

REQUEST TO ESTABLISH DOCKET

(Please Type)

Date	August 8, 2003	Docket No.	030790-T1
1. Division Name/Staff Name:		Division of Competitive Markets & Enforcement/Isler	
2. OPR: Division of Competitive Markets & Enforcement/Isler			
3. OCR: Office of the General Counsel			
4. Suggested Docket Title: Imposition of penalty by Florida Public Service Commission against IXC			
Registration No. TJ457, issued to Everest Broadband Networks of Florida, Inc., for violation of Section 367.336, Florida Statutes.			
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.			
FSC\CCA010-C (Rev 02/02)			

DOCUMENT NUMBER-DATE
07337 AUG 11 8
FPSC-COMMISSION CLERK

TRANSMISSION VERIFICATION REPORT

TIME : 06/27/2003 08:49
NAME :
FAX :
TEL :

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

06/27 08:44
612019447469
00:04:48
11
OK
STANDARD
ECM

- 1) Taxed
- 2) Cover sheet (2 pag)
- 3) Rules 25-24.820 & 25-24.474
- 4) 2002 forms for TJ457 & TX541 (4 pag)
- 5) 2003 form for TX541 (2 pag)
- 2001 breakdowns for TJ457 & TX541 (2 pag)

June 27, 2003

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

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

TO:

Jeffrey A. Feldman

VOICE: (201) 944-6477
FAX: (201) 944-7469

FROM:

Paula Isler

Voice: (850) 413-6502
Fax: (850) 413-6503

E-mail: Pisler@psc.state.fl.us

RE:

Everest Broadband Networks of
Florida, Inc. (TX541 and TJ457)

Dear Mr. Feldman:

This is a follow up to our telephone conversation earlier today. First of all, when I put the Everest name in our database, two certificates came up. Your CLEC certificate (TX541) and an IXC certificate (TJ457). Although we only discussed the CLEC certificate, the IXC certificate is also delinquent in paying the 2002 Regulatory Assessment Fee. I did not know if you wanted to cancel the IXC certificate or not. Each is discussed individually below.

CLEC Certificate

The company owes a total of \$120.00 (\$5.00 penalty and interest for late payment of the 2001 fee; \$65.00 for 2002, which is comprised of the \$50.00 minimum fee, \$12.50 penalty, and \$2.50 interest; and \$50.00 for the 2003 fee).

Mr. Jeffrey A. Feldman
June 26, 2003
Page 2

In order to be granted a voluntary cancellation, the company needs to write a letter requesting cancellation and provide the information required by Rule 25-24.820(2)(a-d), Florida Administrative Code, copy attached. I could not readily find another letter requesting cancellation that had all of the required information.

Basically, the letter should state: "Please voluntarily cancel Everest's CLEC certificate since the company does not provide local service in Florida. Since we are not operating in Florida, the company has no customers. Full payment of the Regulatory Assessment Fees is enclosed."

IXC Certificate

If you wish to cancel the company's IXC certificate, you will need to pay the same amount as owed for the CLEC (\$120.00 -- total \$240). You can combine the request for cancellation of both certificates in the same letter. I am not attaching the 2003 Regulatory Assessment Fee return for the IXC certificate at this time since I do not know if you wish to cancel the certificate. If you need the 2003 form, please let me know and I'll fax it to you.

If you do not wish to cancel the IXC certificate, the company needs to pay the \$5.00 balance for the 2001 fee, plus the \$65.00 for the 2002 fee.

After you've reviewed everything, give me a call if you have any concerns or questions.
Thanks.

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

Attachments: Rules 25-24.820 and 25-24.474, F.A.C., 2002 Regulatory Assessment Fee returns for TJ457 and TX541, 2003 Regulatory Assessment Fee return for TX541, and 2001 breakdowns of the past due balances for TJ457 and TX541.

STATE OF FLORIDA

308

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



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

Public Service Commission

April 28, 2003

Mr. Jeffrey A. Feldman, President
Everest Broadband Networks of Florida, Inc. (TJ457)
One Executive Drive, Suite 600
Fort Lee, NJ 07024-3381

Dear Mr. Feldman:

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. Our records also show that you have a small past due balance for late payment of a prior year's 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 May 19, 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 25-24.474, 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

Interexchange Company Regulatory Assessment Fee Return

Florida Public Service Commission

(See Filing Instructions on Back of Form)

STATUS:

- Actual Return
 Estimated Return
 Amended Return

TJ457-02-0-R

Everest Broadband Networks of Florida, Inc.

One Executive Drive, Suite 600

Fort Lee, NJ 07024-3381

CC: P. Isler

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

Please Complete Below If Official Mailing Address Has Changed

FOR PSC USE ONLY

Check# _____

\$ _____ 0603001
003001

\$ _____ 0603001
004011

\$ _____ 1

Postmark Date _____

Initials of Preparer _____

(Name of Company) (Address) (City/State) (Zip)

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? What is the total amount of bond held (if applicable)?
 Amount: \$ _____ for 19 _____ 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. _____

COMPANY IDENTIFICATION

Printed on 04/16/2003 at 08:46:55 by SAH

Complete Name: Everest Broadband Networks of Florida, Inc.

Mailing Name: Everest Broadband Networks of Florida, Inc.

Company Code: TJ457 FEID Number: 22-3732058

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

Reg. Date: 01/08/2001 Inactive Date:
 Service: IXC - Interexchange Telephone
 Received: Actual RAF Form
 Status: Pending
 Amended: No Extension: No
 Frozen: No Comments: No
 Payment Count: 1 Payment Made to Date
 Operating Rev: \$319.61 Interstate Rev: \$315.59
 RAF Rate: 0.0015 Net RAF Due: \$50.00

Assessment	Due	Paid	Owe
RAF	\$50.00	\$50.00	\$0.00
Penalty	\$12.50	\$10.00	\$2.50
Interest	\$2.50	\$0.00	\$2.50
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$65.00	\$60.00	\$5.00

Last modification was made on Tuesday, June 18, 2002 at 9:16 AM by Jackie Knight

Period covered: 01/01/2001 through 12/31/2001 RAF rate: 0.0015
 Operating rev: \$319.61 Interstate rev: \$315.59
 Documents: Actual RAF form received on 06/10/2002
 Remarks: See TX541
 RAF form mailed on 05/23/2002
 RAF form mailed on 03/01/2002
 Delinquent letter mailed on 02/20/2002
 RAF form mailed on 12/06/2001

Postmarked	Trans Date	Date Posted-By	Dep #	Check #	Check Amount
06/10/2002	06/14/2002	06/18/2002-JIK	HL223	12643	\$120.00
	RAF paid		HL223		\$50.00
	Remarks: See TX541				
	Penalty paid		HL223		\$10.00
	Remarks: See TX541				

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) FS.

Law Implemented 350.113, 350.127(1), 364.285, 364.337, 364.345 FS.

History--New 2-23-87, Amended 3-13-96.

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:

TJ457 Everest Broadband Networks of Florida, Inc.
One Executive Drive, Suite 600
Fort Lee, NJ 07024-3381

COMPLETE THIS SECTION ON DELIVERY

- A. Received by (Please Print Clearly) B. Date of Delivery
C. Signature *[Handwritten Signature]*
 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

2. Article Number

(Transfer from service label)

7002 0860 0001 1756 3161

MCD Company Information for TJ457

Printed on 08/08/2003 at 16:13:19 by PJI

Company Code: TJ457
Complete Name: Everest Broadband Networks of Florida, Inc.
Mailing Name: Everest Broadband Networks of Florida, Inc.
Certificate No(s): 7680
Status: Active
Regulation Date: 01/08/2001
Bankruptcy: No
Company Liaison #1: Jeffrey A. Feldman
Title: President
Mailing Address: One Executive Drive, Suite 600

Physical Location: Fort Lee, NJ 07024-3381
One Executive Drive, Suite 600

Phone: Fort Lee, NJ 07024-3381
(201) 944-6477
Fax: (201) 944-7469

Related Dockets:
001349-TI Application for certificate to provide interexchange
telecommunications service by Everest Broadband Networks of
Florida, Inc.

COMPANY IDENTIFICATION

Printed on 04/16/2003 at 08:47:10 by SAH

Complete Name: Everest Broadband Networks of Florida, Inc.

Mailing Name: Everest Broadband Networks of Florida, Inc.

Company Code: TJ457 FEID Number: 22-3732058

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

Reg. Date: 01/08/2001 Inactive Date:
 Service: IXC - Interexchange Telephone
 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 9:53 AM by Jackie Knight

Period covered: 01/01/2002 through 12/31/2002 RAF rate:
 Operating rev: \$0.00 Interstate rev: \$0.00
 Documents: Delinquent letter mailed on 02/19/2003
 RAF form mailed on 12/05/2002