



# Public Service Commission

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

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**DATE:** June 13, 2002  
**TO:** Division of the Commission Clerk and Administrative Services (Bayó)  
**FROM:** Division of Competitive Markets & Enforcement (M. Watts) *MW*  
**RE:** Docket No. 020505-TI, Application for certificate to provide interexchange telecommunications service by North American Telephone Network, LLC.

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Attached are letters, with attachments, that were sent to and received from North American Telephone Network, LLC concerning the subject docket. Please place these documents in the docket file accordingly.

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STATE OF FLORIDA



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

## Public Service Commission

April 26, 2002

### CERTIFIED

Mr. Jack Wilkes  
North American Telephone Network, LLC.  
4151 Ashford Dunwoody Road, Suite 675  
Atlanta, GA 30319-1461

Dear Mr. Wilkes:

The Florida Public Service Commission (the Commission) received a complaint against North American Telephone Network, LLC. (NATN) on March 25, 2002, from Mr. Desmond Kowlessar regarding improper billing. Mr. Kowlessar claims that he was over-billed in the amount of \$32.51 in order to meet an alleged "required monthly minimum" that he believes is erroneous. A copy of Mr. Kowlessar's submission, including a copy of his bill, is enclosed for your review. Please investigate the matter, contact the customer, and provide me with a detailed written report of NATN's proposed resolution by May 17, 2002.

The analyst from the Commission's Division of Consumer Affairs (CAF) entered Mr. Kowlessar's complaint into our database as an Information Request rather than a complaint, then forwarded it to the Compliance section of the Division of Competitive Markets & Enforcement. The reason it was forwarded is that, upon investigation of the complaint, CAF discovered that NATN no longer has an active interexchange (IXC) certificate to provide telecommunications services in Florida.

Order No. PSC-01-2173-CO-TI, issued November 5, 2001, in Docket No. 010896-TI, Cancellation by Florida Public Service Commission of IXC Certificate No. 4460 issued to North American Telephone Network, LLC. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees: Telecommunications Companies, canceled NATN's interexchange certificate effective November 5, 2001. From the bill copy provided by Mr. Kowlessar, it appears that NATN was still providing telecommunications services in Florida as of February 2002. Since NATN's certificate is canceled, the company is prohibited from providing telecommunications services in Florida by Section 364.33, Florida Statutes, and Rule 25-24.470, Florida Administrative Code. A copy of all rules and statutes cited in this letter is attached for your convenience.

By Section 364.285, Florida Statutes, the Commission is authorized to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each offense, 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. Utilities are charged with knowledge of the Commission's rules and statutes. If NATN continues to provide telecommunications services in

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Mr. Jack Wilkes  
Page 2  
April 26, 2002

Florida without a certificate of public convenience and necessity as required by Rule 25-24.470, Florida Administrative Code, the Commission may initiate further proceedings against the company.

I will delay seeking to initiate further proceedings if the company attempts to remedy this situation by submitting an application for another IXC certificate. Please be advised that, in similar cases, the Commission has not granted a new certificate unless the offending company resolved the issues in the docket that resulted in the cancellation of its previous certificate. The appropriate Commission staff will review the company's application, make a determination as to whether granting the company a new certificate will be in the public interest, and submit a recommendation to the Commission consistent with its findings. The Commission staff will not recommend approval of the company's application until the Commission has received all Regulatory Assessment Fees, penalties, interest, and fines owed by the company in all previous dockets.

While investigating the Commission's records regarding NATN, I found that the company also had an Alternative Local Exchange Telecommunications Company (ALEC) certificate that was canceled on April 13, 2001, by Order No. PSC-01-936-CO-TX in Docket No. 001456-TX, Cancellation by Florida Public Service Commission of ALEC Certificate No. 5785 issued to North American Telephone Network, L.L.C. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. From my review of the staff recommendation in this docket, it appears that NATN did not desire to provide local service in Florida or maintain its ALEC certificate.

If the company submits an application for an IXC certificate and the Commission votes to reject the application, then the only course of action that the company may take to attempt to avoid the initiation of further proceedings is to cease providing telecommunications services in Florida. Please respond to me by May 17, 2002, with the company's plan of action to remedy its apparent violation of Section 364.33, Florida Statutes, and Rule 25-24.470, Florida Administrative Code. If the company desires to acquire another interexchange certificate, please submit the application in accordance with Rule 25-24.470, Florida Administrative Code, with a courtesy copy of the cover letter sent to me. Please include the number of Florida customers that NATN currently serves as well as the name(s) of the underlying carrier(s) providing service to NATN in your response.

To summarize, by May 17, 2002, NATN should submit the following to me:

1. A detailed report of the resolution of Mr. Kowlessar's complaint;
2. NATN's plan of action to remedy its apparent violation of Section 364.33, Florida Statutes, and Rule 25-24.470, Florida Administrative Code;
3. a courtesy copy of the cover letter attached to NATN's application for an interexchange certificate of public convenience and necessity, submitted in accordance with Rule 25-24.470, Florida Administrative Code, by the same date;
4. the number of Florida customers currently served by NATN; and
5. the name(s) of the underlying carrier(s) providing service to NATN.

Mr. Jack Wilkes  
Page 3  
April 26, 2002

If you have any questions, please feel free to contact me at (850) 413-6952.

Sincerely,



Melinda Watts  
Bureau of Service Quality

Enclosures

1. Complaint documentation
2. Section 364.33, Florida Statutes
3. Section 364.285, Florida Statutes
4. Rule 25-24.470, Florida Administrative Code
5. Rule 25-4.0161, Florida Administrative Code
6. Order No. PSC-01-1995-PAA-TI
7. Order No. PSC-01-2173-CO-TI

cc: Division of Competitive Services (Gilchrist)  
Ref: CATS 447457C

Request No. 447457C

Name KOWLESSAR ,DESMOND MR.

Business: \_\_\_\_\_

FLORIDA PUBLIC SERVICE COMMISSION  
CONSUMER REQUEST  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL. 32399-850  
850-413-6100



## Public Service Commission

PLEASE RETURN THIS FORM  
WITH REPORT OF ACTION TO:

DICK DURBIN

Name KOWLESSAR ,DESMOND MR.

Company NORTH AMERICAN TELEPHONE

Request No. 447457C

Business Name \_\_\_\_\_

Company Code TI492

By JRD Time 11:41 Date 04/05/2002

Address 1480 N. E. 136 STREET

County \_\_\_\_\_

Consumer's  
Telephone # (305)-893-4823

Type IS-03 Phone E-MAIL

City/Zip North Miami 33161-

Can be  
Reached (786)-897-1025

Account Number PP2-PP19439

E-Mail Address kowlessard@yahoo.com

Outreach OTHER

Date 04/05/2002

Public Official N

See attached correspondence. This company's certificate was cancelled but it appears that they are still providing service.  
Dick Durbin

04/04/2002 Customer correspondence received via email. Customer wanted to know if the disputed bill copies were received.

Email to customer:  
Dear Mr. Kowlessar,

We are in receipt of your correspondence. The request number is 447457C. The case has been forwarded at this point to the Division of Competitive Markets and Enforcement. North American Telephone Network certificate has been cancelled and it appears that they are still providing service.

Sincerely,

Kaullis Marshall  
Regulatory Specialist  
kmarshal@psc.state.fl.us

Florida Public Service Commission  
Division of Consumer Affairs  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0865  
Fax: (800) 511-0809

4/11/02 Case forwarded to Leroy Rasberry for review. rmchague

4/12/2002 Case COPY forwarded to the Division of Competitive Markets and Enforcement. P.Lowery

ORIGINAL

ORIGINAL

To Kaulis Marshall  
Regulatory Specialist

MAR 29 2002

Cl...

From Darmond Kowleson

Online Tracking # 0007852

MAR 29 2002

Cl...



ORIGINAL

MAR 29 2002

For Customer Use		
Amount Paid	Date Paid	Check #

For customer service and information about NATN products and services view our Internet site at [www.natn.com](http://www.natn.com)

Presort First Class  
 1794 PP2-PP19439  
 DESMOND KOWLESSAR  
 1480 NE 136TH ST  
 MIAMI, FL, 33161-0000



BILL CYCLE ENDING: 02/24/2002

Total Past Due Remit immediately	Current Monthly Charges	Other Credits and Charges	Total Amount Due
\$ .00	\$76.14	\$ .00	\$76.14

Thank You, we appreciate your business.

THIS IS NOT A BILL

These charges will be automatically billed to your credit card according to your previous instructions. You will receive this type of statement approximately every two weeks. For customer service call 800-822-0019.

Please Return BOTTOM Portion with Payment

ACCOUNT NUMBER: PP2-PP19439  
 Invoice Number: 2958110  
 DESMOND KOWLESSAR

1480 NE 136TH ST  
 MIAMI, FL, 33161-0000

Total Amount Due: 76.14  
 Due Immediately

AMOUNT PAID	\$
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Please indicate any change of address in the space to the left.





ORIGINAL

Page 2

Summary of Charges for NATN Account Number: PP2-PP19439  
Bill Cycle Ending 02/24/2002

PRIOR BILLING ACTIVITY

Previous Balance	27.41	
Payments Received	27.41	Thank You
Total Credits	.00	
<b>PAST DUE BALANCE</b>		<b>.00</b>

CURRENT BILLING ACTIVITY

Current Charges	60.22	
Taxes and Fees	15.92	
Federal Tax	1.88	
State Tax	1.43	
County Tax	.00	
Local Tax	3.58	
Other Tax	.00	
USF	9.03	
PicC	.00	
<b>TOTAL CURRENT CHARGES</b>		<b>76.14</b>

OTHER CHARGES

**TOTAL OTHER CHARGES** .00

**TOTAL AMOUNT DUE** 76.14

ORIGINAL

North American Telephone Network, L.L.C.  
Suite 675  
4151 Ashford Dunwoody Road  
Atlanta, Ga. 30319

ORIGINAL

ORIGINAL

## Charges for billing number 305-893-4823

PSS service minimum adjustment 01/18 to 02/19 for 305-893-4823 32.51

## Calls for phone number 305-893-4823

Date	Time	City	Number	Rate	Minutes	Amount
01/23	03:27PM		868-656-1354	HO	5.00	1.42
01/23	05:13PM		868-636-6041	HO	1.00	.28
01/24	07:25PM		868-636-6041	HO	1.00	.28
01/24	07:25PM		868-636-6041	HO	1.00	.28
01/27	01:05PM		868-656-1354	HO	1.00	.28
02/10	10:57AM		868-656-1354	HO	4.00	1.14
02/10	02:06PM		868-656-1354	HO	39.00	11.08
02/17	08:58AM		868-673-1425	HO	11.00	3.41
TOTAL					18.17	

## Calls for phone number 786-897-1028

Date	Time	City	Number	Rate	Minutes	Amount
01/24	08:03AM		514-495-1942	JO	2.00	.14
01/24	09:45AM		514-495-1942	HO	6.00	.41
02/06	09:49AM		514-495-1942	JO	2.00	.14
02/13	10:20AM		514-495-1942	HO	5.00	.34
02/13	04:39PM		514-495-1942	JO	2.00	.14
02/13	04:43PM		514-495-1942	HO	19.00	1.29
02/13	09:50PM		514-495-1942	HO	4.00	.27
02/16	05:04PM		514-495-1942	HO	21.00	1.43
02/16	05:26PM		514-495-1942	HO	19.00	1.29
02/16	11:38PM		514-495-1942	HO	32.00	2.18
02/17	05:02PM		514-495-1942	HO	11.00	.75
02/19	03:17PM		514-495-1942	HO	10.00	.68
02/22	03:47PM		514-495-1942	HO	7.00	.48
TOTAL					9.54	

TOTAL CHARGES FOR BILLING NUMBER 305-893-4823

60.22

MAR 29 2002

COMMERCIAL

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## The 2001 Florida Statutes

[Title XXVII](#)   [Chapter 364](#)   [View Entire Chapter](#)  
Railroads And Other Regulated Utilities   Telecommunications Companies

**364.33 Certificate of necessity prerequisite to construction, operation, or control of telecommunications facilities.**--A person may not begin the construction or operation of any telecommunications facility, or any extension thereof for the purpose of providing telecommunications services to the public, or acquire ownership or control thereof, in whatever manner, including the acquisition, transfer, or assignment of majority organizational control or controlling stock ownership, without prior approval. This section does not require approval by the commission prior to the construction, operation, or extension of a facility by a certificated company within its certificated area nor in any way limit the commission's ability to review the prudence of such construction programs for ratemaking as provided under this chapter.

**History.**--s. 1, ch. 28013, 1953; s. 1, ch. 63-279; s. 1, ch. 65-52; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 32, ch. 80-36; s. 2, ch. 81-318; s. 5, ch. 83-73; ss. 6, 7, ch. 89-163; ss. 31, 48, 49, ch. 90-244; s. 4, ch. 91-429.

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## The 2001 Florida Statutes

[Title XXVII](#)   [Chapter 364](#)   [View Entire Chapter](#)  
Railroads And Other Regulated Utilities   Telecommunications Companies

**364.285 Penalties.--**

(1) The commission shall have the power to impose upon any entity subject to its jurisdiction under this chapter which 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 this chapter a penalty for each offense of not more than \$25,000, which penalty shall be fixed, imposed, and collected by the commission; or the commission may, for any such violation, amend, suspend, or revoke any certificate issued by it. Each day that such refusal or violation continues constitutes a separate offense. Each penalty shall be a lien upon the real and personal property of the entity, enforceable by the commission as a statutory lien under chapter 85. Collected penalties shall be deposited in the General Revenue Fund unallocated.

(2) The commission may, at its discretion, institute in any court of competent jurisdiction a proceeding for injunctive relief to compel compliance with this chapter or any commission rule or to compel the accounting and refund of any moneys collected in violation of this chapter or commission rule.

**History.--**ss. 4, 7, ch. 83-73; ss. 6, 7, ch. 89-163; ss. 28, 48, 49, ch. 90-244; s. 4, ch. 91-429.

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25-24.800	Scope.
25-24.805	Certificate of Public Convenience and Necessity Required.
25-24.810	Application for Certificate.
25-24.815	Application for Approval of Assignment or Transfer of Certificate.
25-24.820	Revocation of a Certificate.
25-24.825	Price List.
25-24.830	Consumer Information.
25-24.835	Rules Incorporated.
25-24.840	Service Standards.
25-24.845	Customer Relations; Rules Incorporated.
PART XVI	RULES GOVERNING PREPAID CALLING SERVICES
25-24.900	Scope.
25-24.905	Terms and Definitions.
25-24.910	Certificate of Public Convenience and Necessity Required.
25-24.915	Tariffs or Price Lists.
25-24.920	Standards for Prepaid Calling Services and Consumer Disclosure.
25-24.925	Refunds.
25-24.930	Adequacy of Service.
25-24.935	Discontinuance of Service.
25-24.940	Penalties.

**PART X RULES GOVERNING INTEREXCHANGE TELECOMMUNICATIONS COMPANIES**

**25-24.455 Scope and Waiver.**

(1) This part applies only to Interexchange Companies. As provided by Rules 25-4.002, 25-9.001 and 25-14.001, F.A.C., no provision of Chapters 25-4, 25-9, or 25-14, F.A.C., shall apply to Interexchange Companies, except as provided by this part.

(2) To the extent these rules are inconsistent with provisions of Chapter 364, Florida Statutes, telephone companies subject to this Part are exempted from such provisions or are subject to different requirements than otherwise prescribed for telephone companies under the authority of Section 364.337, Florida Statutes.

(3) Any interexchange company may petition for exemption from applicable portions of Chapter 364, Florida Statutes, or for application of different requirements than otherwise prescribed for telephone companies by Chapter 364, Florida Statutes, under the authority of Section 364.337, Florida Statutes.

(4) An interexchange company may petition for a waiver of any provision of this Part. The Commission may grant a waiver to the extent that it determines that it is consistent with the public interest to do so. The Commission may grant the petition in whole or part, may limit the waiver to certain geographic areas and/or may impose reasonable alternative regulatory requirements on the petitioning company. In disposing of a petition, the Commission may consider:

(a) The factors enumerated in Section 364.337(4), Florida Statutes;

(b) The extent to which competitive forces may serve the same function as, or obviate the necessity for, the provision sought to be waived; and

(c) Alternative regulatory requirements for the company which may serve the purposes of this part.

(5) Any statutory exemptions or rule waivers granted prior to the adoption of this rule are void, and to the extent not covered in this rule, must be renewed.

*Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.337 FS. History—New 2-23-87.*

**25-24.465 Terms and Definitions; Rule Incorporated.**

(1) For purposes of this Part, the term “Company” means an Interexchange Company.

(2) The following rule is incorporated herein by reference.

<u>Section</u>	<u>Title</u>	<u>Portions not Applicable</u>
25-4.003	Definitions	Subsection (8)

*Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.02, 364.337 FS. History—New 2-23-87, Amended 3-13-96.*

~~25-24.470~~ **Certificate of Public Convenience and Necessity Required.**

No person shall provide intrastate interexchange telephone service without first obtaining a certificate of public convenience and necessity from the Commission. Services may not be provided, nor may deposits or payment for services be collected until the effective date of a certificate, if granted. However, acquisition of equipment and facilities, advertising and other promotional

activities may begin prior to the effective date of the certificate at the applicant's risk that it may not be granted. In any customer contacts or advertisements prior to certification, the applicant must advise the customer that certification has not and may never be granted.

*Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337 FS. History—New 2-23-87.*

**25-24.4701 Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited.**

(1) Each certificated interexchange company shall, within the general section of its intrastate tariff, or in the sections applicable to services that it expects may be resold or rebilled, include language which states that customers reselling or rebilling such services must have a Certificate of Public Convenience and Necessity as an interexchange carrier from the Florida Public Service Commission.

(2) Each certificated interexchange company shall implement procedures to identify and report those customers whom it believes are reselling or rebilling interexchange telecommunications service on an intrastate basis in Florida. Each certificated interexchange company shall, within thirty days of a written request by the Commission staff, submit a complete list of such customers' names and addresses to the Commission.

(3) The Commission, upon making a determination that a customer of an interexchange company is unlawfully reselling or rebilling intrastate interexchange service may issue an order that directs the customer to cease and desist reselling or rebilling such service and simultaneously directs the interexchange company to discontinue providing such service to such customer and/or to cease providing service to such customer at additional locations within Florida, provided that such discontinuance or limitation of service is technically feasible within the context of existing facilities and technology.

*Specific Authority 350.127(2) FS. Law Implemented 364.07, 364.19, 364.27 FS. History—New 1-12-92.*

**25-24.471 Application for Certificate.**

(1) An applicant desiring to apply for a certificate shall submit an application on Commission Form PSC/CMP 31 (12/96), which is incorporated into this rule by reference. Form PSC/CMP 31 (12/96), entitled "Application Form for Authority to Provide Interexchange Telecommunications Service Between Points Within the State of Florida", may be obtained by contacting the Commission's Division of Competitive Markets and Enforcement. A non-refundable application fee of \$250.00 must accompany the filing of all applications.

(2) An original and 12 copies of the application shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) A certificate will be granted if the Commission determines that such approval is in the public interest.

(4) Any authority granted to interexchange companies (IXCs) previously or hereafter is subject to the following:

(a) Toll authority granted to all companies is statewide. A company may provide toll service over its own or resold facilities. However, end user dialed 0+ local and all 0- calls shall be initially routed to the serving local exchange company or alternative local exchange company. When operator services are provided by the alternative local exchange company, the alternative local exchange company must also provide access to emergency service, busy line verification, and emergency interrupt service to the end user on at least the same level as that provided by the local exchange company. Call aggregators and IXCs shall not change or augment the dialing pattern of end users for 0+ local or 0- calls.

(b) Minor interexchange companies are not required to provide service throughout their certificated service area, but must accept customers on a nondiscriminatory basis. Companies deemed major interexchange companies on December 31, 1994, are required to provide service in any exchange that is not equal access capable to all customers in that exchange making a request for service.

(c) Where only one interexchange carrier is available in a confinement facility, that interexchange carrier shall provide for completion of all inmate calls allowed by the confinement facility.

(d) A certificate to provide interexchange service does not carry with it the authority to provide local exchange, shared tenant, alternative access, alternative local exchange, or pay telephone service. A separate application must be made for such authority.

*Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.32, 364.33, 364.335, 364.337, 364.345 FS. History—New 2-23-87, Amended 5-8-91, 11-20-91, 12-22-92, 10-10-94, 3-13-96, 12-9-96.*

**25-24.472 Improper Use of a Certificate.**

No certificate of public convenience and necessity authorizing interexchange service may be sold, assigned or transferred by the holder to another, nor used as collateral for any purpose, without prior Commission approval.

*Specific Authority 350.127(2) FS. Law Implemented 364.32, 364.33, 364.335, 364.337, 364.345 FS. History—New 2-23-87.*

**25-4.005 Transfer of Certificate of Public Convenience and Necessity As to All or Portion of Service Area.**

(1) Request for approval by the Commission of transfer of any certificate of public convenience and necessity (or portion thereof) shall be made by joint petition of the certificate holder and transferee after reasonable notice has been given to all subscribers affected by the proposed transfer. Requests for approval shall be accompanied by an affidavit that notice of intention to file the petition has been given:

(a) By mail or personal delivery to the governing bodies of the counties and municipalities affected, to the public counsel, and to the Commission,

(b) By a legal advertisement in a newspaper of general circulation in the area affected and published on two (2) separate occasions at least two (2) weeks prior to the filing of the joint petition on the proposed transfer, and

(c) By written notice subject to Commission approval, issued to each subscriber in the area to be transferred concurrent with the filing of the petition.

(2) Upon approving a transfer of certificate, or portion thereof, the Commission will cancel same and reissue in the name of the transferee or amend the description of the service area or both.

(3) Such joint petitions shall include detailed descriptions of the affected boundaries; the number of subscribers, if any, in each petitioned area; changes in rates; service being provided by either petitioner in areas to be transferred; pending applications for service held by either petitioner; changes in calling scope; customers to be transferred; deposits and deposit interest; any financial exchange or consideration for the proposed change, and a list by name and telephone number of all customers who will be exempt from the proposed change.

(4) Any subscriber or group of subscribers of a telephone company may petition the Commission for transfer from the service area of such telephone company to that of another telephone company serving contiguous territory.

(5) If a customer survey is conducted by a telephone company among customers affected by the proposed transfer, return postage shall be paid by the company serving the affected customer and survey ballots shall be returnable to the Public Service Commission, Attention: Communications Department, for tabulation.

*Specific Authority 350.127(2) FS. Law Implemented 364.335 FS. History—New 12-1-68, Amended 5-4-81, Formerly 25-4.05, Amended 9-16-99.*

**25-4.006 Issuance of Certificate in the Event of Failure to Furnish Adequate Service.**

If a certificate holder fails or refuses to provide reasonably adequate service to any territory embraced within its certificate after notice and hearing and a reasonable opportunity to do so, the Commission may issue a certificate to any other person willing and able to provide reasonably adequate service to such territory.

*Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.025, 364.335 FS. History—Revised 12-1-68, Formerly 25-4.06.*

**25-4.007 Reference to Commission.**

In the event of any question involving the interpretation of any of these rules and regulations, any party in interest may apply in writing to the Commission for interpretation.

*Specific Authority 364.20 FS. Law Implemented 364.28 FS. History—New 12-1-68, Formerly 25-4.07.*

**PART II RECORDS AND REPORTS**

**~~25-4.0161~~ Regulatory Assessment Fees; Telecommunications Companies.**

(1) As applicable and as provided in Sections 350.113, 364.336, Florida Statutes, each company shall remit a fee based upon its gross operating revenue as provided below. This fee shall be referred to as a regulatory assessment fee, and each company shall pay a regulatory assessment fee in the amount of 0.0015 of its gross operating revenues derived from intrastate business. For the purpose of determining this fee, each telecommunications company shall deduct from gross operating revenues any amount paid to another telecommunications company for the use of any telecommunications network to provide service to its customers. Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$50 shall be imposed.

(2) Telecommunications companies that owed gross regulatory assessment fees of \$10,000 or more for the preceding calendar year shall pay the fee and remit the appropriate form twice a year. The regulatory assessment fee and appropriate form shall be filed no later than July 30 for the preceding period of January 1 through June 30, and no later than January 30 of the following year for the period of July 1 through December 31. Telecommunication companies that owed gross regulatory assessment fees of less than \$10,000 for the preceding calendar year shall pay the fee and remit the appropriate form once a year. The regulatory assessment fee and appropriate form shall be filed no later than January 30 of the subsequent year for the current calendar year operations.

(3) If the due date falls on a Saturday, Sunday, or legal holiday, the due date is extended to the next business day. If the fees are sent by registered mail, the date of the registration is the United States Postal Service's postmark date. If the fees are sent by certified mail and the receipt is postmarked by a postal employee, the date on the receipt is the United States Postal Service's postmark date. The postmarked certified mail receipt is evidence that the fees were delivered. Regulatory assessment fees are

considered paid on the date they are post marked by the United States Postal Service or received and logged in by the Commission's Division of the Commission Clerk and Administrative Services in Tallahassee. Fees are considered timely paid if properly addressed, with sufficient postage, and postmarked no later than the due date.

(4) Commission Form PSC/CMP 25 (11/99), entitled "Local Exchange Company Regulatory Assessment Fee Return," Form PSC/CMP 26 (11/99), entitled "Pay Telephone Service Provider Regulatory Assessment Fee Return"; Form PSC/CMP 34 (11/99), entitled "Shared Tenant Service Provider Regulatory Assessment Fee Return"; Form PSC/CMP 153 (11/99), entitled "Interexchange Company Regulatory Assessment Fee Return"; and Form PSC/CMP 1 (11/99), entitled "Alternative Access Vendor Regulatory Assessment Fee Return"; and Form PSC/CMP 7 (11/99), entitled "Alternative Local Exchange Company Regulatory Assessment Fee Return" are incorporated into this rule by reference and may be obtained from the Commission's Division of the Commission Clerk and Administrative Services.

(5) Each telecommunications company shall have up to and including the due date in which to submit the applicable form and:

(a) Remit the total amount of its fee or

(b) Remit an amount which the company estimates is its full fee.

(6) Where the company remits less than its full fee, the remainder of the full fee shall be due on or before the 30th day from the due date and shall, where the amount remitted was less than 90 percent of the total regulatory assessment fee, include interest as provided by paragraph (8)(b) of this rule.

(7) A company may request from the Division of the Commission Clerk and Administrative Services a 30-day extension of its due date for payment of regulatory assessment fees or for filing its return form.

(a) The request for extension must be written and accompanied by a statement of good cause.

(b) The request for extension must be received by the Division of the Commission Clerk and Administrative Services at least two weeks before the due date.

(c) Where a telecommunications company receives an extension of its due date pursuant to this rule, the telecommunications company shall remit a charge in addition to the regulatory assessment fees, as set out in Section 350.113(5), Florida Statutes.

(d) The return forms may be obtained from the Commission's Division of the Commission Clerk and Administrative Services. The failure of a telecommunications company to receive a return form shall not excuse the company from its obligation to timely remit the regulatory assessment fees.

(8) The delinquency of any amount due to the Commission from the telecommunications company pursuant to the provisions of Section 350.113, Florida Statutes, and this rule, begins with the first calendar day after any date established as the due date either by operation of this rule or by an extension pursuant to this rule.

(a) A penalty, as set out in Section 350.113, Florida Statutes, shall apply to any such delinquent amounts.

(b) Interest at the rate of 12 percent per annum shall apply to any such delinquent amounts.

*Specific Authority 350.127(2) FS. Law Implemented 350.113, 364.336 FS. History—New 5-18-83, Formerly 25-4.161, Amended 10-19-86, 1-1-91, 12-29-91, 1-8-95, 12-26-95, 7-7-96, 11-11-99.*

#### **25-4.017 Uniform System of Accounts.**

(1) Each telecommunications company shall maintain its accounts and records in conformity with the Uniform System of Accounts for Telecommunications Companies (USOA) as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 32 Class A, revised as of October 1, 1994, and as modified below. Inquiries relating to interpretation of the USOA shall be submitted in writing to the Commission's Division of Economic Regulation.

(2) Each company shall establish separate depreciation reserve subaccounts for each corresponding subaccount established in the USOA or by rules of this Commission.

(3) A telecommunications company may use a different account numbering system but shall use the same account descriptions as prescribed in the USOA or by this Commission. If a different account numbering system is used, a cross reference of the company's system to the Commission's numbering system shall be shown in the company's chart of accounts.

(4) Each company shall file, within 60 days of a final order involving accounting matters, a description of all resultant entries and adjustments to the accounting records.

*Specific Authority 350.127(2) FS. Law Implemented 350.115, 364.17 FS. History—Revised 12-1-68, Amended 3-31-76, 8-21-79, 1-2-80, 12-13-82, 12-13-83, 9-30-85, Formerly 25-4.17, Amended 11-30-86, 4-25-88, 2-10-92, 8-11-92, 3-10-96.*

#### **25-4.0171 Allowance for Funds Used During Construction.**

No rate-of-return regulated local exchange telecommunications company shall accrue allowance for funds used during construction, also known as Interest During Construction, without prior Commission approval.

*Specific Authority 350.127(2) FS. Law Implemented 350.115, 364.035, 364.17 FS. History—New 8-11-86, Formerly 25-4.171, Amended 11-13-86, 12-7-87, 3-10-96.*



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 3561 issued to Shared Network Users Group, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 010866-TI

In re: Cancellation by Florida Public Service Commission of IXC Certificate No. 4460 issued to North American Telephone Network, LLC. For violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 010896-TI

In re: Cancellation by Florida Public Service Commission of IXC Certificate No. 4718 issued to Telec, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 010899-TI

In re: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 4776 issued to SouthNet Telecomm Services, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 010909-TI

ORDER NO. PSC-01-1995-PAA-TI

DOCKETS NOS. 010866-TI, 010896-TI, 010899-TI, 010909-TI, 010911-TI

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In re: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5178 issued to Galaxy Long Distance, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 010911-TI  
ORDER NO. PSC-01-1995-PAA-TI  
ISSUED: October 8, 2001

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER IMPOSING FINES AND REQUIRING PAYMENT OF  
DELINQUENT REGULATORY ASSESSMENT FEES, OR CANCELING  
INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATES

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.

The entities listed below have not paid the Regulatory Assessment Fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year(s) specified below. Also, accrued statutory penalties and interest charges have not been paid.

ORDER NO. PSC-01-1995-PAA-TI  
 DOCKETS NOS. 010866-TI, 010896-TI, 010899-TI, 010909-TI, 010911-TI  
 PAGE 3

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>	<u>PAST DUE RAFS</u>	<u>PAST DUE PENALTIES AND INTEREST</u>
Shared Network Users Group, Inc.	3561	2000	1994 2000
North American Telephone Network, LLC	4460	1997(Bal.) 2000	1996 2000
Telec, Inc.	4718	2000	1996 1997 1998 2000
SouthNet Telecomm Services, Inc.	4776	2000	2000
Galaxy Long Distance, Inc.	5178	1997(Bal.) 1998(Bal.) 1999(Bal.) 2000	1997 1998 1999 2000

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAF of \$50 if the certificate was active during any portion of the calendar year. Pursuant to Rule 25-4.0161 (2), Florida Administrative Code, the form and applicable fees are due to the Florida Public Service Commission by January 30 of the subsequent year. All entities that apply for certification receive a copy of our rules governing Interexchange Telecommunications service.

Pursuant to Section 350.113(4), Florida Statutes, the RAFs forms, for the period of January 1, through December 31, are mailed to the entities at least 45 days prior to the date that payment of the fee is due. The entities have been given adequate opportunity to pay. As of the date of the vote, the entities have not paid the required fees.

For the reason described above, pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel each entity's certificate for failure to

ORDER NO. PSC-01-1995-PAA-TI

DOCKETS NOS. 010866-TI, 010896-TI, 010899-TI, 010909-TI, 010911-TI

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comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless each entity pays a \$500 fine and remits all past due RAFs, along with accrued statutory penalties and interest charges, to the Florida Public Service Commission. Each entity must comply with these requirements within five business days after the issuance of the Consummating Order, as explained in the Notice of Further Proceedings attached to this Order. The payment should be identified with the docket number and the entity's name. The fines will be remitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285 (1), Florida Statutes.

When the appropriate fees, statutory penalties, interest charges, and fines are received, each Docket shall be closed. Should any of the entities fail to comply with this Order within five business days after the issuance of the Consummating Order, the entity shall have its certificate canceled, effective on the date of issuance of the Consummating Order, the collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts, and the Docket shall be closed. The cancellation of the certificate in no way diminishes any of the entity's obligation to pay applicable delinquent RAFs, and accrued statutory penalties and interest charges. The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.337, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each of the entities listed herein shall pay the past due Regulatory Assessment Fees, statutory penalties, interest charges, and a \$500 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within five business days after the issuance of the Consummating Order. The fines will be transmitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should any of the entities fail to comply with this Order, that entity's certificate shall be canceled, effective on the date of issuance of the Consummating Order, the collection

ORDER NO. PSC-01-1995-PAA-TI

DOCKETS NOS. 010866-TI, 010896-TI, 010899-TI, 010909-TI, 010911-TI

PAGE 5

of the past due fees shall be referred to the Office of the Comptroller for further collection efforts, and the respective Docket shall be closed. It is further

ORDERED that the cancellation of the certificate in no way diminishes any of the entities' obligation to pay applicable delinquent Regulatory Assessment Fees, and accrued statutory penalties and interest charges. It is further

ORDERED that any protest to the action proposed herein shall specify the entity or entities to which it applies. It is further

ORDERED that, if a protest to this Order is filed, the protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. 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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, these dockets shall be closed upon payment of the fines and fees, or upon cancellation of the certificates.

ORDER NO. PSC-01-1995-PAA-TI

DOCKETS NOS. 010866-TI, 010896-TI, 010899-TI, 010909-TI, 010911-TI

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By ORDER of the Florida Public Service Commission this 8th Day of October, 2001.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

This is a facsimile copy. Go to the Commission's Web site, <http://www.floridapsc.com> or fax a request to 1-850-413-7118, for a copy of the order with signature.

( S E A L )

KMP

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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 29, 2001.

ORDER NO. PSC-01-1995-PAA-TI

DOCKETS NOS. 010866-TI, 010896-TI, 010899-TI, 010909-TI, 010911-TI

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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.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 3561 issued to Shared Network Users Group, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 010866-TI

In re: Cancellation by Florida Public Service Commission of IXC Certificate No. 4460 issued to North American Telephone Network, LLC. For violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 010896-TI

In re: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 4776 issued to SouthNet Telecomm Services, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 010909-TI

In re: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5178 issued to Galaxy Long Distance, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 010911-TI  
ORDER NO. PSC-01-2173-CO-TI  
ISSUED: November 5, 2001

CONSUMMATING ORDER



ORDER NO. PSC-01-2173-CO-TI  
DOCKETS NOS. 010866-TI, 010896-TI, 010909-TI, 010911-TI  
PAGE 2

BY THE COMMISSION:

By Order No. PSC-01-1995-PAA-TI, issued October 8, 2001, this Commission proposed to take certain action, subject to a Petition for Formal Proceeding as provided in Rule 25-22.029, Florida Administrative Code. No response has been filed to the order. It is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-01-1995-PAA-TI has become effective and final. It is further

ORDERED that these dockets shall remain open.

By ORDER of the Florida Public Service Commission, this 5th Day of November, 2001.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

This is a facsimile copy. Go to the Commission's Web site, <http://www.floridapsc.com> or fax a request to 1-850-413-7118, for a copy of the order with signature.

( S E A L )

KMP

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 judicial review of Commission orders that is available pursuant to Section 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 judicial review will be granted or result in the relief sought.

ORDER NO. PSC-01-2173-CO-TI

DOCKETS NOS. 010866-TI, 010896-TI, 010909-TI, 010911-TI

PAGE 3

Any party adversely affected by the Commission's final action in this matter may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services 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 after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.



**NORTH AMERICAN  
TELEPHONE NETWORK**

2002 MAY 29 PM 10:48

COMMUNICATIONS SERVICES

May 28, 2002

Melinda Watts  
Bureau of Service Quality  
State of Florida  
Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RE: Proposed resolution for North American Telephone Network, LLC (NATN) on Mr. Kowlessar claim and response to IXC Certificate cancellation.

Dear Ms. Watts,

North American Telephone Network, LLC has responded to Mr. Kowlessar's claim and we have sent a letter to Mr. Kowlessar and to Mr. Dick Durbin of the Florida Public Service Commission, see the letters attached. We feel that this was very unfortunate and although these billings were correct under our contract with Mr. Kowlessar, we have refunded Mr. Kowlessar based on his complaint.

NATN's plan of action to remedy the apparent violation of Section 364.33, Florida Statutes, and Rule 25-24.470, Florida Administrative Code; is the following:

- A. Remit any and all deficient Regulatory Assessment Fees owed by the company in any previous dockets.
- B. Re-Apply and submit for an inter-exchange certificate

Answering your questions for the number of Florida customers currently served by NATN that number would be 763. The underlying carrier providing service to NATN is Qwest Communications.

Please let us know if this response is adequate to continue working toward certification. NATN appreciates your assistance in these matters.

Sincerely,

Jack Wilkes  
Chief Operating Officer

Cc: David J. Surette, CFO



May 20, 2002

Mr. Desmond Kowlessar  
1480 NE 136<sup>th</sup> St.  
Miami, FL 33161

Dear Mr. Kowlessar:

North American Telephone Network (NATN) is in receipt of the complaint you submitted to the Florida Public Service Commission. We have no reason to believe that the charges you were billed for are invalid.

According to our records, you agreed to become a member of the North American Telephone Network's Wholesale Buyers Club (NATN) on 08/06/01. At this time, you went through a recorded verification of the sale and provided us with your credit card account information for the purposes of satisfying any obligation incurred under this program. The long distance service plan that you accepted included a flat rate of 3.9 cents per minute for all domestic long distance calls with a \$50.00 monthly minimum usage requirement. A welcome kit, including the terms and conditions of the service, was mailed to you the following business day.

NATN realizes that there are two sides to every story, and that misunderstandings do occur. It is not the intent of NATN to misinform or mislead our customers in any way. Accordingly, we have made sure that all services associated with this account have been terminated. Additionally, in an effort to resolve this issue and promote customer satisfaction, NATN will gladly refund the minimum adjustment fee for \$32.51.

If I can be of any further assistance, please feel free to contact me at (404) 255-9999.

Sincerely,

*Catrina Fountain*

Catrina Fountain  
Customer Service Manager  
North American Telephone Network

RECEIVED  
MAY 29 10:13 AM  
COMMUNICATIONS



# NORTH AMERICAN TELEPHONE NETWORK

May 20, 2002

Mr. Dick Durbin  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

RE: Mr. Desmond Kowlessar  
(305) 893-4823

Dear Mr. Durbin,

North American Telephone Network (NATN) is in receipt of the complaint submitted to your office by Mr. Desmond Kowlessar. We have no reason to believe that the charges he was billed for are invalid.

According to our records, Mr. Kowlessar agreed to become a member of the North American Telephone Network's Wholesale Buyers Club (NATN) on 08/06/01. At this time, he went through a recorded verification of the sale and provided us with his credit card account information for the purposes of satisfying any obligation incurred under this program. The long distance service plan that Mr. Kowlessar accepted included a flat rate of 3.9 cents per minute for all domestic long distance calls with a \$50.00 monthly minimum usage requirement. A welcome kit, including the terms and conditions of the service, was mailed to him the following business day.

NATN realizes that there are two sides to every story, and that misunderstandings do occur. It is not the intent of NATN to misinform or mislead our customers in any way. Accordingly, we have made sure that all services associated with this account have been terminated. Additionally, in an effort to resolve this issue and promote customer satisfaction, NATN will gladly refund the minimum adjustment charge for \$32.51.

If I can be of any further assistance, please feel free to contact me at (404) 255-9999.

Sincerely,

*Catrina Fountain*

Catrina Fountain  
Customer Service Manager  
North American Telephone Network

2002 MAY 29 PM 12:48  
COMMUNICATIONS

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

STATE OF FLORIDA



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

## Public Service Commission

April 26, 2002

**CERTIFIED**

Mr. Jack Wilkes  
North American Telephone Network, LLC.  
4151 Ashford Dunwoody Road, Suite 675  
Atlanta, GA 30319-1461

Dear Mr. Wilkes:

The Florida Public Service Commission (the Commission) received a complaint against North American Telephone Network, LLC. (NATN) on March 25, 2002, from Mr. Desmond Kowlessar regarding improper billing. Mr. Kowlessar claims that he was over-billed in the amount of \$32.51 in order to meet an alleged "required monthly minimum" that he believes is erroneous. A copy of Mr. Kowlessar's submission, including a copy of his bill, is enclosed for your review. Please investigate the matter, contact the customer, and provide me with a detailed written report of NATN's proposed resolution by May 17, 2002.

The analyst from the Commission's Division of Consumer Affairs (CAF) entered Mr. Kowlessar's complaint into our database as an Information Request rather than a complaint, then forwarded it to the Compliance section of the Division of Competitive Markets & Enforcement. The reason it was forwarded is that, upon investigation of the complaint, CAF discovered that NATN no longer has an active interexchange (IXC) certificate to provide telecommunications services in Florida.

Order No. PSC-01-2173-CO-TI, issued November 5, 2001, in Docket No. 010896-TI, Cancellation by Florida Public Service Commission of IXC Certificate No. 4460 issued to North American Telephone Network, LLC. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, canceled NATN's interexchange certificate effective November 5, 2001. From the bill copy provided by Mr. Kowlessar, it appears that NATN was still providing telecommunications services in Florida as of February 2002. Since NATN's certificate is canceled, the company is prohibited from providing telecommunications services in Florida by Section 364.33, Florida Statutes, and Rule 25-24.470, Florida Administrative Code. A copy of all rules and statutes cited in this letter is attached for your convenience.

By Section 364.285, Florida Statutes, the Commission is authorized to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each offense, 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. Utilities are charged with knowledge of the Commission's rules and statutes. If NATN continues to provide telecommunications services in

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An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

*Let's discuss  
for  
[unclear]  
[unclear]*

Mr. Jack Wilkes  
Page 2  
April 26, 2002

Florida without a certificate of public convenience and necessity as required by Rule 25-24.470, Florida Administrative Code, the Commission may initiate further proceedings against the company.

I will delay seeking to initiate further proceedings if the company attempts to remedy this situation by submitting an application for another IXC certificate. Please be advised that, in similar cases, the Commission has not granted a new certificate unless the offending company resolved the issues in the docket that resulted in the cancellation of its previous certificate. The appropriate Commission staff will review the company's application, make a determination as to whether granting the company a new certificate will be in the public interest, and submit a recommendation to the Commission consistent with its findings. The Commission staff will not recommend approval of the company's application until the Commission has received all Regulatory Assessment Fees, penalties, interest, and fines owed by the company in all previous dockets.

While investigating the Commission's records regarding NATN, I found that the company also had an Alternative Local Exchange Telecommunications Company (ALEC) certificate that was canceled on April 13, 2001, by Order No. PSC-01-936-CO-TX in Docket No. 001456-TX, Cancellation by Florida Public Service Commission of ALEC Certificate No. 5785 issued to North American Telephone Network, L.L.C. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. From my review of the staff recommendation in this docket, it appears that NATN did not desire to provide local service in Florida or maintain its ALEC certificate.

If the company submits an application for an IXC certificate and the Commission votes to reject the application, then the only course of action that the company may take to attempt to avoid the initiation of further proceedings is to cease providing telecommunications services in Florida. Please respond to me by May 17, 2002, with the company's plan of action to remedy its apparent violation of Section 364.33, Florida Statutes, and Rule 25-24.470, Florida Administrative Code. If the company desires to acquire another interexchange certificate, please submit the application in accordance with Rule 25-24.470, Florida Administrative Code, with a courtesy copy of the cover letter sent to me. Please include the number of Florida customers that NATN currently serves as well as the name(s) of the underlying carrier(s) providing service to NATN in your response.

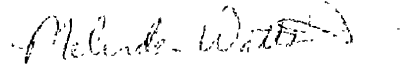
To summarize, by May 17, 2002, NATN should submit the following to me:

1. *ed* A detailed report of the resolution of Mr. Kowlessar's complaint;
2. *SS* NATN's plan of action to remedy its apparent violation of Section 364.33, Florida Statutes, and Rule 25-24.470, Florida Administrative Code;
3. *DLS* a courtesy copy of the cover letter attached to NATN's application for an interexchange certificate of public convenience and necessity, submitted in accordance with Rule 25-24.470, Florida Administrative Code, by the same date;
4. *cat* the number of Florida customers currently served by NATN; and 763
5. *B.W.* the name(s) of the underlying carrier(s) providing service to NATN.

Mr. Jack Wilkes  
Page 3  
April 26, 2002

If you have any questions, please feel free to contact me at (850) 413-6952.

Sincerely,



Melinda Watts  
Bureau of Service Quality

Enclosures

1. Complaint documentation
2. Section 364.33, Florida Statutes
3. Section 364.285, Florida Statutes
4. Rule 25-24.470, Florida Administrative Code
5. Rule 25-4.0161, Florida Administrative Code
6. Order No. PSC-01-1995-PAA-TI
7. Order No. PSC-01-2173-CO-TI

cc: Division of Competitive Services (Gilchrist)  
Ref: CATS 447457C



From ACCOUNTING (404)255-9999  
NORTH AMERICA TEL NETWORK  
4151 ASHFORD DUNWOODY RD #675  
  
ATLANTA, GA, 30319



To: Melinda Watts (850)413-6952  
Florida Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, FL, 323990850

SHIP DATE: 28MAY02  
WEIGHT: 1 LBS

Ref:



DELIVERY ADDRESS BARCODE(FEDEX-EDR)

TRK # 7905 3344 9200 FORM 0201

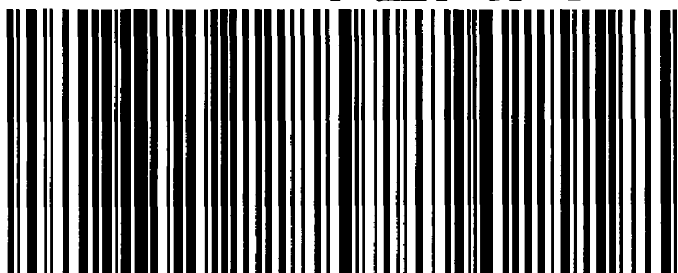
FedEx STANDARD OVERNIGHT

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### Shipment Details

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Shipment Details

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Ship Outside U.S.

Ship to Same Recipient

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## NORTH AMERICAN TELEPHONE NETWORK

June 10, 2002

Melinda Watts  
Bureau of Service Quality  
State of Florida  
Public Service Commission  
Capital Circle Office Center  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RE: Process resolution for North American Telephone Network, LLC (NATN) to comply with reporting requirements.

Dear Ms. Watts,

North American Telephone Network, LLC has set up the following process to ensure the compliance with Florida statutes and reporting, and has currently implemented these plans.

NATN's implemented plan includes:

1. New controller in place with assistant to ensure proper and timely reporting:

David J. Surette, Controller  
North American Telephone Network, LLC  
4151 Ashford Dunwoody Rd., Suite 675  
Atlanta, GA 30319

2. Notifications requested in writing from the Public Service Commission, if any late or non-compliance to Florida statutes, please notify in writing to the following parties:

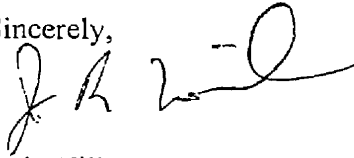
James K. Noble, Jr., Chairman  
North American Telephone Network, LLC.  
4151 Ashford Dunwoody Rd., Suite 675  
Atlanta, GA 30319

Perry Phillips, Agent  
211 Roswell Street  
Marietta, GA 30060

The above parties will ensure all compliance with Florida statutes.

NATN appreciates your assistance in resolving and staying in compliance with all Florida statutes.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Wilkes". The signature is fluid and cursive, with a large loop at the end.

Jack Wilkes  
Chief Operating Officer

Cc: David J. Surette, Controller  
James K. Noble, Jr., Chairman  
Perry Phillips, Agent

WILKINSON ) BARKER ) KNAUER ) LLP

2300 N STREET, NW  
SUITE 700  
WASHINGTON, DC 20037  
TEL 202 783.4141  
FAX 202 783 5851  
www.wbklaw.com

June 11, 2002

Florida Public Service Commission  
Division of Records and Reporting  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Attn: Tommy Williams

Re: *North American Telephone Network, LLC – Application for Interexchange Authority*

Dear Mr. Williams:

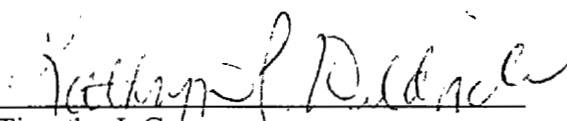
North American Telephone Network, LLC (“NATN”), by its attorneys, hereby files an original and six (6) copies of its application to provide interexchange telecommunications service within the State of Florida.<sup>1</sup> We have enclosed a check in the amount of \$250.00 to cover the application fee. In addition, we have enclosed a letter describing the changes NATN has instituted in order to ensure that it remains in compliance with all Florida Public Service Commission rules and regulations. Please date stamp and return the enclosed extra copy of the application in the envelope provided.

2002 JUN 12 PM 4:51  
DIVISION OF RECORDS & REPORTING  
COMPETITIVE SERVICES

Respectfully submitted,

WILKINSON BARKER KNAUER, LLP

By:

  
Timothy J. Cooney  
Kathryn P. Wildrick

Attachments

COMPETITIVE SERVICES

<sup>1</sup> As described in NATN's application, NATN previously held authority to provide interexchange telecommunications service in Florida under Certificate No. 4460. This authority was cancelled effective November 5, 2001 by Order No. PSC-01-2173-CO-TI for failure to pay Regulatory Assessment Fees. These fees will be paid in full (plus penalties and interest) on June 12, 2002.