming a full scale facility-based provider? *N/A*
- i. Have you been assigned your own NXX codes? If yes, how many codes have you been assigned and for each code, as of June 30, 1998, how many numbers have been assigned from the code? *NO*

4. If you are not currently providing local telephone service in Florida:

- a. Please explain why you are not providing local telephone service. For example, have you experienced marketing or billing difficulties? Lack of capital? Customers are not willing to try something new? Lack of expertise in telecommunications? Difficulties dealing with the LECs? Insufficient profit margin? *Our business does not call for operations in Florida by 3Q 2000*
- b. Do you anticipate providing local telephone service at some future date? If yes, please indicate when. (e.g., first quarter 2000) *3Q 2000*
- c. Please describe the most important factors that you believe are inhibiting your ability to provide local telephone service, and describe how these factors have adversely affected your entry. *N/A*
- d. Are you currently providing any other telecommunications services in Florida (i.e., other than local service)? If yes, please list the services provided. *NO*