

STATE OF FLORIDA

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

Public Service Commission

August 16, 2002

Mr. Jeffrey W. Hinkle, CTO
DV2, Inc. (TX441)
55 Marietta Street NW, Suite 1720
Atlanta, GA 30303-2825

RE: Docket No. 020588-TX

Dear Mr. Hinkle:

On July 17, 2002, the Commission received your payment for the \$50 minimum payment for the 2001 Regulatory Assessment Fee. The 2001 Regulatory Assessment Fee would have been \$50 had it been paid by January 30, 2002. Since it was paid after the due date, you owe an additional \$15.50 for penalty (\$12.50) and interest (\$3.00).

In addition, my May 3rd letter explained that once a docket is established, just paying the past due amount will not prevent a company's certificate from being cancelled. You have two options at this point. If you want your certificate to remain active, you will need to propose a settlement. If you no longer need your certificate, you need to write a letter and request cancellation of your certificate, pay the past due amount, and either pay the 2002 Regulatory Assessment Fee or provide a date certain it will be paid. Information on proposing a settlement is attached.

Please review this information and let me know how you wish to proceed by September 6, 2002. 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, or at the address below.

Sincerely,

Paula J. Isler, Research Assistant
Bureau of Service Quality

Enclosure

cc: Docket No. 020588-TX
Office of the General Counsel (Dodson)

DOCUMENT NUMBER - DATE
09220 SEP -3 02
FPSC-COMMISSION CLERK

Settlement Proposals

All settlements must include the following elements:

- 1) Docket number;
- 2) A check for the past due amount in full. It should be noted that just paying the past due amount will not prevent your certificate from being cancelled;
- 3) A statement that the company has taken steps to prevent future late payments of the regulatory assessment fees and what those steps are;
- 4) A waiver of objection, which should state: The company agrees to waive any objection to the administrative cancellation of its certificate should it fail to pay in accordance with its settlement offer. If, however, there is a factual dispute as to the manner or level of compliance with any provision in the settlement, Commission staff will bring the matter to the Commission for consideration; and
- 5) A specific monetary settlement. There is normally a \$500 fine for this rule violation. However, in other similar cases, the Commission has accepted settlements between \$100 and \$500.

Any settlement offer/correspondence should be addressed to Ms. Blanca Bayó, Director, Division of the Commission Clerk & Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. The proposed settlement amount should **not** be paid at this time, instead only the past due regulatory assessment fee, plus penalty and interest charges should be paid. The settlement amount, if approved by the Commission, must be paid within 14 calendar days after the Commission Order is issued.