

**REQUEST TO ESTABLISH DOCKET**  
(Please Type)

Date **05/30/02** Docket No. **020478 - TX**

1. Division Name/Staff Name: **Division of Competitive Markets & Enforcement/Isler**

2. OPR: **Division of Competitive Markets & Enforcement/Isler**

3. OCR: **Office of the General Counsel**

4. Suggested Docket Title: **Cancellation by Florida Public Service Commission of ALEC Certificate No. 7721 issued to Positive Investments, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.**

5. Suggested Docket Mailing List (attach separate sheet if necessary)  
A. Provide NAMES OR ACRONYMS ONLY if a regulated company.  
B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)  
1. Parties and their representatives (if any):


2. Interested persons and their representatives (if any):

6. Check one:  
 Documentation is attached.  
 Documentation will be provided with recommendation.

STATE OF FLORIDA

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI  
RUDOLPH "RUDY" BRADLEY



DIVISION OF COMPETITIVE MARKETS &  
ENFORCEMENT  
WALTER D'HAESELEER  
DIRECTOR  
(850) 413-6600

## Public Service Commission

April 12, 2002

Mr. Kendall B. Howell, Manager  
Advanced Wireless  
2510 N. Monroe St., Unit A  
Tallahassee, FL 32303

Dear Mr. Howell:

The Commission received your fax dated April 8, 2002, advising that Positive Investments, Inc. is no longer in business and asked us to stop faxing you PSC hearing information because it was wasting your time and paper. According to our records, the Commission has not been notified in writing that you wanted the company's alternative local exchange carrier certificate cancelled as required by Rule 25-24.820, Florida Administrative Code, copy enclosed.

If you do want the certificate cancelled, the company must pay the 2001 Regulatory Assessment Fee (RAF) plus statutory penalty and interest charges and the 2002 RAF. The RAF is .0015% of a company's intrastate revenues or \$50.00, whichever is greater. The RAF is owed if a certificate is active for any one day during a calendar year, even if that company may not have had any revenues. The 2001 and 2002 RAF return forms are enclosed. Also enclosed is a copy of the Commission's Order granting Positive Investment, Inc.'s certificate. Please note the 4<sup>th</sup> paragraph on page 2.

Please respond by April 30, 2002, and let me know how the company wishes to proceed. In the meantime, if you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, by internet e-mail at [pisler@psc.state.fl.us](mailto:pisler@psc.state.fl.us), or at the address below.

Sincerely,

A handwritten signature in cursive script that reads "Paula J. Isler".

Paula J. Isler, Research Assistant  
Bureau of Service Quality

Enclosures

## **25-24.820 Revocation of a Certificate.**

(1) The Commission may on its own motion, after notice and opportunity for hearing, revoke a company's certificate for any of the following reasons:

- (a) Violation of a term or condition under which the authority was originally granted;
- (b) Violation of Commission rule or order;
- (c) Violation of Florida Statute; or
- (d) Violation of a price list standard.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request. Cancellation of a certificate shall be ordered subject to the holder providing the required information.

- (a) A statement of intent and date certain to pay regulatory assessment fee.
- (b) A statement of why the certificate is proposed to be canceled.
- (c) A statement as to how customer deposits and final bills will be handled.
- (d) Proof of individual customer notice regarding discontinuance of service.

Specific Authority 350.127(2) FS.

Law Implemented 364.335, 364.345 FS

History--New 12-27-95.

# Alternative Local Exchange Company Regulatory Assessment Fee Return

Florida Public Service Commission

(See Filing Instructions on Back of Form)

STATUS:

- Actual Return
- Estimated Return
- Amended Return

TX519-01-0-R  
 Positive Investments, Inc.  
 P. O. Box 5701  
 Destin, FL 32540-5701  
 CC: F Isler

**FOR PSC USE ONLY**

Check# \_\_\_\_\_

\$ \_\_\_\_\_ 0603006  
 003001

\$ \_\_\_\_\_ P  
 0603006  
 004011

\$ \_\_\_\_\_ J

Postmark Date \_\_\_\_\_

Initials of Preparer \_\_\_\_\_

PERIOD COVERED:  
1/18/2001 TO 12/31/2001

Please Complete Below If Official Mailing Address Has Changed

\_\_\_\_\_  
 (Name of Company) (Address) (City/State) (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	FLORIDA	
		GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Basic Local Services	\$ _____	\$ _____
2.	Long Distance Services (IntraLATA only)**	_____	_____
3.	Access Services	_____	_____
4.	Private Line Services	_____	_____
5.	Leased Facilities & Circuits Services	_____	_____
6.	Miscellaneous Services	_____	_____
7.	TOTAL REVENUES	_____	_____
8.	LESS: Amounts Paid to Other Telecomm	_____	_____
9.	Net Intrastate Operating Revenue for Regu	_____	_____
10.	Regulatory Assessment Fee Due (Multiply	_____	_____
11.	Penalty for Late Payment (see "3. Failure t	_____	_____
12.	Interest for Late Payment (see "3. Failure t	_____	_____
13.	TOTAL AMOUNT DUE	_____	_____

TG 824

AS PROVIDED IN SE

Facilities-Based Provider

Complete below if billing agent if other than yourself

(Name)

(Address: City/State/Zip)

(Phone)

### COMPANY INFORMATION

Do you lease telecommunications' facilities? ( ) YES ( ) NO

If YES, who do you lease these facilities from? Name: \_\_\_\_\_

Address: \_\_\_\_\_

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her duty shall be guilty of a misdemeanor of the second degree.

(Signature of Company Official)

(Title)

(Date)

(Preparer of Form - Please Print Name)

Telephone Number ( )

Fax Number ( )

F.E.I. No. \_\_\_\_\_

# Alternative Local Exchange Company Regulatory Assessment Fee Return

## Florida Public Service Commission

(See Filing Instructions on Back of Form)

STATUS:

- Actual Return
- Estimated Return
- Amended Return

TX519-02-0-R  
 Positive Investments, Inc.  
 P. O. Box 5701  
 Destin, FL 32540-5701  
 cc: P. Isler

**FOR PSC USE ONLY**

Check# \_\_\_\_\_

\$ \_\_\_\_\_ 0603006  
 \_\_\_\_\_ 003001

\$ \_\_\_\_\_ P \_\_\_\_\_  
 \_\_\_\_\_ 0603006  
 \_\_\_\_\_ 004011

\$ \_\_\_\_\_ I \_\_\_\_\_

Postmark Date \_\_\_\_\_

Initials of Preparer \_\_\_\_\_

PERIOD COVERED:  
 1/01/2002 TO 12/31/2002

Please Complete Below If Official Mailing Address Has Changed

(Name of Company)	(Address)	(City/State)	(Zip)
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LINE NO.	ACCOUNT CLASSIFICATION	FLORIDA GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Basic Local Services	\$ _____	\$ _____
2.	Long Distance Services (IntraLATA only)**	_____	_____
3.	Access Services	_____	_____
4.	Private Line Services	_____	_____
5.	Leased Facilities & Circuits Services	_____	_____
6.	Miscellaneous Services	_____	_____
7.	<b>TOTAL REVENUES</b>		\$ _____
8.	LESS: Amounts Paid to Other Telecommunications Companies* (see "2. Fees" on back)		_____
9.	Net Intrastate Operating Revenue for Regulatory Assessment Fee Calculation (Line 7 less Line 8)		_____
10.	Regulatory Assessment Fee Due (Multiply Line 9 by 0.0015)		_____
11.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)	_____	
12.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)	_____	
13.	<b>TOTAL AMOUNT DUE</b>		\$ _____

These amounts must be intrastate only and must be verifiable.  
 Other long distance revenue must be listed on the Interexchange Regulatory Assessment Fee Return.

**AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50**

### CURRENT COMPANY STATUS

Facilities-Based Provider

Reseller

Other: \_\_\_\_\_

### BILLING INFORMATION

Complete below if billing agent if other than yourself.

_____	_____	_____
(Name)	(Address: City/State/Zip)	(Telephone)

### COMPANY INFORMATION

Do you lease telecommunications' facilities?  YES  NO

YES, who do you lease these facilities from? Name: \_\_\_\_\_

Address: \_\_\_\_\_

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her duty shall be guilty of a misdemeanor of the second degree.

_____	_____	_____
(Signature of Company Official)	(Title)	(Date)
_____		
(Preparer of Form - Please Print Name)	Telephone Number ( ) _____	Fax Number ( ) _____
F.E.I. No. _____		

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for  
certificate to provide  
alternative local exchange  
telecommunications service by  
Positive Investments, Inc. d/b/a  
Reconnection Plus, Inc.

DOCKET NO. 001444-TX  
ORDER NO. PSC-00-2474-PAA-TX  
ISSUED: December 22, 2000

The following Commissioners participated in the disposition of  
this matter:

J. TERRY DEASON, Chairman  
E. LEON JACOBS, JR.  
LILA A. JABER  
BRAULIO L. BAEZ

NOTICE OF PROPOSED AGENCY ACTION  
ORDER GRANTING CERTIFICATE TO  
PROVIDE ALTERNATIVE LOCAL EXCHANGE  
TELECOMMUNICATIONS SERVICES

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Positive Investments, Inc. d/b/a Reconnection Plus, Inc. (Reconnection Plus) has applied for a certificate to provide Alternative Local Exchange Telecommunications (ALEC) service, pursuant to Section 364.337, Florida Statutes. Upon review of its application, it appears that Reconnection Plus has sufficient technical, financial, and managerial capability to provide such service. Accordingly, we hereby grant to Reconnection Plus Certificate No. 7721 which shall authorize it to provide ALEC services throughout the State of Florida, except for the territories of earnings-regulated small Local Exchange Companies, as set forth in Section 364.337(1), Florida Statutes.

ORDER NO. PSC-00-2474-PAA-TX  
DOCKET NO. 001444-TX  
PAGE 2

If this Order becomes final and effective, it shall serve as Reconnection Plus's certificate. Reconnection Plus should, therefore, retain this Order as proof of certification.

ALEC providers are subject to Chapter 25-24, Florida Administrative Code, Part XV, Rules Governing Telecommunications Service Provided by Alternative Local Exchange Companies. ALEC providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapters 25-4, Florida Administrative Code.

In addition, Section 364.337(2), Florida Statutes, requires ALECs which provide basic local telecommunications service to provide access to 911 services. This Commission has no rules specifying the 911 services that either an Incumbent Local Exchange Company (ILEC) or an ALEC must provide; however, 911 service that is inferior to that provided by the ILEC would clearly not be in the public interest. Accordingly, we find that Section 364.337(2), Florida Statutes, requires ALECs which provide basic local telecommunications services to provide at least the same level of 911 services as that provided by the ILEC serving the same area.

Further, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee (RAFs) of \$50 if the certificate was active during any portion of the calendar year. A RAFs Return notice will be mailed to Reconnection Plus. Neither the cancellation of the certificate nor the failure to receive a RAFs Return notice shall relieve Reconnection Plus from its obligation to pay RAFs.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.335 and 364.337, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby grant Certificate No. 7721 to Positive Investments, Inc. d/b/a Reconnection Plus, Inc., which shall authorize it to provide Alternative Local Exchange Telecommunications, subject to the terms and conditions set forth in the body of this Order. It is further

ORDER NO. PSC-00-2474-PAA-TX  
DOCKET NO. 001444-TX  
PAGE 3

ORDERED that this Order shall serve as Positive Investments, Inc. d/b/a Reconnection Plus, Inc.'s certificate and should be retained by Positive Investments, Inc. d/b/a Reconnection Plus, Inc. as proof of certification. It is further

ORDERED that each Alternative Local Exchange Telecommunications company which provides basic local telecommunications services shall provide at least the same level of 911 services as that provided by the incumbent local exchange company serving the same area. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 22nd day of December, 2000.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

( S E A L )

JAE



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 that is available under Section 120.57, 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 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.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition 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 January 12, 2001.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

# ADVANCED WIRELESS

---

2510 N. Monroe St., Unit A  
Tallahassee, FL 32303  
(850) 385-7999  
FAX: (850) 385-6500

April 8, 2002

COMMISSION  
CLERK

APR - 9 AM 8:42

RECEIVED FPSC

To Whom It May Concern:

Positive Investments, Inc. (TX519) is no longer in business. We would sincerely appreciate it if you would not send us PSC hearing information. It is wasting our time and paper.

Sincerely,

Kendall B Howell  
Manager

DIVISION OF  
COMPETITIVE SERVICES

2002 APR 10 AM 11:03

.....

ADVANCED WIRELESS  
2510 N. MONROE ST., UNIT A  
TALLAHASSEE, FL 32303  
OFFICE: (850) 385-7999  
FAX: (850) 385-6500

**Facsimile Transmittal**

To: PSC/ANYONE Fax: 850-413-7118

---

From: KENDALL HOWELL Date: April 8, 2002

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Re: HEARING FAXES Pages: 2

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CC:

---

Urgent     For Review     Please Comment     Please Reply     Please Recycle



RECEIVED - FPSC  
02 APR - 9 AM 8:41  
COMMISSION  
CLERK

.....

**Paula Isler**

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**From:** Paula Isler  
**Sent:** Thursday, April 11, 2002 12:03 PM  
**To:** Kay Flynn  
**Cc:** Sallie Hallmark  
**Subject:** RE: Positive Investments, Inc. (TX519)

OK, I'll be on the lookout for it.

Sallie, have you seen it?

-----Original Message-----

**From:** Kay Flynn  
**Sent:** Thursday, April 11, 2002 12:02 PM  
**To:** Paula Isler  
**Subject:** RE: Positive Investments, Inc. (TX519)

It was a fax so I didn't treat it as a filing. It went in interoffice mail yesterday with your name on it.

-----Original Message-----

**From:** Paula Isler  
**Sent:** Thursday, April 11, 2002 11:57 AM  
**To:** Kay Flynn  
**Subject:** RE: Positive Investments, Inc. (TX519)

Just FYI, I have not received this yet and could not find it in the undocketed.

-----Original Message-----

**From:** Kay Flynn  
**Sent:** Wednesday, April 10, 2002 9:05 AM  
**To:** Paula Isler  
**Subject:** RE: Positive Investments, Inc. (TX519)

Will do.

-----Original Message-----

**From:** Paula Isler  
**Sent:** Wednesday, April 10, 2002 8:13 AM  
**To:** Kay Flynn  
**Subject:** RE: Positive Investments, Inc. (TX519)

Yes, thanks. (I was out yesterday)

-----Original Message-----

**From:** Kay Flynn  
**Sent:** Tuesday, April 09, 2002 11:48 AM  
**To:** Paula Isler  
**Subject:** Positive Investments, Inc. (TX519)

Paula, we got a fax this morning from Kendall B. Howell at Advanced Wireless (local phone number 385-7999) saying Positive Investments is no longer in business and asking us to stop sending them hearing info.

Shall I send this to you for review?

Kay