

REQUEST TO ESTABLISH DOCKET

ORIGINAL

(Please Type)

Date	November 15, 2002	Docket No.	021161-TX
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1. Division Name/Staff Name:	Division of Competitive Markets & Enforcement/Isler
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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. 7970 issued to Calpoint (Florida), LLC for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.
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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:
<input checked="" type="checkbox"/> Documentation is attached.
<input type="checkbox"/> Documentation will be provided with recommendation.
PSC\CCA010-C (Rev 10/01)

Information Attached: 10/23/02 Transmission Verification Report, 10/23/02 Fax Cover Sheet, 2001 RAF Return Forms for TJ584 and TX615, 08/27/02 letter, Order PSC-01-2229-PAA-TX, Applicant Acknowledgment Statement, 06/17/02 e-mail to Jackie Knight

DOCKETED
12585 NOV 15 8
PSC-01-2229-PAA-TX CLERK

TRANSMISSION VERIFICATION REPORT

TIME : 10/23/2002 16:08
NAME :
FAX :
TEL :

DATE, TIME	10/23 16:05
FAX NO./NAME	613104736582
DURATION	00:02:31
PAGE(S)	05
RESULT	OK
MODE	STANDARD ECM

faxed
1) cover sheet
2) 2001 RAF forms for
TJ584 & TX 615
(4 pag)

October 23, 2002

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850

TO:

Myra Hoffman

VOICE: 310 477-5551, Ext. 153
FAX: 310 473-6582

FROM:

Paula Isler

Voice: (850) 413-6502

Fax: (850) 413-6503

RE:

Calpoint (Florida), LLC (TJ584 and TX615)

Dear Ms. Hoffman:

This is a follow up to our earlier voice mail messages. The 2001 Regulatory Assessment Fee return forms for both certificates are attached. Please complete them and return the forms, along with payment. If the company had no revenues, the total due for each certificate is \$67.00 (\$50.00 fee, \$12.50 penalty, and \$4.50 interest), or a grand total of \$134.00.

As information, the Regulatory Assessment Fee return forms are normally mailed each mid-December and payment and the forms are due by the following January 30th of each year. This means, the company should be receiving the 2002 Regulatory Assessment Fee return forms in a couple of months and payment will be due by January 30, 2003.

Let me know if you have any questions. Thanks,

Paula Isler
Florida Public Service Commission

Interexchange Company Regulatory Assessment Fee Return

Florida Public Service Commission

(See Filing Instructions on Back of Form)

STATUS:

- Actual Return
- Estimated Return
- Amended Return

TJ584-01-0-R
 Calpoint (Florida), LLC
 11755 Wilshire Blvd., Suite 1450
 Los Angeles, CA 90025-1538

cc: P. Isler

FOR PSC USE ONLY

Check# _____

\$ _____ 0603001
 _____ 003001

\$ _____ P _____
 _____ 0603001
 _____ 004011

\$ _____ I _____

Postmark Date _____

Initials of Preparer _____

PERIOD COVERED:
 12/11/2001 TO 12/31/2001

Please Complete Below If Official Mailing Address Has Changed

(Name of Company)	(Address)	(City/State)	(Zip)
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		FLORIDA GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Long Distance Services	\$ _____	\$ _____
2.	Access Services	_____	_____
3.	Private Line Services	_____	_____
4.	Leased Facilities & Circuits Services	_____	_____
5.	Miscellaneous Services	_____	_____
6.	TOTAL Telephone Services	\$ _____	\$ _____
7.	LESS: Amounts Paid to Other Telecommunications Companies* (see "2. Fees" on back)	(_____)	(_____)
8.	TOTAL REVENUES For Regulatory Assessment Fee Calculation	_____	_____
9.	Regulatory Assessment Fee Due (Multiply Line 8 by 0.0015)	_____	_____
10.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)	_____	_____
11.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)	_____	_____
12.	TOTAL AMOUNT DUE	_____	\$ _____

* These amounts must be intrastate only and must be verifiable.

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

CURRENT COMPANY STATUS

Facilities-Based Carrier Reseller Call Aggregator
 Alternate-Operator Service Rebiller Other: _____

BILLING INFORMATION

Complete below if billing agent if other than yourself.

(Name)	(Address: City/State/Zip)	(Telephone)
What is the total amount of customer deposits collected? Amount: \$ _____ for 19 _____	What is the total amount of bond held (if applicable) Amount: \$ _____ Expires: _____	

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 (_____)

Alternative Local Exchange Company Regulatory Assessment Fee Return

Florida Public Service Commission

(See Filing Instructions on Back of Form)

FOR PSC USE ONLY

Check# _____

\$ _____ 0603006
003001

\$ _____ P
0603006
004011

\$ _____ I

Postmark Date _____

Initials of Preparer _____

STATUS:

- _____ Actual Return
 _____ Estimated Return
 _____ Amended Return

TX615-01-0-R
 Calpoint (Florida), LLC
 11755 Wilshire Blvd., Suite 1450
 Los Angeles, CA 90025-1538

cc: P. Isler

PERIOD COVERED:
12/11/2001 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 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.	TOTAL AMOUNT DUE		\$ _____

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
 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. _____

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

August 27, 2002

Mr. Samuel M. Surloff, VP/General Counsel
Calpoint (Florida), LLC (TX615)
11755 Wilshire Blvd., Suite 1450
Los Angeles, CA 90025-1538

Dear Mr. Surloff:

As part of my job duties, I establish dockets to collect payment of the Regulatory Assessment Fees owed by certificated telecommunication companies. In reconciling the active certificates with the certificate holders that have not paid the Regulatory Assessment Fee, I found that payment of the 2001 Regulatory Assessment Fee has not been received from Calpoint (Florida), LLC.

According to our records, the company's certificate became active December 11, 2001. As information, if a certificate is active for any one day during a calendar year, the Regulatory Assessment Fee is applicable for that year. Enclosed is a copy of the Commission's Order granting the company's certificate, which states on page 2 that the Regulatory Assessment Fee is due each year.

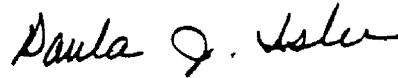
Rule 25-4.0161(7)(d), Florida Administrative Code, provides that failure to receive a form by a telecommunications company shall not excuse it from its obligation to pay the fee timely. However, I have checked our records and found that the Commission did not mail your company a form. Therefore, before establishing a docket to fine Calpoint (Florida), LLC for nonpayment of the fee, I am enclosing the 2001 Regulatory Assessment Fee return form to allow the company an opportunity to pay the Regulatory Assessment Fee.

If payment is postmarked between August 29 and September 27, 2002, the total due is \$66.50 (\$50.00 fee, \$12.50 penalty, and \$4.00 interest). Please review this information and respond by September 17, 2002. If payment is not received by September 17th, I will have no choice but to establish the enforcement docket.

Mr. Samuel M. Surloff, VP/General Counsel
Page 2
August 27, 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,

A handwritten signature in black ink that reads "Paula J. Isler". The signature is written in a cursive style with a long horizontal flourish at the end.

Paula J. Isler, Research Assistant
Bureau of Service Quality

Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to provide alternative local exchange telecommunications service by Calpoint (Florida), LLC.

DOCKET NO. 011237-TX

In re: Application for certificate to provide alternative local exchange telecommunications service by Fair Financial LLC d/b/a Midstate Telecommunications.

DOCKET NO. 011346-TX

In re: Application for certificate to provide alternative local exchange telecommunications service by CityNet Telecom, Inc.

DOCKET NO. 010978-TX
ORDER NO. PSC-01-2229-PAA-TX
ISSUED: November 15, 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 GRANTING CERTIFICATES 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.

DOCUMENT NUMBER-DATE

14496 NOV 15 01

FPSC-COMMISSION CLERK

The entities listed below have applied for certificates to provide Alternative Local Exchange Telecommunications (ALEC) service, pursuant to Section 364.337, Florida Statutes. Upon review of their applications, it appears that these entities have sufficient technical, financial, and managerial capability to provide such service. Accordingly, we hereby grant to each of these entities the certificates depicted below, which shall authorize them individually to provide ALEC services throughout the State of Florida.

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>
Calpoint (Florida), LLC	7970
Fair Financial LLC d/b/a Midstate Telecommunications	7973
CityNet Telecom, Inc.	7974

If this Order becomes final and effective, it will serve as each entity's certificate. Each entity should, therefore, retain this Order as proof of certification. We are vested with jurisdiction on this matter pursuant to Sections 364.335 and 364.337, Florida Statutes.

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 Chapter 25-4, Florida Administrative Code.

Pursuant to Section 364.337(2), Florida Statutes, basic telecommunications service provided by an ALEC "... must include access to operator services, "911" services, and relay services for the hearing impaired." Further, Section 364.337(2), requires that an ALEC's "911" service "... shall be provided at a level equivalent to that provided by the local exchange telecommunications company serving the same area."

In addition, 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

ORDER NO. PSC-01-2229-PAA-TX
DOCKETS NOS. 011237-TX, 011346-TX, 010978-TX
PAGE 3

of the calendar year. A RAFs Return notice will be mailed each December to each of the entities listed above for payment in January. Neither the cancellation of its certificate nor the failure to receive a RAFs Return notice shall relieve any of these entities from its obligation to pay RAFs.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby grant, to the entities listed herein, certificates to provide Alternative Local Exchange Telecommunications services, subject to the terms and conditions set forth in the body of this Order. It is further

ORDERED that this Order shall serve as each entity's certificate and should, therefore, be retained by these entities as proof of certification. 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 is filed as to the certification of any particular entity or entities, that 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.

ORDER NO. PSC-01-2229-PAA-TX
DOCKETS NOS. 011237-TX, 011346-TX, 010978-TX
PAGE 4

By ORDER of the Florida Public Service Commission this 15th
day of November, 2001.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

AJT

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

ORDER NO. PSC-01-2229-PAA-TX
DOCKETS NOS. 011237-TX, 011346-TX, 010978-TX
PAGE 5

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 December 6, 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.

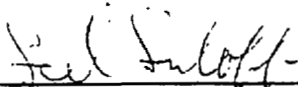
THIS PAGE MUST BE COMPLETED AND SIGNED

APPLICANT ACKNOWLEDGMENT STATEMENT

1. **REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of .15 of one percent of gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of \$50 is required.
2. **GROSS RECEIPTS TAX:** I understand that all telephone companies must pay a gross receipts tax of two and one-half percent on all intra and interstate business.
3. **SALES TAX:** I understand that a seven percent sales tax must be paid on intra and interstate revenues.
4. **APPLICATION FEE:** I understand that a non-refundable application fee of \$250.00 must be submitted with the application.

UTILITY OFFICIAL:

Samuel M. Surloff
Print Name

Signature 

Vice President and General Counsel
Title

Date 09/17/01

(310) 274-6680 (310) 274-6816
Telephone No. Fax No.

Address:

Calpoint (Florida), LLC
11755 Wilshire Boulevard
Suite 1450
Los Angeles, CA 90025

Paula Isler

From: Paula Isler
Sent: Monday, June 17, 2002 10:26 AM
To: Jackie Knight
Subject: RAF System

Hey, Jackie. This will follow up our conversation. The following companies have not been sent a 2001 RAF return form. As I mentioned on the phone, I printed out the payphone RAF forms (the TG company codes) and was going to send them out with a letter explaining the delay in sending out the notices. However, when I went back into the RAF System, it still showed "none" in the year field and there was no Payment History showing a form had been printed. Because of that, I do not believe it is proper for me to mail the forms to the companies. Please let me know what Fiscal decides. Thanks!

TG836
TG845
TG851
TG853
TG854
TG857
TJ508
TJ531
TJ565
TJ574
TJ577
TJ579
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TJ602
TS192
TX611
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TX615
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TX620
TX666