

STATE OF FLORIDA

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DIVISION OF COMPETITIVE SERVICES
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

January 23, 2001

Via Facsimile

Mr. David Gillette, President
FreedomTel, Inc.
9100 Hamman Street
Pensacola, FL 32514-7020

Re: Docket No. 001469-TX

Dear Mr. Gillette:

This is a follow up to our telephone conversation yesterday afternoon concerning the above docket. The regulatory assessment fee (RAF) is due each year by January 30 for the previous year, unless the 30th falls on a weekend, then the due date is the next working day. For example, the 1999 fee was due January 31, 2000 and the 2000 becomes due January 30, 2001.

Commission records show that as of this date, the 1999 RAF has not been paid. The 1999 RAF return is attached. Please complete and return it along with payment for the past due amount in full. The RAF is .0015% of your total Florida gross revenues, or \$50.00, whichever is greater. However, if you owe only the minimum amount and if it is postmarked by January 25, 2001, the 1999 total is \$68.50 (\$50.00 fee, \$12.50 penalty, and \$6.00 interest). If your check is postmarked between January 26 and February 24, 2001, the interest increases to \$6.50, or a total minimum amount of \$69.00.

This docket is currently scheduled for the February 6 Agenda Conference, where it is staff's intention to recommend a \$500 fine for failure to pay the RAF. At this point, you have three options.

- (1) Cancel the certificate voluntarily - Pay all past due charges in full, pay the 2000 and 2001 RAFs, or provide a date certain that the 2001 fee will be paid (such as 30 days from the date of the Commission Order cancelling your certificate), and write a letter requesting cancellation and reference the docket number. A copy of our rule is attached.

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- (2) Do nothing - In this case, your certificate will be cancelled on the Commission's own motion. All outstanding RAFs, including penalty and interest charges, will be turned over to the Comptroller's Office for collection.
- (3) File a petition for a formal proceeding in the form provided by Rule 28-106.201, F.A.C., copy attached. This petition must be filed with the Commission **after** the Order is issued and within the protest period. Rule 28-106.201(2)(g) states that the petition must include "A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action." This means that you may wish to propose a settlement. If you propose a settlement, your petition must include the following elements:
 - Docket number;
 - A check for the past due amount in full;
 - A statement that it has taken steps to prevent future late payments of the regulatory assessment fees and what those steps are;
 - Make a specific monetary settlement; and
 - A waiver of objection to the administrative cancellation of your certificate in the event your offer is accepted and you fail to comply with the terms which you have offered. All other elements of your previous settlement offers are reaffirmed.

Any settlement offer should be addressed to Ms. Blanca Bayó, Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. The proposed settlement amount should **not** be paid at this time, instead only the past due regulatory assessment fee, plus penalty and interest charges should be paid. The settlement amount, if approved by the Commission, will become due after the Commissioners vote on this issue.

If you file a timely petition proposing a settlement, a new Agenda Conference date will be scheduled. At that time, the Commissioners will vote on whether or not to accept your settlement offer. An Order will then be issued and you will have 10 business days from the date of the Order to pay the settlement.

As you requested, attached is a copy of the Order granting your certificate.

Please let me know what your decision is by February 7, 2001. If you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, and by internet e-mail at pisler@psc.state.fl.us.

Mr. David Gillette, President
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Sincerely,

A handwritten signature in cursive script, appearing to read "Paula J. Isler".

Paula J. Isler, Research Assistant
Bureau of Service Evaluation & Compliance

Enclosures

cc: Docket No. 001469-TX (w/o enclosures)
Division of Legal Services (Banks) (w/o enclosures)

TRANSMISSION VERIFICATION REPORT

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