

A . T . S . I

ORIGINAL

Alternative Telecommunication Services Inc

RECEIVED
REGULATORY
SERVICE COMMISSION

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MAIL ROOM

April 20, 2000

Telephone: 352-796-2437
Fax: 352-796-4482
Toll Free: 1-800-797-0266
EMAIL: mroddgers@innet.com

Blanca S. Bayo
Director Division of Records
2540 Schumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 000218-TX

Ms. Bayo,

In response to the Order to Show Cause received by Alternative Telecommunication Services, Inc. We believe that we have not "willfully" violated any lawful rule or order of the commission. At the very most we displayed an absence of follow up and/or communication with the commission. On November 1, 1999 we completed the Data Request required from our Company. This information along with a name change request was sent via express mail on November 7, 1999. We verified the Package was signed for but regretfully did not follow up to make sure the correct department received the information. Attached you will find a copy of the Data Request and airbill used to ship the documents.

We are hopeful in a resolution with the commission that would not include a fine of such magnitude as suggested in this Docket. If further mediation or an in person hearing is needed to resolve this issue, Alternative Telecommunication Services, Inc will provide to the Commission it's full cooperation.

- AFA _____
- APP _____
- CAF _____
- CMW _____
- GTR _____
- EAG _____
- LEG _____
- MAS _____
- OPC _____
- RRR _____
- SEC _____
- WAW _____
- OTH _____

Sincerely,
Michael D. Rodgers
President/ A.T.S.I

Henry

*Done 4/27/00 (Do not use this address
for company)*

Address: P.O BOX 487 BROOKSVILLE, FL 34605

DOCUMENT NUMBER-DATE

05099 APR 25 8

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Initiation of show cause proceedings against Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone for apparent violation of Section 364.183(1), F.S., Access to Company Records.

DOCKET NO. 000218-TX
ORDER NO. PSC-00-0679-SC-TX
ISSUED: April 12, 2000

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER

ORDER TO SHOW CAUSE

BY THE COMMISSION:

Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone (Second Chance) is an ALEC certificated to operate in Florida pursuant to Certificate Number 5620. As a provider of telecommunications services in Florida, Second Chance is subject to the rules and regulations of the Commission.

On June 25, 1999, our staff sent to Second Chance a certified letter, requesting information necessary for inclusion in the local competition report required of the Commission by Section 364.386, Florida Statutes. On July 6, 1999, Second Chance signed for delivery of the letter. Receiving no response, on December 6, 1999, our staff sent a second certified letter, requesting a response from Second Chance no later than December 22, 1999. To date, they have not responded to our staff's inquiries.

Section 364.183(1), Florida Statutes, provides that we shall have access to all records of a telecommunications company that are reasonably necessary for the disposition of matters within our jurisdiction. The rule further provides that we may require telecommunications companies to provide the requested records to us in the form specified by us.

DOCUMENT NUMBER-DATE

~~04457 APR 12 8~~

~~FISC-RECORDS/REPORTING~~

ORDER NO. PSC-00-0679-SC-TX
DOCKET NO. 000218-TX
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Pursuant to Section 364.285, Florida Statutes, we are authorized to impose upon any entity subject to our jurisdiction a penalty of not more than \$25,000 for each day a violation continues, 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, Florida Statutes. Utilities are charged with knowledge of the Commission's rules and statutes. Additionally, "[i]t is a common maxim, familiar to all minds, that 'ignorance of the law' will not excuse any person, either civilly or criminally," Barlow v. United States, 32 U.S. 404, 411 (1833).

We believe that Second Chance's conduct in not providing access to company records, in apparent violation of Section 364.183(1), Florida Statutes, has been "willful" in the sense intended by Section 364.285, Florida Statutes. In Order No. 24306, issued April 1, 1991, in Docket No. 890216-TL titled In re: Investigation into the Proper Application of Rule 25-14.003, Florida Administrative Code, Relating to Tax Savings Refund for 1988 and 1989 For GTE Florida, Inc., having found that the company had not intended to violate the rule, the Commission nevertheless found it appropriate to order it to show cause why it should not be fined, stating that "In our view, willful implies intent to do an act, and this is distinct from intent to violate a rule." Thus, any intentional act, such as Second Chance's conduct at issue here, would meet the standard for a "willful violation."

Upon consideration, Second Chance shall have 21 days from the date of this order to respond in writing why it should not be fined \$10,000 or have its certificate canceled for apparent violation of Section 364.183(1), Florida Statutes. If Second Chance timely responds to the show cause order, this docket shall remain open, pending resolution of the show cause proceeding. If Second Chance does not respond to this Order to Show Cause, the fine shall be deemed assessed. If Second Chance pays the fine, it should be remitted to the State of Florida General Revenue Fund, pursuant to Section 364.285, Florida Statutes. If Second Chance fails to respond to the Order to Show Cause, and the fine is not received within ten business days after the expiration of the show cause response period, Certificate Number 5620, issued to Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone shall be canceled and this docket closed.

Based on the foregoing, it is therefore

ORDER NO. PSC-00-0679-SC-TX
DOCKET NO. 000218-TX
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ORDERED by the Florida Public Service Commission that Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone shall show cause in writing within 21 days of the date of this Order why it should not be fined \$10,000 or have its certificate canceled for apparent violation of Section 364.183(1), Florida Statutes. It is further


ORDERED that any response to the Order to Show Cause filed by Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone shall contain specific allegations of fact and law. It is further

ORDERED that failure to respond to this Order to Show Cause in the manner and by the date set forth in the "Notice of Further Proceedings or Judicial Review," attached hereto, shall constitute an admission of the violations described in the body of this Order, as well as a waiver of the right to a hearing, and will result in the automatic assessment of the fine. It is further

ORDERED that if Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone pays the fine, it shall be remitted to the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes. It is further

ORDERED that in the event Alternative Telecommunications Services, Inc. d/b/a Second Chance Phone fails to respond to this Order and the fine is not received within ten business days after the expiration to the show cause response period, Certificate Number 5620 shall be canceled, and this docket shall be closed.

By ORDER of the Florida Public Service Commission this 12th day of April, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

DWC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

This order is preliminary, procedural or intermediate in nature. Any person whose substantial interests are affected by this show cause order may file a response within 21 days of issuance of the show cause order as set forth herein. This response must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 3, 2000.

Failure to respond within the time set forth above shall constitute an admission of all facts and a waiver of the right to a hearing and a default pursuant to Rule 28-106.111(4), Florida Administrative Code. Such default shall be effective on the day subsequent to the above date.

If an adversely affected person fails to respond to this order within the time prescribed above, that party may request judicial review by the Florida Supreme Court in the case of any electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure.

A . T . S . I

Alternative Telecommunication Services Inc.

Telephone: 352-796-2437
Fax: 352-796-4482
Toll Free: 1-800-797-0266
EMAIL: mrodgers@innet.com

November 7, 1999

Walter D'Haeseleer
Division of Communications
2540 Schumard Oak Blvd.
Tallahassee, FL 32399

Re: Data Request

Mr. D'Haeseleer

Enclosed you will find the Alec Data Request regarding Alternative Telecommunication Services, Inc. If you should have any questions or require further information please contact me.

Sincerely,
Michael D. Rodgers

Address: P.O BOX 487 BROOKSVILLE, FL 34605

1999 ALEC Data Request

Florida Statute 364.02(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 1995.

1.
 - a. Are you providing service to service to residential customers in Florida that complies with the above definition of **basic local service**?
 - b. To how many residential customers are you providing **basic local service** in Florida?
 - c. What are your current rates for providing residential **basic local service**?
 - d. Are you providing service to business customers in Florida that complies with the above definition of **basic local service**?
 - e. To how many business customers are you providing **basic local service** in Florida?
 - f. What are your current rates for providing business **basic local service** in Florida?

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 900 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?
 - 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?
 - 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.

3.
 - a. Please describe the method(s) you are using to provide telephone services (e.g., resale, interconnection, unbundled network elements, facility-based, etc.).
 - b. 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 services, please identify by exchange (a list of exchanges is attached), the number of business access lines served. (See example below)

Examples

<i>Miami Exchange:</i>	<i>Residential Access Lines - 154</i>	<i>Business Access Lines - 255</i>
<i>Yulee Exchange:</i>	<i>Residential Access Lines - 161</i>	<i>Business Access Lines - 202</i>

- d. For billing and accounting purposes, do you differentiate between residential and business customers?
 - e. Are you currently offering any enhanced services? If yes, what are they?
 - f. Have you experienced any significant barriers in entering Florida's local exchange markets? Please list and describe any obstacles or barriers encountered.
 - g. Have you experienced any difficulties involving any agreements you may have with incumbent LECs? If so, please describe any significant problems encountered.
 - 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 facilities-based provider?
 - 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, 1999, how many numbers have been assigned from the code?
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?
 - b. Do you anticipate providing local telephone service at some future date? If yes, please indicate when. (e.g., first quarter 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.
 - d. Are you currently providing any other telecommunications services in Florida (i.e., other than local service)? If yes, please list the services provided.

5. Please list your primary line of business (for example, entertainment, cable television, private line/special access service, interexchange service, local service, cellular service, paging service, electric service, municipality, etc.).
6. At any time during the last 12 months have you provided local telephone services in Florida and then withdrawn the service? If yes, please discuss the reasons for this decision.
7. If you or an affiliate provides cable television in Florida, do you offer any package plans combining cable television and local telephone services? If so, please indicate where such packages are being offered.
8. If you or an affiliate provides long distance telephone service in Florida, do you offer any package plans combining long distance and local telephone services? If so, please describe any such plans and their terms and conditions. Is subscribing to both local telephone and long distance a condition of providing service?
9. If you or an affiliate's primary business is unrelated to the provision of telecommunications, please indicate the nature of such primary business(es). Examples of such businesses could include, but are not limited to: pawn shops, title loan companies, alternative automobile financing, internet service providers, or check cashing services.
10.
 - a. Please describe any actions available to the Florida Public Service Commission which you believe should be taken to foster local exchange competitive market entry.
 - b. Please describe any actions which you may believe should be taken by the Florida legislature that would foster local exchange competitive market entry.
11. Please provide any additional comments or information you believe will assist staff in evaluating and reporting on the development of local exchange competition in Florida. In particular, we are seeking comment on obstacles that you believe may be impeding the growth of local competition in the state and any suggestions you may have on how to remove such obstacles.
12. Please provide a copy of your (or your parent company's) most recent annual report to shareholders and Form 10-K.
13.
 - a. Please indicate your gross Florida intrastate operating revenues for the year ending 12/31/98. If available, please separate between residential and business.
 - b. Please indicate your company's 1998 assessable revenues, as reported for Florida revenue assessment fees.

1999 ALEC DATA REQUEST

1.

- a. Yes
- b. 604
- c. \$35.00 Monthly
- d. No
- e. N/A
- f. N/A

2.

- a. Yes
- b. Toll Restrictions and 900 Blocking
- c. No Charge
- d. No
- e. N/A
- f. N/A

3.

- a. Resale
- b. See Attached 3. B
- c. N/A
- d. N/A
- e. Call Waiting, Three Way Calling, Caller Id , Call Return
- f. No
- g. No
- h. No
- i. No

1999 ALEC DATA REQUEST

4.
 - a. N/A
 - b. N/A
 - c. N/A
 - d. N/A

5. Local Service

6. No

7. N/A

8. N/A

9. Local Service Only

10. None

11. Larger Discounts on Incumbent Services.

12. N/A

13.
 - a. Residential Only: Total Gross Receipts \$85,410.00
 - b. 1998 Assessment Fees: \$11.43

EXCAHNGE

Archer	0	Homestead	14
Baldwin	0	Islamorada	00
Belle Glade	07	Jacksonville	29
Big Pine Key	10	Jacksonville	
Boca Raton	14	Bch.	5
Boyton Beach	3	Jay	0
Bronson	0	Jensen Beach	0
Brooksville	56	Julington	0
Bushnell	1	Jupiter	7
Cantonment	0	Key Largo	2
Cedar Key	1	Keystone Heights	4
Century	0	Key West	5
Chiefland	7	Lake City	17
Chipley	4	Lynn Haven	9
Cocoa	12	Marathon	3
Coral Springs	8	Maxville	12
Cross City	5	Melbourne	5
Daytona Beach	12	Miami	13
DeBary	0	Micanopy	3
Deerfield	0	Middleburg	8
Deland	09	Milton	7
DeLeon	06	Munson	8
Delray Beach	11	Newberry	13
Dunnellon	0	New Smyrna	13
East Orange	3	North Dade	4
Eau Gallie	0	North Key Largo	2
Fernandina	12	Oak Hill	0
Flagler Beach	04	Old Town	04
Ft.Lauderdale	36	Orange Park	11
Ft.Pierce	17	Orlando	6
Gainesville	33	Oviedo	3
Geneva	3	Pace	01
Graceville	0	Pahokee	11
Green Cove	8	Palatka	21
Gulf Breeze	5	Palm Coast	17
Havana	10	Panama City	20
Hawthorne	07	Pensacola	05
Hobe Sound	04		

For Corporations
and Other Organizations

Alternative Telecommunication
Services, Inc.

(NAME OF CORPORATION)

BY:

Michael D. Rodgers
SIGNATURE

Michael D. Rodgers

PRINTED NAME

President

Title

ATTEST:

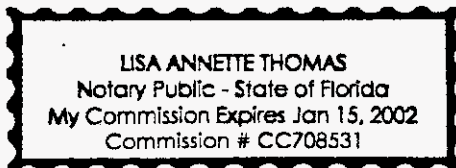
Steph...

Regulatory Administrator

Title

On this the 1st day of November, 99 before me, a Notary Public

known to me to be the person(s) named in, and who executed the foregoing application, being duly sworn according to law, deposes and says that the statements and representations set forth in the above application are true and correct to the best of his/her knowledge and belief.



Lisa Annette Thomas
Notary Public

seal

1 FROM (Company) ALTERNATIVE TELECOMMUNICATIONS Street Address 9210 WEATHERLY RD City BROOKSVILLE State FL ZIP CODE (Required) 34601 Sent by (Name/Dept) MICHAEL ROGERS Phone Number 352-796-2437		Preprint Format No. 69791155 Origin TPA Airbill Number 4357727183 4 Method of Payment <input checked="" type="checkbox"/> Bill Sender ▶ 156043408 <small>Assumed sender unless otherwise noted</small> <small>Airborne Sender account no.</small> <input type="checkbox"/> Bill Receiver ▶ <small>Airborne Receiver account no.</small> <input type="checkbox"/> Bill 3rd Party ▶ <small>Airborne Customer account no.</small> <input type="checkbox"/> Paid in Advance <small>Check No. Amount \$</small> Billing Reference will appear on invoice		5 Service Type One box must be checked with an "X". Assumed Express Service unless otherwise noted. <input checked="" type="checkbox"/> XXXX Express (Letter - 150 lbs) <input type="checkbox"/> X Next Afternoon (Letter - 5 lbs) <input type="checkbox"/> Standard Day (Letter - 150 lbs)	
2 TO (Company) FLORIDA PUBLIC SERVICE COMM. Street Address 2540 SCHUMARD OAK BLVD City TALLAHASSEE State FL ZIP CODE (Required) 32399 Attention: (Name/Dept) W. DHASSLER Phone Number (Important) 850-413-6600		6 NO. OF PKGS 1 7 WEIGHT (LBS.) 1 8 CHECK IF <input checked="" type="checkbox"/> LETTER EXPRESS <input type="checkbox"/> EXPRESS PACK <small>SUBJECT TO CONNECTION</small>		Special Instructions <input type="checkbox"/> Saturday Delivery Extra Charge Express Only <small>Not available to all locations</small> <input type="checkbox"/> Hold at Airborne <input type="checkbox"/> Lab Pack	
3 EXCHANGE INFORMATION THANK YOU FOR SHIPPING WITH AIRBORNE EXPRESS Sender's Signature MIKE RODGERS Date 11-7-99 Airborne Signature 372 Route No. 11999 Time 1527		Declared Value <input type="checkbox"/> or <input type="checkbox"/> Full Insurance \$ Shipment Valuation Received At <input type="checkbox"/> Drop Box # <input type="checkbox"/> Airborne Terminal		ABSENT A HIGHER SHIPMENT VALUATION, CARRIER'S LIABILITY IS LIMITED TO \$100 PER PACKAGE, OR ACTUAL VALUE, WHICHEVER IS LESS, SPECIAL OR CONSEQUENTIAL DAMAGES ARE NOT RECOVERABLE. SEE TERMS AND CONDITIONS ON REVERSE SIDE OF THIS NON-NEGOTIABLE AIRBILL. SCAD-AIRB FED. I.D. NO. 91-0837469 AIRBORNE EXPRESS PO BOX 862, SEATTLE, WA 98111-0682 1-800-247-2676	

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