

# REQUEST TO ESTABLISH DOCKET

(Please Type)

<b>Date</b>	July 15, 2003	<b>Docket No.</b>	030620 - TX
<b>1. Division Name/Staff Name:</b>		Competitive Markets & Enforcement/Isler	
<b>2. OPR: Division of Competitive Markets &amp; Enforcement</b>			
<b>3. OCR: Office of the General Counsel</b>			
<b>4. Suggested Docket Title: Cancellation by Florida Public Service Commission of CLEC Certificate No. 5799 issued to Intercontinental Communications Group, Inc. d/b/a Fusion Telecom for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.</b>			
<b>5. Suggested Docket Mailing List (attach separate sheet if necessary)</b>			
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):			
<b>6. Check one:</b>			
<input checked="" type="checkbox"/> Documentation is attached.			
<input type="checkbox"/> Documentation will be provided with recommendation.			
PSC\CCA010-C (Rev 10/01)			

DOCUMENT NUMBER-DATE

06283 JUL 15 8

FPSC-COMMISSION CLERK

STATE OF FLORIDA

COMMISSIONERS:

LILA A. JABER, CHAIRMAN  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON



DIVISION OF COMPETITIVE MARKETS &  
ENFORCEMENT

BETH W. SALAK  
DIRECTOR  
(850) 413-6600

Public Service Commission

July 3, 2003

Mr. William Heitz, General Counsel  
Fusion Telecom (TX270)  
1415 West Cypress Creek Road, #220  
Fort Lauderdale, FL 33309-1955

Dear Mr. Heitz:

Payment for the 2002 Regulatory Assessment Fee was due January 30, 2003. As of this date, payment has still not been received. A delinquent notice was mailed on February 21, 2003, via certified mail, which was signed for and delivered. On April 11<sup>th</sup>, I wrote you and explained that payment had not been received and enclosed a copy of the 2002 Regulatory Assessment Fee return form.

The fee is .0015% of a company's intrastate revenues, or \$50.00, whichever is greater. The fee is due even if a company never started operations or had any revenues. In addition, statutory penalty and interest charges are applicable.

Please pay the past due amount to avoid an enforcement docket from being established for violation of Rule 25-4.0161, Florida Administrative Code. Let me know if you have any questions.

Sincerely,

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

Paula J. Isler, Research Assistant  
Bureau of Service Quality

TMS #571

STATE OF FLORIDA

# 252

COMMISSIONERS:  
LILA A. JABER, CHAIRMAN  
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DIVISION OF COMPETITIVE MARKETS &  
ENFORCEMENT  
WALTER D'HAESELEER  
DIRECTOR  
(850) 413-6600

## Public Service Commission

April 11, 2003

Mr. William Heitz, General Counsel  
Fusion Telecom (TX270)  
1415 West Cypress Creek Road, #220  
Fort Lauderdale, FL 33309-1955

Dear Mr. Heitz:

The Regulatory Assessment Fee (RAF) is due by January 30<sup>th</sup> of each year for the preceding calendar year. For certificate holders, the RAF is owed even if a telecommunications company may not have started operations or had any revenues. If payment is made after the due date, then statutory penalty and interest charges are applicable.

Our records show that the 2002 RAF return notice was mailed on December 12, 2002, and a delinquent notice was mailed on February 20, 2003. As of this date, our records do not show receipt of the RAF return or payment. A copy of the 2002 RAF return form is enclosed. Our records also show that you have a small past due balance for late payment of the 2001 fee, which must be paid. A breakdown is enclosed.

If full payment, including penalty and interest charges, along with the RAF return form, are not received by April 30, 2003, a docket will be established. Your company will be fined or your certificate cancelled if you do not respond. Our records show that if a docket is established, this will be the company's second docket for the same rule violation. Please note that once a docket has been established, **just paying the delinquent RAF amount will not prevent your certificate from being cancelled.**

If you wish to cancel your certificate voluntarily and leave in good standing with the Commission, your company should pay the past due amount in full, complete the 2002 RAF return form, either pay the 2003 RAF or provide a date certain it will be paid, and comply with the requirements of Rule 25-24.820, Florida Administrative Code, copy enclosed. Any unpaid RAFs, including penalty and interest charges, are turned over to the Florida Department of Financial Services for further collection efforts.

If you have any questions, please contact me at (850) 413-6502, by fax at (850) 413-6503, by e-mail at [pisler@psc.state.fl.us](mailto:pisler@psc.state.fl.us), or by writing to me at the address below.

Sincerely,

Handwritten signature of Paula J. Isler in cursive.

Paula J. Isler, Research Assistant  
Bureau of Service Quality

Enclosures

# Alternative Local Exchange Company Regulatory Assessment Fee Return

## Florida Public Service Commission

(See Filing Instructions on Back of Form)

STATUS:

- Actual Return
- Estimated Return
- Amended Return

PERIOD COVERED:

01/01/2002 TO 12/31/2002

TX270-02-0-R  
 Fusion Telecom  
 1415 West Cypress Creek Road, #220  
 Ft. Lauderdale, FL 33309-1955

cc: P. Isler

Please Complete Below If Official Mailing Address Has Changed

FOR PSC USE ONLY	
Check#	_____
\$	0603006
	003001
\$	P
	0603006
	004011
\$	I
Postmark Date	_____
Initials of Preparer	_____

\_\_\_\_\_  
 (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. \_\_\_\_\_

**Intercontinental Communications Group, Inc. d/b/a Fusion Telecom (TX270)**  
**Certificate No. 5799, Effective 03/25/99**

<b>Year</b>	<b>Fee</b>	<b>Penalty</b>	<b>Interest</b>	<b>Notes</b>
2001	N/A	\$13.94	\$2.79	Payment was due 01/30/02. The company's payment for the RAF was postmarked 03/14/02, leaving a balance of \$16.73.
2002				Payment was due by 01/30/03. Payment has not been received. The RAF is .0015% of a company's intrastate revenues, or \$50, whichever is greater. In addition, the company owes statutory penalty and interest charges.
<b>Total</b>		<b>\$13.94</b>	<b>\$2.79</b>	<b>Total past due for prior years (not including 2002): \$16.73</b>

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

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

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

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

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

Specific Authority 350.127(2) FS.  
Law Implemented 364.335, 364.345 FS.  
History--New 12-27-95.

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TX270 Fusion Telecom  
1415 West Cypress Creek Road, #220  
Ft. Lauderdale, FL 33309-1955

2. Article Number  
(Transfer from service label)

7002 0860 0001 1755 7986

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

2/24

C. Signature

X

- Agent
- Addressee

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

## MCD Company Information for TX270

Printed on 07/15/2003 at 10:29:46 by PJI

Company Code: TX270  
Complete Name: Intercontinental Communications Group, Inc. d/b/a Fusion Telecom  
Mailing Name: Fusion Telecom  
Certificate No(s): 5799  
Status: Active  
Regulation Date: 03/25/1999  
Bankruptcy: No  
Company Liaison #1: William Heitz  
Title: General Counsel  
Mailing Address: 1415 West Cypress Creek Road, #220  
Ft. Lauderdale, FL 33309-1955  
Physical Location: 1415 West Cypress Creek Road, #220  
Ft. Lauderdale, FL 33309-1955  
Phone: (561) 274-7000  
Fax: (561) 274-7099

Related Dockets:

981816-TX Application for certificate to provide alternative local exchange telecommunications service by Intercontinental Communications Group, Inc.

000380-TX Request for name change on Alternative Local Exchange Telecommunications Certificate No. 5799 from Intercontinental Communications Group, Inc. to Intercontinental Communications Group, Inc. d/b/a Fusion Telecom.

000728-TP Request by BellSouth Telecommunications, Inc. for approval of interconnection, unbundling, resale, and collocation agreement with Intercontinental Communications Group, Inc. d/b/a Fusion Telecom.

001460-TX Cancellation by Florida Public Service Commission of ALEC Certificate No. 5799 issued to Intercontinental Communications Group, Inc. d/b/a Fusion Telecom for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.



COMPANY IDENTIFICATION

Printed on 03/18/2003 at 11:28:40 by PJI

Complete Name: Intercontinental Communications Group, Inc. d/b/a Fusion Telecom

Mailing Name: Fusion Telecom

Company Code: TX270

FEID Number: 65-0527930

RAF ACCOUNT FOR THE PERIOD 01/01/2001 THROUGH 12/31/2001

Reg. Date: 03/25/1999 Inactive Date:  
 Service: ALX - Alternative Local Exchange  
 Received: Actual RAF Form  
 Status: Pending  
 Amended: No Extension: No  
 Frozen: No Comments: No  
 Payment Count: 1 Payment Made to Date  
 Operating Rev: \$92,899.00 Interstate Pay: \$0.00  
 RAF Rate: 0.0015 Net RAF Due: \$139.35

Assessment	Due	Paid	Owe
RAF	\$139.35	\$139.35	\$0.00
Penalty	\$13.94	\$0.00	\$13.94
Interest	\$2.79	\$0.00	\$2.79
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$156.08	\$139.35	\$16.73

Last modification was made on Wednesday, March 20, 2002 at 4:02 PM by Jackie Knight

Period covered: 01/01/2001 through 12/31/2001 RAF rate: 0.0015  
 Operating rev: \$92,899.00 Gross intrastate rev: \$0.00  
 Documents: Actual RAF form received on 03/14/2002  
 Delinquent letter mailed on 02/20/2002  
 RAF form mailed on 12/06/2001

Postmarked	Trans Date	Date Posted-By	Dep #	Check #	Check Amount
03/14/2002	03/20/2002	03/20/2002-JIK	HI191	8456	\$139.35
	RAF paid		HI191		\$139.35

COMPANY IDENTIFICATION

Printed on 03/18/2003 at 11:28:45 by PJI

Complete Name: Intercontinental Communications Group, Inc. d/b/a Fusion Telecom

Mailing Name: Fusion Telecom

Company Code: TX270

FEID Number: 65-0527930

RAF ACCOUNT FOR THE PERIOD 01/01/2002 THROUGH 12/31/2002

Reg. Date: 03/25/1999

Inactive Date:

Service: ALX - Alternative Local Exchange

Received: No RAF Form

Status: Pending

Amended: No

Extension: No

Frozen: No

Comments: No

Payment Count: 0 Payments Made to Date

Operating Rev. 00.00

Interstate Rev: \$0.00

RAF Rate:

Net RAF Due: \$0.00

Assessment	Due	Paid	Owe
RAF	\$0.00	\$0.00	\$0.00
Penalty	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$0.00	\$0.00	\$0.00

Last modification was made on Thursday, December 5, 2002 at 9:34 AM by Jackie Knight

Period covered: 01/01/2002 through 12/31/2002

RAF rate:

Operating rev:

\$0.00

Gross intrastate rev:

\$0.00

Documents: Delinquent letter mailed on 02/19/2003

RAF form mailed on 12/05/2002