



RJR

CK 4784
\$100.00 - Settlement
5/3/01
mc

May 3, 2001

Via Overnight Delivery

Original

210 N Park Ave.
Winter Park, FL
32789

PO Drawer 200
Winter Park, FL
32790-0200

Tel. 407-740-8575
Fax 407-740-0613
tmi@tminc.com

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

RECEIVED
DATE
MAY 08 2001

RE: **Direct One, Inc. d/b/a Direct One of California, Inc.**
FL - Regulatory Assessment Fee
Docket # 001343-TI
Settlement - Payment

TJ253

Dear Ms. Bayo:

This letter is being sent to provide payment of settlement regarding Direct One, Inc. d/b/a Direct One of California, Inc. in Docket # 001343-TI. A check (#4784) in the amount of \$100.00 is enclosed to cover the settlement fee due.

As Attachment A, please find copies of the FPSC documents in recent months related to Direct One, Inc. d/b/a Direct One of California, Inc.

Please acknowledge receipt of this payment by date-stamping the extra copy of this cover letter and returning it to me in the self-addressed, stamped envelope provided for that purpose.

Questions regarding this payment should be directed to my attention at 407-740-8575. Thank you for your assistance in this matter. We await your decision.

Sincerely,

Mark G. Lammert
Compliance Reporting Consultant

cc: Paul Isler - Florida Public Service Commission
Anthony C. Brown - Direct One d/b/a Direct One of California, Inc.
Kent Mora - Direct One, Inc.
Tom Forte - TMI

file: Direct One, Inc. - Reporting - Florida

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MAY 11 2001
FPSC DIVISION OF RECORDS

DOCUMENT NUMBER-DATE

05821 MAY-08

FPSC-RECORDS-REPORTING

ATTACHMENT A

Recent Documentation
Related to Direct One, Inc. d/b/a
Direct One of California, Inc.

VOTE SHEET

MAY 1, 2001

RE: DOCKET NO. 001343-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7091 issued to Direct One, Inc. d/b/a Direct One of California, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

ISSUE 1: Should the Commission accept the settlement offer proposed by Direct One, Inc. d/b/a Direct One of California, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 7091 should be cancelled administratively.

APPROVED

COMMISSIONERS ASSIGNED: Full Commission

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING

Richard A. Polush
[Signature]
[Signature]
[Signature]

REMARKS/DISSENTING COMMENTS:

DOCUMENT NUMBER-DATE

05420 MAY-16

REG-DEPT-REG-STATING

VOTE SHEET
MAY 1, 2001

DOCKET NO. 001343-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7091 issued to Direct One, Inc. d/b/a Direct One of California, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(Continued from previous page)

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

APPROVED

Image Not
Available

Image Not
Available

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK
BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: APRIL 19, 2001

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

FROM: DIVISION OF COMPETITIVE SERVICES (ISLER)
DIVISION OF LEGAL SERVICES (ISAAC)

RE: DOCKET NO. 001343-TI - CANCELLATION BY FLORIDA PUBLIC
SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS
CERTIFICATE NO. 7091 ISSUED TO DIRECT ONE, INC. D/B/A
DIRECT ONE OF CALIFORNIA, INC. FOR VIOLATION OF RULE 25-
4.0161, F.A.C., REGULATORY ASSESSMENT FEES;
TELECOMMUNICATIONS COMPANIES.

AGENDA: 05/01/01 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\001343.RCM

CASE BACKGROUND

- **08/03/99** - This company obtained Florida Public Service Commission Certificate No. 7091.
- **12/08/99** - The Division of Administration mailed the 1999 Regulatory Assessment Fee (RAF) return notice. Payment was due January 31, 2000.
- **02/29/00** - The Division of Administration mailed the delinquent notice for nonpayment of the 1999 RAF.
- **10/27/00** - Staff wrote the company and advised a docket had been established and to contact staff if it wished to keep its certificate active.
- **12/12/00** - The Division of Administration mailed the 2000 RAF return notice. Payment was due by January 30, 2001.
- **01/08/01** - Order No. PSC-01-0037-PAA-TI was issued, which imposed a \$500 fine. The company had until January 29, 2001 to protest the Order.
- **01/24/01** - The Commission received the 1999 RAF return, along with payment of the past due amount in full. In addition, the company's consultant proposed a settlement.
- **02/15/01** - Staff called Mr. Mark Lammert, consultant, and advised that staff could not recommend acceptance of the settlement offer as long as the 2000 RAF remained unpaid.
- **03/07/01** - The Commission received payment of the 2000 RAF, along with penalty and interest charges.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.337, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission accept the settlement offer proposed by Direct One, Inc. d/b/a Direct One of California, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 7091 should be cancelled administratively. (Isler)

STAFF ANALYSIS: Rule 25-4.0161, Florida Administrative Code, which implements Section 364.336, Florida Statutes, requires the payment of regulatory assessment fees by January 30 of the subsequent year for telecommunications companies, and provides for penalties and interest as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

After Order No. PSC-01-0037-PAA-TI was issued on January 8, 2001, the Commission received from the company's consultant, payment for the outstanding regulatory assessment fee, including statutory penalty and interest charges, and a letter which offered to pay a \$100 contribution and proposed to pay future RAFs on a timely basis. The Commission subsequently received payment of the 2000 RAF, including statutory penalty and interest charges. The recommended settlement amount is consistent with amounts the Commission has accepted for recent, similar violations.

Accordingly, staff believes the terms of the settlement agreement as summarized in this recommendation should be accepted. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in

DOCKET NO. 001343-TI
DATE: APRIL 19, 2001

accordance with the terms of the Commission Order, Certificate No. 7091 should be cancelled administratively.

DOCKET NO. 001343-TI
DATE: APRIL 19, 2001

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate. (Isaac)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

Direct One - Rtg - FL

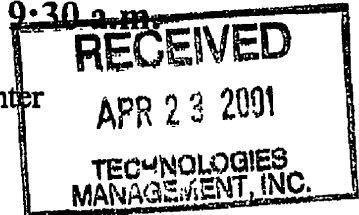
FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: May 1, 2001, 9:30 a.m.

LOCATION: Room 148, Betty Easley Conference Center

DATE ISSUED: April 20, 2001



NOTICE

Persons affected by Commission action on certain items on this agenda for which a hearing has not been held (other than actions on interim rates in file and suspend rate cases) may be allowed to address the Commission when those items are taken up for discussion at this conference. These items are designated by double asterisks (***) next to the agenda item number.

Included in the above category are items brought before the Commission for tentative or proposed action which will be subject to requests for hearing before becoming final. These actions include all tariff filings, items identified as proposed agency action (PAA), show cause actions and certain others.

To obtain a copy of staff's recommendation for any item on this agenda, contact the Division of Records and Reporting at (850) 413-6770. There may be a charge for the copy. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours before the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD). Assistive Listening Devices are available in the Division of Records and Reporting, Betty Easley Conference Center, Room 110.

Video and audio versions of the conference are available and can be accessed live on the PSC HomePage on the day of the Conference. The audio version is available through archive storage for up to three months afterward.

Agenda for
Commission Conference
May 1, 2001

ITEM NO.

CASE

26**

DOCKET NO. 001343-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7091 issued to Direct One, Inc. d/b/a Direct One of California, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMP: Isler
LEG: Isaac

ISSUE 1: Should the Commission accept the settlement offer proposed by Direct One, Inc. d/b/a Direct One of California, Inc. to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

RECOMMENDATION: Yes. The Commission should accept the company's settlement proposal. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If the company fails to pay in accordance with the terms of the Commission Order, Certificate No. 7091 should be cancelled administratively.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed upon receipt of the \$100 contribution or cancellation of the certificate.

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850

TO: Mark G. Lammert
Fax #: 6W14077400613

FROM: Records Fax Server

RE:

Note: This fax was generated by the Case Management System.

Multiple attempts will be made to fax this document. If all attempts fail, you will automatically be sent a copy of the document by U.S. Mail. You do not need to call to report a fax failure.

STATE OF FLORIDA

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



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

January 16, 2001

Dear Party to Proceeding:

Enclosed is a copy of the current case assignment and scheduling record (CASR) for this docket. You can also obtain docket information, including time schedules, by accessing the PSC Website on the Internet, at <http://www.floridapsc.com>.

The dates in this CASR should provide you with an opportunity to anticipate completion stages of work in the docket. Please keep in mind, however, that the listed dates are intended primarily for use by Commission staff and can change at any time. For firm dates of hearings, meetings, and other procedural matters in the docket, you should always refer to the Commission's orders and notices.

Sincerely,

Blanca S. Bayó

BSB:kf

Case Assignment and Scheduling Record

Section 1 - Division of Records and Reporting (RAR) Completes

Docket No. 001343-TI Date Docketed: 09/08/2000 Title: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 7091 issued to Direct One, Inc. d/b/a Direct One of California, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Company: Direct One, Inc. d/b/a Direct One of California, I

Official Filing Date: _____
 Last Day to Suspend: _____ Expiration: _____

Referred to: ADM AFA APP CAF (CMP) CMU EAG ECR GCL LEG PAI RAR RGO SER WAW
 ("(") indicates OPR) X _____ X _____ X _____

Section 2 - OPR Completes and returns to RAR in 10 workdays.

Time Schedule

Program/Module B1(k)

Staff Assignments

OPR Staff P Isler

Staff Counsel R Isaac

OCRs () _____

() _____

() _____

() _____

() _____

Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel _____
 Hearing Examiner _____ Staff _____

Date filed with RAR: 01/29/2001

Initials: OPR _____
 Staff Counsel _____

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT. IT IS TENTATIVE AND SUBJECT TO REVISION.

FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Current CASR revision level

1

Due Dates

Previous Current

1. Staff Recommendation	NONE	02/22/2001
2. Agenda	NONE	03/06/2001
3. Order Approving Settlement	NONE	03/26/2001
4. _____		
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg. Exam.	Staff
ALL	JC	DS	JB	BZ	PL		
X							

- Prehearing Officer

Commissioners					ADM
JC	DS	JB	BZ	PL	
					X

Where panels are assigned the senior Commissioner is Panel Chairman; the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____

Date: 01/29/2001