

REQUEST TO ESTABLISH DOCKET

(Please Type)

ORIGINAL

Date	November 15, 2002	Docket No.	021162-TI
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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
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3. OCR: Office of the General Counsel
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4. Suggested Docket Title: Cancellation by Florida Public Service Commission of IXC Certificate No. 7979 issued to TalkNow, Inc. 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: 10/24/02 Transmission Verification Report, 10/24/02 Fax Cover Sheet, Copy of Rules 25-24.473, F.A.C. and 25-24.474, F.A.C., Division of Corporations records on TalkNow, Inc., 10/22/02 Transmission Verification Report, 10/22/02 Fax Cover Sheet, 08/27/02 letter, Order PSC-01-2224-PAA-TI, 2001 RAF return form, Applicant Acknowledgment Statement, 06/17/02 e-mail to Jackie Knight

DOCUMENT NO.
11.15.02
12586-02

TRANSMISSION VERIFICATION REPORT

TIME : 10/24/2002 12:05
NAME :
FAX :
TEL :

DATE, TIME	10/24 12:04
FAX NO./NAME	615632631287
DURATION	00:01:16
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

Jaxed
1) Cover sheet (2 pgs)
2) Rules 25-24.473 &
25-24.474

October 24, 2002

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

**2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850**

TO:

Desiree Neal

VOICE: 563 263-1252

FAX: 563 263-1287

FROM:

Paula Isler

Voice: (850) 413-6502

Fax: (850) 413-6503

RE:

TalkNow, Inc.

Dear Ms. Neal:

I received your voice mail message from yesterday at 5:23 p.m. which advised that TalkNow was sold back to the original owner, Mr. Richard Enríguez with Next Bell (I am not sure of the spelling of Richard's last name or the company name) and that I should contact them at 216-344-2661.

The application for the IXC certificate was filed by Mr. Gary Wasserson, President, TalkNow, Inc. The certificate will remain in that name until the Commission receives another application requesting that the certificate be transferred (copy of Rule 25-24.473, Florida Administrative Code, attached). Or, Mr. Wasserson could request cancellation of TalkNow, Inc.'s certificate and Next Bell could apply for its own certificate (copy of Rule 25-24.474, Florida Administrative Code, attached). If I understood the company name, Next Bell, in your voice mail message correctly, the Florida Public Service Commission has not issued a certificate in the name of Next Bell.

Whichever option Mr. Wasserson selects (transfer of certificate or request for cancellation), TalkNow, Inc. is responsible for payment of the Regulatory Assessment Fee until the

Ms. Desiree Neal
October 24, 2002
Page 2

Florida Public Service Commission issues a final Order granting either the transfer of certificate or request for cancellation. Since a telecommunications company is responsible for the Regulatory Assessment Fee if a certificate is active for any day during a calendar year, this means that TalkNow, Inc. is responsible for the 2001 and 2002 Regulatory Assessment Fees.

If Mr. Wasserson opts to keep TalkNow, Inc.'s certificate active in the name of TalkNow, Inc., only the 2001 Regulatory Assessment Fee, including statutory penalty and interest charges, is due at this time.

Please review this information and let me know by November 12, 2002 how TalkNow wishes to resolve this. Let me know if you have any questions. Thanks,

Paula Isler
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6502-phone
(850) 413-6503-fax
pisler@psc.state.fl.us

25-24.473 Application for Approval of Assignment or Transfer of Certificate.

(1) A person desiring to obtain a certificate by assignment or transfer from the holder thereof shall submit jointly with the certificate holder an application on Commission Form PSC/CMP 31 (3/96), which is incorporated into this rule by reference. Form PSC/CMP 31 (3/96), 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.

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

(3) An application for assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(4) A certificate may be assigned or transferred only as a whole.

Specific Authority: 350.127(2), F. S.

Law Implemented: 364.32, 364.33, 364.335, 364.337, 364.345, F.S.

History: New 2/23/87, Amended 11/20/91, 3/13/96.

25-24.474 Cancellation of a Certificate.

(1) The Commission may on its own motion cancel a company's certificate for any of the following reasons:

(a) Violation of the terms and conditions under which the authority was originally granted;

(b) Violation of Commission rule or order; or

(c) Violation of Florida Statutes.

(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:

(a) Statement of intent and date to pay Regulatory Assessment Fee.

(b) Statement of why the certificate is proposed to be cancelled.

(c) A statement on treatment of customer deposits and final bills.

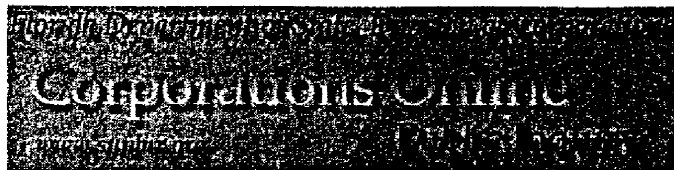
(d) Proof of individual customer notice regarding discontinuance of service.

(3) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

Specific Authority: 350.127(2), F. S.

Law Implemented: 350.113, 350.127(1), 364.285, 364.337, 364.345, F.S.

History: New 2/23/87, amended 3/13/96.



Foreign Profit

TALKNOW, INC.

PRINCIPAL ADDRESS
 9775 BUSINESS PARK AVE.
 SAN DIEGO CA 92131

MAILING ADDRESS
 9775 BUSINESS PARK AVE.
 SAN DIEGO CA 92131

Document Number F01000005029	FEI Number 223252913	Date Filed 09/21/2001
State DE	Status INACTIVE	Effective Date NONE
Last Event REVOKED FOR ANNUAL REPORT	Event Date Filed 10/04/2002	Event Effective Date NONE

Registered Agent

Name & Address
TCS CORPORATE SERVICES, INC. 103 N. MERIDIAN STREET TALLAHASSEE FL 32301-0000
Name Changed: 09/30/2002
Address Changed: 09/30/2002

Officer/Director Detail

Name & Address	Title
WASSERSON, GARY 9775 BUSINESS PARK AVE. SAN DIEGO CA	PS
SILBER, ALLAN 9775 BUSINESS PARK AVE. SAN DIEGO CA	TD

Annual Reports

Report Year	Filed Date	Intangible Tax
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No Name History Information

Document Images

Listed below are the images available for this filing.

09/21/2001 -- Foreign Profit

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT



TRANSMISSION VERIFICATION REPORT

TIME : 10/22/2002 11:59
NAME :
FAX :
TEL :

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

10/22 11:55
615632631287
00:03:53
10
OK
STANDARD
ECM

- Taxed*
- 1) Cover Sheet
 - 2) 8/27 letter (2 pgs)
 - 3) Order PSC-01-2224-PAA-T1 (4 pgs)
 - 4) 2001 RAF form (2 pgs)
 - 5) pg. 13 of application

October 22, 2002

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

**2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850**

TO:

Desiree Neal

VOICE: 563 263-1252

FAX: 563 263-1287

FROM:

Paula Isler

Voice: (850) 413-6502

Fax: (850) 413-6503

RE:

TalkNow, Inc.

Dear Ms. Neal:

This is a follow up to our telephone conversation concerning the 2001 Regulatory Assessment Fee. As I explained, our records show that we have not received a response from you. The information is being resent to you. Please review it and respond by November 12, 2002. In addition, I noted that the telephone and fax numbers are different from those originally provided on the company's application for an IXC certificate. I wonder if the company's address (as listed on my letter) has also changed and that is the reason you did not receive it? Let me know if you have any questions. Thanks,

Paula Isler
Florida Public Service Commission

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

Ms. Desiree Neal, Manager/Regulatory Affairs
TalkNow, Inc. (TJ585)
9775 Business Park Avenue
San Diego, CA 92131-1642

Dear Ms. Neal:

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 TalkNow, Inc.

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 TalkNow, Inc. 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.

Ms. Desiree Neal, Manager/Regulatory Affairs
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 cursive script that reads "Paula J. Isler".

Paula J. Isler, Research Assistant
Bureau of Service Quality

Enclosures

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide
interexchange telecommunications
service by Lockheed Martin
Global Telecommunications
Services, Inc.

DOCKET NO. 011201-TI

In re: Application for
certificate to provide
interexchange telecommunications
service by FONECO LLC.

DOCKET NO. 011198-TI

In re: Application for
certificate to provide
interexchange telecommunications
service by TalkNow, Inc.

DOCKET NO. 011240-TI
ORDER NO. PSC-01-2224-PAA-TI
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
INTEREXCHANGE 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
14491 NOV 15 2001
FPSC-COMMISSION CL FRK

The entities listed below have applied for certificates to provide Interexchange Telecommunications (IXC) services. Upon review of their applications, it appears that these entities have sufficient technical, financial, and managerial capability to provide such service, as required under Section 364.337(3), Florida Statutes. Accordingly, we hereby grant each of these entities the certificates depicted below, which shall authorize them individually to provide IXC services.

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>
Lockheed Martin Global Telecommunications Services, Inc.	7978
FONECO LLC	7980
TalkNow, Inc.	7979

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 over this matter pursuant to Sections 364.335 and 364.337, Florida Statutes.

IXC providers are subject to Chapter 25-24, Florida Administrative Code, Part X, Rules Governing Telephone Service Provided by Interexchange Telephone Companies. IXC providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code.

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 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,

ORDERED by the Florida Public Service Commission that we hereby grant, to the entities listed herein, certificates to

ORDER NO. PSC-01-2224-PAA-TI
DOCKETS NOS. 011201-TI, 011198-TI, 011240-TI
PAGE 3

provide Interexchange Telecommunications services, subject to the terms and conditions stated 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.

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

ORDER NO. PSC-01-2224-PAA-TI
DOCKETS NOS. 011201-TI, 011198-TI, 011240-TI
PAGE 4

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 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.

Interexchange Company Regulatory Assessment Fee Return

STATUS:

- Actual Return
 Estimated Return
 Amended Return

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

Florida Public Service Commission

(See Filing Instructions on Back of Form)

TJ585-01-0-R
 TalkNow, Inc.
 9775 Business Park Avenue
 San Diego, CA 92131-1642

cc: P. Isler

FOR PSC USE ONLY

Check# _____

\$ _____ 0603001
 _____ 003001

\$ _____ P
 _____ 0603001
 _____ 004011

Postmark Date _____

Initials of Preparer _____

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.	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 (_____)
	F.E.I. No. _____	

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 its 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:

Gary Wasserson


Print Name

President

Title

(800) 576-7775

Telephone No. Fax No.



Signature

9/24/01

Date

(858) 536-3394

Address: 9775 Business Park Avenue

San Diego CA 92131

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
TJ581
TJ583
TJ584
TJ585
TJ587
TJ590
TJ591
TJ596
TJ602
TS192
TX611
TX613
TX615
TX617
TX620
TX666