

REQUEST TO ESTABLISH DOCKET

(Please Type)

Date	July ²² 21, 2003	Docket No.	030664-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 CLEC Certificate No. 7794 issued to Bar-Lyn Enterprises Inc. d/b/a Swiftphone for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies and 25-24.835, F.A.C., Rules Incorporated.

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):
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2. Interested persons and their representatives (if any):

6. Check one: <input checked="" type="checkbox"/> <u>XX</u> Documentation is attached. <input type="checkbox"/> Documentation will be provided with recommendation.

PSC\CCA010-C (Rev 10/01)

DOCUMENT NUMBER-DATE

06538 JUL 22 8

FPSC-COMMISSION CLERK

State of Florida



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: June 16, 2003
TO: Paula Isler, Division of Competitive Markets and Enforcement
FROM: Sandy Moses, Division of the Commission Clerk and Administrative Services *SM*
RE: Returned Mail - Swiftphone - Company Code TX678

Mail addressed to the organization at the address shown below has been returned to the Commission by the U.S. Postal Service for the reason indicated on the attached copy of the envelope. Staff in the Hearing Services Section has confirmed that the address matches that in the Master Commission Directory. Attempts to contact the company by telephone and e-mail have been unsuccessful.

Swiftphone
P. O. Box 3961
Seminole, FL 33775-3961

If you are successful in contacting the company, please furnish current mailing and location addresses, as well as any other updated MCD information you obtain. Thank you for assisting this division in maintaining current information in the Master Commission Directory.

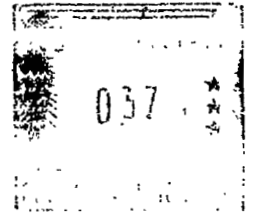
LKF/
Attachment

2003 JUN 19 4:10:08
DIVISION OF COMPETITIVE SERVICES

Florida Public Service Commission
Bureau of Records and Hearing Services
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

TX 678

5/23/03 E-mail sent - no response
Telephone disconnected



 BOX CLOSED -
NO ORDER

RECEIVED-FPSC

03 MAY 27 AM 9:23

COMMISSION
CLERK

Swiftphone
P. O. Box 3961
Seminole FL 33775-3961

33775+3961 10

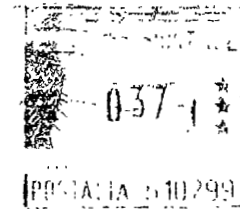


State of Florida
Public Service Commission

2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850



**BOX CLOSED
NO ORDER**



Mr. Jack Cromwell, Office Manager
Bar-Lyn Enterprises Inc. d/b/a Swiftphone (TX678)
PO Box 3961
Seminole, FL 33775-3961



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

STATE OF FLORIDA



289
DIVISION OF COMPETITIVE MARKETS &
ENFORCEMENT
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

April 11, 2003

Mr. Jack Cromwell, Office Manager
Bar-Lyn Enterprises Inc. d/b/a Swiftphone (TX678)
PO Box 3961
Seminole, FL 33775-3961

Dear Mr. Cromwell:

The Regulatory Assessment Fee (RAF) is due by January 30th 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.

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. 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, or by writing to me 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

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

TX678-02-0-R
 Swiftphone
 P. O. Box 3961
 Seminole, FL 33775-3961

cc: P. Isler

FOR PSC USE ONLY

Check# _____

\$ _____ 0603006
 _____ 003001

\$ _____ P
 _____ 0603006
 _____ 004011

\$ _____ I

Postmark Date _____

Initials of Preparer _____

PERIOD COVERED:
 10/01/2002 TO 12/31/2002

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. _____

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 cancelled.
- (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), F.S.

Law Implemented: 364.335, 364.345, F.S.

History: New 12/26/95.

State of Florida Public Service Commission

2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850



UNCLAIMED 2002 0860 0001 1756 3703



CERTIFIED MAIL

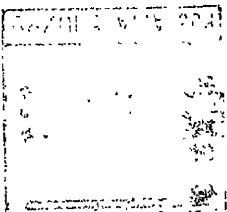


UNCLAIMED

Postage
1st Notice 2-24
2nd Notice 3-6
Return 3-14

February 19, 2003

TX678-02-0-D
Swiftphone
P. O. Box 3961
Seminole, FL 33775-3961



STATE OF FLORIDA

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



OFFICE OF GENERAL COUNSEL
HAROLD A. MCLEAN
(850) 413-6199

Public Service Commission

February 19, 2003

TX678-02-0-D
Swiftphone
P. O. Box 3961
Seminole, FL 33775-3961

Dear Certificate Holder:

The Division of the Commission's Clerk and Administrative Services has forwarded your account to our office to address the nonpayment of the Regulatory Assessment Fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 2002, which was due January 30, 2003. The RAFs return form was mailed to you on **December 15, 2002**, and to date, Commission records reflect that payment has not been received.

According to Florida Law, you are required to add interest charges at 12% per annum, and a 5% penalty for each 30-day period or fraction thereof, beyond the due date, up to a maximum of 25% in addition to the delinquent amount due. In addition, pursuant to 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 our rules and statutes. Moreover, it is general Commission practice that all utilities that apply for **Alternative Local Exchange** certificate receive a copy of all applicable rules. Further, in accordance with Section 364.335, Florida Statutes, as part of the application process, utilities provide an affidavit indicating that they have read and understood the applicable rules.

If you wish to request another form, please contact Jackie Knight at the number below. The payment should be identified with the company code and the company's name. Failure to provide payment within 15 days of this notice will result in the establishment of a docket to address your failure to return the RAFs form and pay RAFs in accordance with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. As specified above, pursuant to Section 364.285, Florida Statutes, the Commission may impose a fine or cancel your certificate. Therefore, it is important that you address this matter now.

If you have paid your fees, please provide us with your check number and the date that it was paid.

Should you have any questions concerning this letter please contact Jackie Knight at (850) 413-6267 or via Internet e-mail at jknight@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to be "H. McLean".

Harold McLean
General Counsel

KMP
Enclosure

cc: Jackie Knight, Bureau of Administrative Services/Fiscal Services Section

MCD Company Information for TX678

Printed on 07/21/2003 at 08:44:07 by PJI

Company Code: TX678
Complete Name: Bar-Lyn Enterprises Inc d/b/a Swiftphone
Mailing Name: Swiftphone
Certificate No(s): 7794
Status: Active
Regulation Date: 10/01/2002
Bankruptcy: No
Company Liaison #1: Jack Cromwell
Title: Office Manager
Mailing Address: P. O. Box 3961

Physical Location: Seminole, FL 33775-3961
8784 95th Terrace

Phone: Largo, FL 33777-2245
(727) 397-0382
Fax: (727) 320-8533

Related Dockets:

020454-TX Request for approval of transfer of ALEC Certificate No. 7794
from C.B. Telecomm, Inc. to Bar-Lyn Enterprises Inc d/b/a
Swiftphone.

COMPANY IDENTIFICATION

Printed on 03/20/2003 at 11:39:52 by SAH

Complete Name: Bar-Lyn Enterprises Inc d/b/a Swiftphone

Mailing Name: Swiftphone

Company Code: TX678

FEID Number: 04-3585873

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

Reg. Date: 10/01/2002 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: \$0.00 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 9:40 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