

STATE OF FLORIDA

Commissioners:
E. LEON JACOBS, JR., CHAIRMAN
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI



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

Public Service Commission

February 15, 2001

Via Facsimile

Mr. David M. Pikoff, Vice President
DPI-Teleconnect, L.L.C.
2997 LBJ Freeway, Suite 225
Dallas, TX 75234-7627

Re: Docket No. 001455-TX

Dear Mr. Pikoff:

As we discussed on January 18, the above docket was established for nonpayment of the 1999 Regulatory Assessment Fee (RAF), plus statutory penalty and interest charges. You advised me that DPI wished to keep its certificate active and would pay the past due balance and propose a settlement. The 1999 fee, including penalty and interest charges, has been paid. In addition, the Commission has received two settlement proposals from two different sources. Both are discussed below.

Telecom Compliance Services (TCS)

On January 24, the Commission received a letter dated January 16, 2001, from Ms. Kelli L. Muhammad, TCS, on behalf of DPI. Ms. Muhammad stated that steps had been taken to prevent this from happening in the future and offered a settlement of \$100 to resolve this docket. On January 25, I advised Ms. Muhammad that I could not recommend acceptance of a \$100 settlement since this is the second time a docket had been established for the same rule violation and explained that a waiver of objection statement needed to be included in the settlement. On January 29, the Commission received Ms. Muhammad's amended settlement proposal dated January 26, increasing the settlement amount to \$500 and including the waiver of objection statement.

I can now recommend acceptance of the proposal since all elements have been included and the \$500 settlement proposal is consistent with prior Commission decisions.

- APP _____
- CAF _____
- CMB _____
- COM _____
- CTR _____
- ECR _____
- LEG _____
- OPC _____
- PAI _____
- RGO _____
- SEC /
- SER _____
- OTH _____

DOCUMENT NUMBER-DATE
02224 FEB 16 0
FPC REPORTING

Mr. David M. Pikoff, Vice President
Page 2
February 15, 2001

Tax Partners, L L C

Mr. Ken Hoekstra wrote the Commission a letter dated January 25, 2001. Mr. Hoekstra stated that steps had been taken to prevent this from happening in the future and asked that the fine be waived or reduced due to the numerous steps to correct the problems.

I cannot recommend acceptance of Mr. Hoekstra's settlement proposal. The Commission's Division of Legal Services has recently advised me that if a Proposed Agency Action Order has not been previously issued in a docket, a company's settlement proposal must include a waiver of objection to the administrative cancellation of the certificate in the event the company's offer is accepted and then fails to comply with the terms which it has offered.

This is the second docket established for the same rule violation. The first docket was No. 990672-TX, which was established for nonpayment of the 1998 RAF. In that docket, the Commission imposed a \$500 fine. You responded on behalf of DPI to the Commission's Order by paying the past due amount and proposing a settlement. In that proposal, you stated that "measures are in place so as never to let this oversight happen in the filing of our annual Regulatory Assessment Fees again." The Commission accepted the company's settlement offer and DPI paid the \$100 settlement amount and the docket was then closed.

When two dockets have been established for the same rule violation, there is normally a \$1,000 fine imposed by the Commission. This means that in order for me to recommend acceptance of Tax Partners' offer, Mr. Hoekstra would need to amend his settlement proposal to include the waiver of objection statement and a specific monetary amount consistent with prior Commission decisions. The alternative is that if the proposal was not amended, I would write a recommendation to deny the proposal and impose a \$1,000 fine.

Please review all of the information and let me know your decision, in writing, by March 2, 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.

Sincerely,



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

Enclosures

cc: Docket No. 001455-TX
Division of Legal Services (K. Peña)

Attachments

1. Settlement letter received August 6, 1999, from David Pikoff (DPI), to resolve Docket No. 990672-TX
2. Settlement letter dated January 16, 2001, from Kelli L. Muhammad (TCS), to resolve Docket No. 001455-TX
3. Amended settlement letter dated January 26, 2001, from Kelli L. Muhammad (TCS), to resolve Docket No. 001455-TX
4. Settlement letter dated January 25, 2001, from Ken Hoekstra (Tax Partners), to resolve Docket No. 001455-TX



320572

Florida Public Service Commission
Blanca Bayo
2540 Shumard Oak Blvd
Tallahassee, 32399-0850

DEPOSIT
D185

DATE
AUG 06 1999

1681
\$50.00 RAF
12.50 P
3.50 I
All EX
PP
TX 249

Re: Docket No. 990672-TX

Dear Mrs. Bayo,

After I spoke to you today I spoke to Paula Isler. She instructed me to send \$66 for the 1998 RAF's. Additionally, she said I should offer to pay \$100 to the commission as a penalty. So I am formally requesting that the commission accept this offer.

Please be aware that we were licensed 3 weeks before the end of 1998. We promptly sent in our report to the Florida Public Service Commission reflecting the fact that we did not generate any revenue in 1998. We must not have noticed that we owed a \$50 fee. We certainly would have included it had we only known. Furthermore, we are certificated in 20 other states and pride ourselves on following the letter of the law. In every state we have a perfect track record and always plan to do so.

In closing, I assure you that measures are in place so as never to let this oversight happen in the filing of our annual Regulatory Assessment Fees again.

Respectfully,

David Pikoff

Paula Isler

DPI-TELECONNECT, LLC. 12/98
PH. 972-488-5500
2997 LBJ FREEWAY, STE. 225
DALLAS, TX 75234

1681

DATE 8/5/99

PAY TO THE ORDER OF

Florida Public Service Commission \$66.00

Sixty-six and 00/100

DOLLARS



FOR DEPOSIT

119.07(1)(z), Florida Statutes: Bank account numbers or debit, charge, or credit card numbers given to an agency for the purpose of payment of any fee or debt owing are confidential and exempt from subsection (1) and s.24(a), Art. 1 of the State Constitution . . .

P. Isler

001455



DPI Teleconnec, LLC.
%Telecom Compliance Services, Inc.
6455 East Johns Crossing, Suite 285
Duluth, GA 30097

January 16, 2001

Ms. Blanca Bayo', Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

RE: Docket # 001455-TX

Dear Ms. Bayo:

This letter is written on behalf of dPi Teleconnect, LLC., a client of TCS, Inc. We acknowledge and have received the letter recommending the cancellation of dPi Teleconnect, LLC's authority to conduct business in the state of Florida.

We have completed the missing reports that are needed. Also, we have taken steps to prevent this from happening in the future. We would like to make an offer to the Public Service Commission of \$100.00 in an effort to get this matter settled.

If there are any questions, please feel free to call or write.

Respectfully submitted,

Kelli L. Muhammad
Research Analyst

Enclosures



TELECOM COMPLIANCE SERVICES
INDUSTRY LEADERS IN REGULATORY SERVICES

DPI Teleconnect, LLC.
%Telecom Compliance Services, Inc.
6455 East Johns Crossing, Suite 285
Duluth, GA 30097

January 26, 2001

Ms. Blanca Bayo', Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

RE: Docket # 001455-TX

Dear Ms. Bayo:

I am writing this letter in attempt to amend my settlement proposal letter dated January 16, 2001. I would like to include in that letter a waiver of objection to the administrative cancellation of the company's certificate in the event the settlement offer is accepted and the company fails to comply with the terms which have been offered. Also, I would like to increase the settlement offer to the Public Service Commission from \$100.00 to \$500.00. All other elements of the settlement offer dated January 16, 2001 are reaffirmed.

If there are any questions, please feel free to call or write.

Respectfully submitted,



Kelli L. Muhammad
Research Analyst

RECEIVED
DIVISION OF RECORDS AND REPORTING
FLORIDA PUBLIC SERVICE COMMISSION
01 JAN 29 PM 12:34
MAIL ROOM

TAX PARTNERS RECEIVED FPSC

ORIGINAL

01 JAN 29 AM 10:55

January 25, 2001

RECORDS AND REPORTING

01 JAN 29 AM 9:02
MILWAUKEE

Ms. Blanca Bayo
Director, Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 001455-TX

Dear Ms. Bayo:

This is our settlement letter in regards to the above docket number on behalf of DPI Teleconnect. For the 2000 Florida Regulatory Assessment Fee, we had inadvertently neglected to include the \$50 minimum fee. Paula Isler from the Bureau of Service Evaluation & Compliance had called us in October to inform us of this oversight. Unfortunately, we had changed our phone extensions the same time Paula had called. Thus, we did not return her call nor did we receive any future calls because of the changed phone extensions even though Paula did try a few more times. On January 18, 2001, Paula called DPI Teleconnect explaining the situation. Immediately following, DPI Teleconnect contacted me directly. The same day, I contacted Paula Isler to remedy the situation with the 2000 Fee that was past due. I explained what happened to Paula and apologized to her that we did not return her phone calls. At this time, I also provided Paula with my direct phone number and email address if she had any further issues or questions. The same day, I overnighted the check due to Florida for the \$50 plus penalties and interest. I also explained that this oversight will not happen again. Steps taken to prevent this from happening again include better voicemail capabilities if phone extensions change and a meeting with all of our tax analysts on the proper procedures for handling the Regulatory Assessment Fee Return.

I would like to ask that the Florida Public Service Commission look upon DPI Teleconnect in a favorable way. As we handle DPI's tax filings, this was our mistake. We respectfully ask that the fine imposed for this violation be waived or reduced as we have taken numerous steps to correct the above problems. We will respect whatever decision is made by the Commission.

I would like to thank Paula Isler for her assistance in clearing up this matter. Paula was extremely helpful and courteous over the phone. I would also like to thank you for your time in reading this letter.

Sincerely,

Ken Hoekstra
Attorney-In-Fact for DPI Teleconnect

Vertical stamp on the left side of the page, partially obscured by a signature. It appears to contain the words "SEARCHED" and "INDEXED" in a grid format.

DOCUMENT NUMBER-DATE

01251 JAN 29 01

FPSC-RECORDS REPORTING

TAX PARTNERS, L.L.C.
ONE TOWERS CREEK
3101 TOWER CREEK PARKWAY 6TH FLOOR
ATLANTA, GEORGIA 30339
PH 770 956 7525
FAX 770 256 2700

TRANSMISSION VERIFICATION REPORT

TIME : 02/15/2001 14:57
NAME :
FAX :
TEL :

DATE, TIME	02/15 14:54
FAX NO./NAME	619724888636
DURATION	00:02:46
PAGE(S)	07
RESULT	OK
MODE	STANDARD ECM