

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

OCT 22 AM 9:35

-M-E-M-O-R-A-N-D-U-M-  
COMMISSION  
CLERK

**DATE:** OCTOBER 22, 2003

**TO:** DIRECTOR, DIVISION OF THE COMMISSION CLERK &  
ADMINISTRATIVE SERVICES (BAYÓ)

**FROM:** DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (M. WATTS),  
OFFICE OF THE GENERAL COUNSEL (ROJAS) *AR PK*

**RE:** DOCKET NO. 030947-TI - COMPLIANCE INVESTIGATION OF DIGITEC  
FOR APPARENT VIOLATION OF SECTIONS 364.02(13) AND 364.04,  
FLORIDA STATUTES.

**AGENDA:** 11/03/03 - REGULAR AGENDA - PROPOSED AGENCY ACTION -  
INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\030947.RCM

CASE BACKGROUND

- May 12, 2003 - The Florida Public Service Commission's (Commission's) Division of Consumer Affairs (CAF) received a consumer complaint, assigned Request No. 532583T, against Digitec concerning a prepaid calling card.
- May 16, 2003 - Digitec is not registered with the Commission, so CAF reassigned Request No. 532583T to the Division of Competitive Markets & Enforcement (CMP) for investigation.
- July 1, 2003 - CAF received another consumer complaint (Request No. 541837T) against Digitec.
- July 3, 2003 - Staff sent a certified letter (Attachment A) concerning Request No. 532583T to Digitec via the United States Postal Service (U.S.P.S.) using an address found on the

DOCUMENT NUMBER 10358

OCT 22 03

OPEN-COMMISSION CLERK

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Internet. The letter also requested Digitec to provide contact information and file a tariff with the Commission.

- July 8, 2003 - CAF forwarded Request No. 541837T to CMP for investigation.
- July 14, 2003 - Staff's July 3, 2003, letter to Digitec was returned by the U.S.P.S. marked, "Forwarding Order Expired."
- July 15, 2003 - Staff found a different address for Digitec on the Internet and prepared another letter, included in this recommendation as an enclosure to Attachment B, to include Request Nos. 532583T and 541837T, and sent it to the company via the U.S.P.S.
- August 8, 2003 - Digitec did not respond to staff's July 15, 2003, letter. Staff resent the letter with a cover letter (Attachment B) via certified mail.
- August 21, 2003 - Digitec signed the certified return receipt (Attachment C) for staff's August 8, 2003, certified letter.
- September 29, 2003 - Staff opened Docket No. 030947-TI to investigate Digitec for its apparent violations of Sections 364.02(13) and 364.04, Florida Statutes. To date, staff has not received a response from Digitec.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.02(13), 364.04, and 364.285, Florida Statutes. Further, staff's recommended penalties are consistent with penalties imposed upon other prepaid calling service providers by the Commission in previous dockets for the same types of apparent statute violations. Accordingly, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a \$25,000 penalty upon Digitec for its apparent violation of Sections 364.02(13) and 364.04, Florida Statutes?

RECOMMENDATION: Yes, the Commission should impose a \$25,000 penalty upon Digitec for its apparent violations of Sections 364.02(13) and 364.04, Florida Statutes. If Digitec fails to timely file a protest and request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted, the right to a hearing waived, and the penalty should be deemed assessed. Further, if the company fails to timely file a protest and fails to do any of the following:

1. file a tariff;
2. provide the Commission with current contact information; or
3. pay the penalty,

the company should be required to immediately cease and desist providing intrastate interexchange telecommunications services in Florida upon issuance of the Consummating Order until the company pays the penalty, files a tariff and provides the Commission with current contact information. (M. Watts, Rojas)

STAFF ANALYSIS:

Apparent Deficiency

Upon receiving a complaint, staff determined that Digitec was providing intrastate interexchange telecommunications services within the state. Staff then attempted to notify Digitec of its requirement to obtain an IXC registration. Staff's certified letter was returned by the U.S.P.S. with the message that the recipient's forwarding order had expired. After obtaining a new address, staff sent a second letter to Digitec. When no response was received, staff sent a third letter to the company via certified mail. The company signed the U.S.P.S. certified receipt for staff's third letter, but as of the date of filing this recommendation, Digitec has not filed a tariff or provided the Commission with its current contact information, which are apparent violations of Sections 364.02(13) and 364.04, Florida Statutes. Staff believes that the company has been adequately notified of its

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requirements and has been provided with sufficient time to meet those requirements.

#### Applicable Florida Statutes

On May 23, 2003, Florida state legislators passed the Tele-Competition Act which no longer requires an IXC providing services within the state to obtain a certificate. However, Section 364.02(13), Florida Statutes, requires each IXC to provide the Commission with information to contact and communicate with the company. Section 364.02(13), Florida Statutes, states in pertinent part:

Each intrastate interexchange telecommunications company shall continue to be subject to ss. 364.04, 364.10(3)(a), and (d), 364.285, 364.163, 364.501, 364.603, and 364.604, shall provide the commission with such current information as the commission deems necessary to contact and communicate with the company....

Further, the Tele-Competition Act did not except IXCs from the requirements of Section 364.04, Florida Statutes. IXCs providing service within the state are still required to file a tariff with the Commission in accordance with Section 364.04(1), Florida Statutes, which states:

Upon order of the commission, every telecommunications company shall file with the commission, and shall print and keep open to public inspection, schedules showing the rates, tolls, rentals, contracts, and charges that a company for service to be performed within the state.

#### Proposed Penalty

Staff believes that Digitec's failure to provide the Commission with current contact information and file a tariff are "willful violations" of Sections 364.02(13) and 364.04, Florida Statutes, in the sense intended by Section 364.285, Florida Statutes.

Pursuant to Section 364.285(1), 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 day a violation continues, 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, Florida Statutes, or revoke any certificate issued by it for any such violation.

Section 364.285(1), Florida Statutes, however, does not define what it is to "willfully violate" a rule or order. Nevertheless, it appears plain that the intent of the statutory language is to penalize those who affirmatively act in opposition to a Commission order or rule. See, Florida State Racing Commission v. Ponce de Leon Trotting Association, 151 So.2d 633, 634 & n.4 (Fla. 1963); c.f., McKenzie Tank Lines, Inc. v. McCauley, 418 So.2d 1177, 1181 (Fla. 1st DCA 1982) (there must be an intentional commission of an act violative of a statute with knowledge that such an act is likely to result in serious injury) [citing Smith v. Geyer Detective Agency, Inc., 130 So.2d 882, 884 (Fla. 1961)]. Thus, a "willful violation of law" at least covers an act of purposefulness.

However, "willful violation" need not be limited to acts of commission. The phrase "willful violation" can mean either an intentional act of commission or one of omission, that is failing to act. See, Nuger v. State Insurance Commissioner, 238 Md. 55, 67, 207 A.2d 619, 625 (1965) [emphasis added]. As the First District Court of Appeal stated, "willfully" can be defined as:

An act or omission is 'willfully' done, if done voluntarily and intentionally and with the specific intent to do something the law forbids, or with the specific intent to fail to do something the law requires to be done; that is to say, with bad purpose either to disobey or to disregard the law.

Metropolitan Dade County v. State Department of Environmental Protection, 714 So.2d 512, 517 (Fla. 1st DCA 1998) [emphasis added]. In other words, a willful violation of a statute, rule or order is also one done with an intentional disregard of, or a plain indifference to, the applicable statute or regulation. See, L. R. Willson & Sons, Inc. v. Donovan, 685 F.2d 664, 667 n.1 (D.C. Cir. 1982).

Thus, Digitec's failure to provide the Commission with current contact information and file a tariff meets the standard for a "refusal to comply" and a "willful violation" as contemplated by the Legislature when enacting section 364.285, Florida Statutes.

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Nor could Digitec claim that it did not know that it had the duty to provide the Commission with current contact information and file a tariff. "It is a common maxim, familiar to all minds, that 'ignorance of the law' will not excuse any person, either civilly or criminally." Barlow v. United States, 32 U.S. 404, 411 (1833); see, Perez v. Marti, 770 So.2d 284, 289 (Fla. 3rd DCA 2000) (ignorance of the law is never a defense). Moreover, in the context of this docket, all telecommunication companies, like Digitec, are subject to the rules published in the Florida Administrative Code. See, Commercial Ventures, Inc. v. Beard, 595 So.2d 47, 48 (Fla. 1992).

Further, the amount of the proposed penalty is consistent with penalties previously imposed by the Commission upon IXCs that were providing intrastate interexchange services within the state and failed to file a tariff and to provide the Commission with the company's current contact information. Thus, staff recommends that the Commission find that Digitec has, by its actions and inactions, willfully violated Sections 364.02(13) and 364.04, Florida Statutes, and impose a \$25,000 penalty on the company to be paid to the Florida Public Service Commission.

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DATE: October 22, 2003

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** The Order issued from this recommendation will become final upon issuance of the Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. If the Commission's Order is not protested and the payment of the penalty is not received by the Commission within fourteen calendar days after the issuance of the Consummating Order, the collection of the penalty should be referred to the Department of Financial Services. This docket should be closed administratively upon either receipt of the payment of the penalty or upon the referral of the penalty to the Department of Financial Services. **(Rojas)**

**STAFF ANALYSIS:** Whether staff's recommendation on Issue 1 is approved or denied, the result will be a Proposed Agency Action Order. If no timely protest to the Proposed Agency Action is filed within 21 days of the date of issuance of the Order, this docket should be closed administratively upon receipt of the payment of the penalty or referral of the penalty to the Department of Financial Services.

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  
WALTER D'HAESELEER  
DIRECTOR  
(850) 413-6600

## Public Service Commission

July 3, 2003

**CERTIFIED**

DigiTEC 2000  
8 West 38<sup>th</sup> Street  
Fifth Floor  
New York, NY 10018

Dear Sir or Madam:

The Florida Public Service Commission (Commission) received a complaint (No. 532583T, enclosed) against DigiTEC 2000 (DigiTEC) on May 12, 2003, from Ms. Althia Gabrilowitz regarding a prepaid calling card apparently issued by DigiTEC. Ms. Gabrilowitz stated that she purchased the card for \$5.00 on May 1, 2003, and attempted to use the card shortly thereafter. Her call attempt was not completed (the call was not connected), so she attempted the call again. The recording then stated that only \$3.00 remained on the card.

Ms. Gabrilowitz contacted customer service to dispute the \$2.00 being deducted from the balance on the card for a call that was never connected, and was informed that the \$2.00 would be placed back on the card within an hour. She attempted the call again the next day and found that the \$2.00 had not been refunded. She again called customer service and was informed that the \$2.00 would not be placed back on the card.

Please provide a written response addressing the manner in which DigiTEC will resolve Ms. Gabrilowitz's complaint by July 23, 2003. Ms. Gabrilowitz's contact information is listed on the enclosed complaint form.

Further, please provide the following information for each phone call using the Caribbean Direct pre-paid phone card with PIN number 135 9135 447:

1. Date and time of call
2. Point of origin of call (city, state, phone number, pay phone (yes/no))
3. Destination of call (city, state, phone number)
4. Duration of call
5. Additional charges pertaining to the call
6. The balance remaining on the card after the call

In short, provide a complete breakdown of how the account for that PIN went from \$5.00 to



DigiTEC 2000  
Page 2  
July 3, 2003

\$3.00 (or to the amount of the balance remaining on the card). Please include a copy of the point-of-sale information supplied with your pre-paid phone cards in Florida, as well as the name of the network company from whom you purchase time. This information should be included in your July 23, 2003, response.

The analyst from the Commission's Division of Consumer Affairs (CAF) forwarded the complaint to the Compliance section of the Division of Competitive Markets & Enforcement. The reason it was forwarded is that, upon investigation of the complaint, CAF discovered that DigiTEC is not registered with the Commission and has not provided contact information. Section 364.02(13)(g), Florida Statutes (F.S.), states in part that each intrastate interexchange telecommunications company shall provide the Commission with such current information as it deems necessary to contact and communicate with the company. The Commission has developed a form for this purpose entitled "Change of Company Information on Regulated Utility" (attached). Please complete the Change of Company Information on Regulated Utility form and submit the completed form in accordance with the instructions contained therein by July 23, 2003.

Additionally, Section 364.04, F.S., requires that every telecommunications company file a tariff with the Commission showing the rates, tolls, rentals, contracts, and charges of that company for service to be performed within the state. A sample tariff and a tariff checklist are attached to assist you in its preparation. Please prepare a tariff and file it with the Commission according to attached instructions to the following address by July 23, 2003:

Florida Public Service Commission  
Division of the Commission Clerk & Administrative Services  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

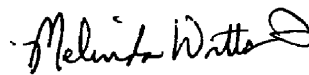
To summarize, DigiTEC should provide the following by July 23, 2003:

- Response to the customer complaint
- Change of Company Information on Regulated Utility Form
- Tariff

DigiTEC 2000  
Page 3  
July 3, 2003

Please provide complete and accurate responses to all requests made in this letter by July 23, 2003. If you have any questions, please contact me at (850) 413-6952.

Sincerely,



Melinda Watts  
Bureau of Service Quality

Enclosures (3)

1. Complaint
2. Change of Company Information on Regulated Utility form
3. Tariff checklist and sample tariff

cc: Department of Revenue  
Division of Competitive Markets & Enforcement (Gilchrist)

Ref: TMS 201  
CATS 532583T

Request No. 532583T Name GABRILOWITZ ,ALTHIA MS. Business Name \_\_\_\_\_

<b>Consumer Information</b>  Name: ALTHIA GABRILOWITZ  Business Name:  Svc Address: 8320 NW 80TH STREET   County: Broward Phone:  City/Zip: Tamarac / 33321-  Account Number:  Caller's Name: ALTHIA GABRILOWITZ  Mailing Address: 8320 NW 80TH STREET   City/Zip: TAMARAC ,FL 33321-  Can Be Reached: (954)-722-4795  E-Tracking Number:	<b>Florida Public Service          Commission - Consumer Request</b> <b>2540 Shumard Oak Boulevard</b> <b>Tallahassee, Florida 32399</b> <b>850-413-6100</b>	<b>PSC Information</b>  Assigned To: MELINDA WATTS Entered By: DKF Date: 05/12/2003 Time: 15:23 Via: FAX Prelim Type: PREPAID CALLING  PO: Disputed Amt: 2.00  Supmntl Rpt Req'd: / / Certified Letter Sent: / / Certified Letter Rec'd: / /  Closed by: Date: / / Closeout Type: Apparent Rule Violation:
	<b>Utility Information</b> Company Code: NA Company: DIGITEC  Attn.  Response Needed From Company? Y Date Due: 07/03/2003 Fax: R	
	Interim Report Received: / /  Reply Received: / / Reply Received Timely/Late: Informal Conf.: N	

Close type - Prepaid Calling Card

When did you purchase the card? 05/01/2003

Where did you purchase the card? Distribution store in Ft. Lauderdale, FL.

What was the cost of the card? \$5.00

How many minutes were on the card? Unsure, but was informed verbally that 70 minutes were on the card.  
 Other Comments: Customer states she attempted to use her card shortly after buying it on 05/01/2003. She states the call was not connected so she attempted to place the call again and was informed that she had \$3.00 remaining. She disputes \$2.00 being taken from the card when no connection was made. She states customer service informed her that the \$2.00 would be placed back onto the card within an hour, but when she attempted

Request No. 532583T Name GABRILOWITZ ,ALTHIA MS. Business Name \_\_\_\_\_

PAGE NO: 1

Enclosure 1

ATTACHMENT A

call today the \$2.00 had not been refunded. She states customer service informed her on 05/02/2003 that the 2.00 would not be refunded. She requests \$2.00 refunded to card.

Please investigate this matter, contact the customer, and provide a detailed written report to the Florida Public Service Commission by the due date.

Case taken by DFalise  
Send Response to  
Fax number 850-413-7168  
E-mail : PSCREPLY@PSC.STATE.FL.US

05/13/2003 Forwarding complaint to technical for review. Digitec does not appear to have a certificate. Digitec does not appear in the Master Commission Directory as a company name or DBA. ACalhoun

05/16/2003 Case reassigned to the Division of Competitive Markets and Enforcement. P.Lowery

05/23/03 - Acknowledgement letter sent to the customer. Searching for an address for the company. --mw

05/29/03 - I still have not found an address for the company.

- 12 -

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Request No. 532583T Name GABRILOWITZ ,ALTHIA MS. Business Name \_\_\_\_\_

AGE NO: 2

DOCKET NO. 030947-TI  
DATE: October 22, 2003

ATTACHMENT A

Enclosure 2

**TO: FLORIDA PUBLIC SERVICE COMMISSION  
DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0870**

**RE: CHANGE OF INFORMATION ON REGULATED UTILITY**

<b>Official Company Name:</b> (As appears on certificate)	<b>Mailing Name:</b> (Must be part of official company name; 58 characters or less)
<b>Certificate No.:</b> (A separate form must be used for each certificate number)	<b>Physical Location:</b>
<b>Attention Line:</b> (Person to whom all official FPSC correspondence is addressed)	<b>Mailing Address:</b>
<b>Liaison Officer(s)</b>	
<b>Officer No. 1:</b> Name: Title: Telephone Number: Fax No.: e-mail Address:	<b>Officer No. 2:</b> Name: Title: Telephone Number: Fax No.: e-mail Address:
<b>Company Web Address:</b>	

**SUBMITTED BY COMPANY REPRESENTATIVE:** Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_

DATE: \_\_\_\_\_

PSC/RAR 41 (New 10/00)

Enclosure 3

### CHECK LIST FOR IXC TARIFFS.

**Note:** This check list is for Interexchange Telecommunications Company (IXC) Tariffs and should not be returned with your application and tariff. The check list is provided to better understand what the Florida Public Service Commission (FPSC) will look for when reviewing a new IXC tariff. However, the IXC tariff check list is not intended to be an all-inclusive check list for all IXC tariffs. Staff reviewing the new IXC tariff may possibly ask for changes to the tariff which are not mentioned in this IXC check list.

REMEMBER THE WORDING IN THE EXAMPLE TARIFF CAN BE USED AS A GUIDE AND CERTAIN PARTS CAN BE COPIED VERBATIM BY CHANGING NAMES AND OTHER INFORMATION.

#### General Requirements:

- ( ) 1. Is the company name in the upper left hand corner of each tariff sheet and are all tariff sheets correctly numbered in the upper right hand corner?
- ( ) 2. Is the effective date (lower right hand corner) space left blank on each tariff sheet?
- ( ) 3. Is the name, title, and complete business address of the company officer responsible for the tariff listed at the bottom center of each tariff sheet?

#### Title Requirements:

- ( ) 4. Is the Tariff Title Sheet included with required wording (This can be copied verbatim)?
- ( ) 5. Does the Tariff Check Sheet have all the pages listed?
- ( ) 6. Does the tariff contain a Table of Contents?
- ( ) 7. If the tariff contains 30 or more sheets, does it contain an index?
- ( ) 8. Does the tariff contain a Symbol sheet using the only approved symbols in D, I, M, N, R, and T and are they defined correctly?
- ( ) 9. Is there a "Tariff Format Sheet" that discusses the following; Sheet Numbering, Sheet Revision Numbering, Paragraph Numbering Sequence, and Check Sheets?

Section 1 - "Technical Terms and Abbreviations:"

- ( ) 10. Does Section 1 define such terms as day, evening, night/weekend, holidays, any unusual or unique terminology used in the body of the tariff, trade names of the long distance services, and any other terminology deemed necessary.

Section 2 - "Rules and Regulations:"

- ( ) 11. Does the tariff contain language concerning the "Undertaking of the Company".?
- ( ) 12. Does the tariff contain language concerning "Limitations of Service"?
- ( ) 13. Does the tariff contain language concerning "Liabilities of the Company" ?
- ( ) 14. Does the tariff contain language concerning "Interruption of Service"?
- ( ) 15. Is there language containing disconnection of service by the company ?
- ( ) 16. Is There a statement that resellers & rebillers of the company's service must be certificated?
- ( ) 17. Is there a statement concerning deposits ? (If the company requires customer deposits, has the company posted a bond or has the bond requirement been waived?)
- ( ) 18. Is there a statement concerning Advance Payments? (The company is allowed to collect an amount not to exceed one month's estimated charges and advance payment for service. This amount must be credited back to the end user in the next months bill but not recollected).

[Rule 25-24.490(2), Florida Administrative Code, forbids collection of any deposit and any advance payments in excess of one month's estimated charges without posting an appropriate bond or obtaining a waiver of this Rule.]

- ( ) 19. Is there a statement indicating all state and local taxes are listed as separate line items and are not included in the quoted rates (i.e., gross receipts tax, sales tax, municipal utilities tax).

**Section 2 - "Rules and Regulations continued:"**

- ( ) 20. Is there a statement indicating the billing procedures (How will calls be billed to the end user and who is the billing agent.)
- ( ) 21. Is there a statement that resellers and rebillers of the company's service must be certificated as an IXC by the Commission.

In addition to the above items, your company should include in this section any language concerning the following: restoration of service, maintenance, billing periods, refunds/credits, responsibilities of the customer, cancellations, nonpayment, restrictions, etc.

**Section 3 - Description of Service:**

In this section the following must be included: How calls are timed, Calculation of Distance (including the formula), minimum call completion rate, and description of each service offered.

You may refer to Section 25-24.485 (3) (g) (6), Florida Administrative Code, governing interexchange carriers for specific requirements.

- ( ) 22. Does the tariff state when does a call begin and end? (Should begin when two way communication is possible and should be terminated when either party hangs up.)
- ( ) 23. Does the tariff state how timing is performed? (Should discuss hardware answer supervision and software answer supervision.)
- ( ) 24. Does the tariff state language for uncompleted calls?
- ( ) 25. Does the tariff state what increments are billed?
- ( ) 26. Does the tariff state how rounding is performed for billing purposes?
- ( ) 27. Does the tariff state how distance is calculated, and does it provide the formula for calculation of a call? (The utility may refer to either ATT-C's V&H coordinates or Bell's NECA Tariff #4.
- ( ) 28. Does the tariff state the minimum call completion rate? (This should be less than 10% blocking if Featured Group D.)
- ( ) 29. Does the tariff contain a complete description of each service it offers and how it is offered?



**Section 4 - "Rates**

Remember to include intrastate rates only. No interstate rates should be included unless the customer needs them to calculate the intrastate portion of his/her bill.

( ) 30. If the IXC assesses a late payment charge, then the charge must be in the tariff. [1.5% per month is the maximum allowed by current law.]

( ) 31. Does the tariff indicate a return check charge?

(Chapter 832,F.S), [Pursuant to Florida law, you have 30 days from receipt of this notice to tender payment in cash of the full amount of the check plus a service charge of \$25, if the face value does not exceed \$50, \$30, if the face value exceeds \$50 but does not exceed \$300, \$40, if the face value exceeds \$300, or 5 percent of the face amount of the check, whichever is greater.]

( ) 32. If the IXC assesses a restoration of service charge, then the charge must be in the tariff?

( ) 33. Does the tariff indicate any special promotions? (The promotion should include exactly what charges are being reduced or waived, who is eligible, what customers have to do to be eligible, starting and ending date of promotion.)

( ) 34. Does the tariff have language on the hearing impaired rule requirement which discounts day calls to evening rates and evening calls to night rates.

Section 25-4.079 (4). Florida Statutes, Hearing/Speech Impaired Persons.

( ) 35. Does the tariff have a statement that there will be no charge for the first 50 directory assistance calls made per billing cycle for lines or trunks serving individuals with disabilities?

Section 25-4.115 (3) (a), Florida Statutes, Directory Assistance,

- ( ) 36. Does the tariff have language covering the Telecommunications Relay Rule?

Section 25-4.160 (1), Florida Statutes, Operation of Telecommunications Relay service.

- ( ) 37. Does the tariff list all rates and charges per service?

- ( ) 38. If the IXC has them, does the tariff list all connection and minimum monthly charges?

- ( ) 39. Does the tariff have all the necessary data for computing a customers intrastate bill including any terms for discounts.

The discount should specify if interstate usage is also used in determining the effective discount.

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 1

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TITLE SHEET

FLORIDA TELECOMMUNICATIONS TARIFF

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by Bogus Communications, Inc., with principal offices at 101 East Money Street, Tallahassee, FL 32301. This tariff applies for services furnished within the state of Florida. This tariff is on file with the Florida Public Service Commission, and copies may be inspected, during normal business hours, at the Company's principal place of business.

NOTE: This tariff can be used as a guide or copied verbatim by changing the name, rates, and other information associated with Bogus Communications, Inc.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 2

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CHECK SHEET

The sheets listed below, which are inclusive of this tariff, are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date of the bottom of this page.

SHEET	REVISION
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original
12	Original
13	Original
14	Original
15	Original
16	Original
17	Original
18	Original

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By: J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 3

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TABLE OF CONTENTS

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Symbols Sheet.....4  
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Section 1 - Technical Terms and Abbreviations.....6  
Section 2 - Rules and Regulations.....7  
Section 3 - Description of Service.....12  
Section 4 - Rates.....16

Note: If you have more than 30 sheets you need to attach an index to the tariff after this page.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By: J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 4

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SYMBOLS SHEET

**NOTE:** These are the only approved symbols to be used in your tariff and this list of symbols must be copied verbatim.

- D - Delete Or Discontinue
- I - Change Resulting In An Increase to A Customer's Bill
- M - Moved From Another Tariff Location
- N - New
- R - Change Resulting In A Reduction To A Customer's Bill
- T - Change in Text Or Regulation But No Change In Rate Or Charge

---

ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 5

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TARIFF FORMAT SHEETS

**A. Sheet Numbering** - Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.

**B. Sheet Revision Numbers** - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the FPSC. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc, the FPSC follows in their tariff approval process, the most current sheet number on file with the Commission is not always the tariff page in effect. Consult the Check Sheet for the sheet currently in effect.

**C. Paragraph Numbering Sequence** - There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:

2.  
2.1.  
2.1.1.  
2.1.1.A.  
2.1.1.A.1.  
2.1.1.A.1.(a).  
2.1.1.A.1.(a).I.  
2.1.1.A.1.(a).I.(i).  
2.1.1.A.1.(a).I.(i).(1).

**D. Check Sheets** - When a tariff filing is made with the FPSC, an updated check sheet accompanies the tariff filing. The check sheet lists the sheets contained in the tariff, with a cross reference to the current revision number. When new pages are added, the check sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (\*). There will be no other symbols used on this page if these are the only changes made to it (i.e., the format, etc. remains the same, just revised revision levels on some pages). The tariff user should refer to the latest check sheet to find out if a particular sheet is the most current on file with the FPSC.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By: J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 6

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Access Line - An arrangement which connects the customer's location to the Company's network switching center.

Authorization Code - A numerical code, one or more of which are available to a customer to enable him/her to access the carrier, and which are used by the carrier both to prevent unauthorized access to its facilities and to identify the customer for billing purposes.

Company or Carrier - Bogus Communications, Inc.

Customer - the person, firm, corporation or other entity which orders service and is responsible for payment of charges due and compliance with the Company's tariff regulations.

Day - From 8:00 AM up to but not including 5:00 PM local time Sunday through Friday.

Evening - From 5:00 PM up to but not including 11:00 PM local time Sunday through Friday.

Holidays - The Company's recognized holidays are New Year's Day, July 4th, Thanksgiving Day, Christmas Day.

Night/Weekend - From 11:00 PM up to but not including 8:00 AM Sunday through Friday, and 8:00 AM Saturday up to but not including 5:00 PM Sunday.

YOU CAN USE THESE AND/OR ANY OTHER DEFINITIONS YOU WISH: JUST REMEMBER TO DEFINE HERE ANY UNUSUAL OR UNIQUE TERMINOLOGY USED IN THE BODY OF YOUR TARIFF.

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ISSUED: January 1, 1998

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By: J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301



BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 7

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SECTION 2 - RULES AND REGULATIONS

NOTE: Include in this section all of the rules and regulations you want to include - limitations, liabilities, restoration of service, interruption of service, maintenance, billing periods, refunds/credits, responsibilities of the customer, frequency restrictions, cancellations, non payment, etc.

2.1 Undertaking of the Company

The Company's services and facilities are furnished for communications originating at specified points within the state of Florida under terms of this tariff.

The Company's installs operates, and maintains the communications services provided herein in accordance with the terms and conditions set forth under this tariff. It may act as the customer's agent for ordering access connection facilities provided by other carriers or entities when authorized by the customer, to allow connection of a customer's location to the Company's network. The customer shall be responsible for all charges due for such service arrangement.

The Company's services and facilities are provided on a monthly basis unless ordered on a longer term basis, and are available twenty-four hours per day, seven days per week.

2.2 Limitations

2.2.1 Service is offered subject to the availability of facilities and provisions of this tariff.

2.2.2 The Company's reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control: or when the customer is using service in violation of the law or the provisions of this tariff.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 8

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SECTION 2 - RULES AND REGULATIONS continued

2.2 Limitations (Cont.)

- 2.2.3 All facilities provided under this tariff are directly controlled by the Company and the customer may not transfer or assign the use of service or facilities, except with the express written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.
- 2.2.4 All regulations and conditions contained in this tariff shall apply to all such permitted assignees or transferees, as well as all conditions for service.
- 2.2.5 Customers reselling or rebilling services must have a Certificate of Public Convenience and Necessity as an interexchange carrier from the Florida Public Service Commission.

2.3 Liabilities of the Company

- 2.3.1 The Company's liability arising out of mistakes, interruptions, omissions, delays, errors, or defects in the transmission occurring in the course of furnishing service or facilities, and not caused by the negligence of its employees or its agents, in no event shall exceed an amount equivalent to the proportionate charge to the customer for the period during which the aforementioned faults in transmission occur, unless ordered by the Commission.
- 2.3.2 The Company shall be indemnified and held harmless by the customer against:
- (A) Claims for libel, slander, or infringement of copyright arising out of the material, data, information, or other content transmitted over the Company's facilities.
- (B) All other claims arising out of any act or omission of the customer in connection with any service or facility provided by the Company.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By: J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 9

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SECTION 2 - RULES AND REGULATIONS continued

2.4 Interruption of Service

2.4.1 Credit allowance for the interruption of service which is not due to the Company's testing or adjusting, negligence of the customer, or due to the failure of channels or equipment provided by the customer, are subject to the general liability provisions set forth in Subsection 2.3.1. It shall be the customer's obligation to notify the Company immediately of any service interruption for which a credit allowance is desired. Before giving such notice, the customer shall ascertain that the trouble is not being caused by any action or omission by the customer within his control, or equipment, if any, furnished by the customer and connected to the Company's facilities. No refund or credit will be made for the time that the Company stands ready to repair the service and the subscriber does not provide access to the Company for such restoration work.

2.4.2 No credit shall be allowed for an interruption of a continuous duration of less than twenty-four hours after the subscriber notifies the Company.

2.4.3 The customer shall be credited for an interruption of more than twenty-four hours as follows:

Credit Formula:

Credit =  $A/720 \times C$

"A" - outage time in hours

"B" - each month is considered to have 720 hours

"C" - total monthly charge for affected facility

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By: J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 10

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SECTION 2 - RULES AND REGULATIONS continued

2.5 Disconnection of Service by Carrier

The company (carrier), upon 5 working days written notice to the customer, may discontinue service or cancel an application for service without incurring any liability for any of the following reasons:

- 2.5.1 Non-payment of any sum due to carrier for regulated service for more than thirty days beyond the date of rendition of the bill for such service.
- 2.5.2 A violation of any regulation governing the service under this tariff.
- 2.5.3 A violation of any law, rule, or regulation of any government authority having jurisdiction over such service.
- 2.5.4 The company has given the customer notice and has allowed a reasonable time to comply with any rule, or remedy, and deficiency as stated in Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company.
- 2.5.5 Service may be disconnected without notice for tampering with company equipment, for interfering with the service to other customers, for fraud, or in the event of a hazardous condition.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

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101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 11

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SECTION 2 - RULES AND REGULATIONS continued

THE FOLLOWING SUBSECTIONS DEALING WITH DEPOSITS AND ADVANCE PAYMENTS WILL BE IN THIS SECTION. RULE 25-24.490(2) FORBIDS COLLECTION OF ANY DEPOSITS, AND ANY ADVANCE PAYMENTS IN EXCESS OF ONE MONTH'S ESTIMATED CHARGES WITHOUT POSTING AN APPROPRIATE BOND OR OBTAINING A WAIVER OF THIS RULE. IF YOU DO NOT HAVE A BOND OR WAIVER YOU MUST STATE IN THIS SECTION SOMETHING TO THE EFFECT OF THE FOLLOWING:

2.6 Deposits

The Company does not require a deposit from the customer.

2.7 Advance Payments

For customers whom the Company feels an advance payment is necessary, the Company reserves the right to collect an amount not to exceed one (1) month's estimated charges as an advance payment for service. This will be applied against the next month's charges and if necessary a new advance payment will be collected for the next month.

2.8 Taxes

All state and local taxes (i.e., gross receipts tax, sales tax, municipal utilities tax) are listed on customer bills as separate line items and are not included in the quoted rates.

2.9 Billing of Calls

All charges due by the subscriber are payable at any agency duly authorized to receive such payments. Any objection to billed charges should be promptly reported to the Company. Adjustments to customers' bills shall be made to the extent that records are available and/or circumstances exist which reasonably indicate that such charges are not in accordance with approved rates or that an adjustment may otherwise be appropriate.

SECTION 3 - DESCRIPTION OF SERVICE

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 12

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THE FOLLOWING MUST BE INCLUDED IN THIS SECTION: HOW CALLS ARE TIMED, CALCULATION OF DISTANCE (INCLUDING FORMULA), MINIMUM CALL COMPLETION RATE, AND DESCRIPTIONS OF EACH SERVICE YOU ARE OFFERING. PLEASE REFER TO SECTION 25-24.485 (3) (g) (6) OF THE FPSC RULES GOVERNING INTEREXCHANGE CARRIERS FOR SPECIFIC REQUIREMENTS AND USE THE FOLLOWING FOR FORMAT REFERENCE.

**3.1 Timing of Calls**

**3.1.1 When Billing Charges Begin and End For Phone Calls**

The customer's long distance usage charge is based on the actual usage of the Company's network. Usage begins when the called party picks up the receiver, (i.e. when 2 way communication, often referred to as "conversation time" is possible.). When the called party picks up is determined by hardware answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. When software answer supervision is employed, up to 60 seconds of ringing is allowed before it is billed as usage of the network. A call is terminated when the calling or called party hangs up.

**3.1.2 Billing Increments**

The minimum call duration for billing purposes is 1 minute for a connected call and calls beyond 1 minute are billed in 1 minute increments.

**3.1.3 Per Call Billing Charges**

Billing will be rounded up to the nearest penny for each call.

**3.1.4 Uncompleted Calls**

There shall be no charges for uncompleted calls.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 13

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SECTION 3 - DESCRIPTION OF SERVICE continued

3.2 Calculation of Distance

Usage charges for all mileage sensitive products are based on the airline distance between rate centers associated with the originating and terminating points of the call.

The airline mileage between rate centers is determined by applying the formula below to the vertical and horizontal coordinates associated with the rate centers involved. The Company uses the rate centers that are produced by Bell Communications Research in the NPA-NXX V & H Coordinates Tape and Bell's NECA Tariff No. 4.

**FORMULA:**

The square  
root of: 
$$\frac{(V1 - V2)^2 + (H1 - H2)^2}{10}$$

3.3 Minimum Call Completion Rate

A customer can expect a call completion rate (number of calls completed / number of calls attempted) of not less than 90% during peak use periods for all Feature Group D services ("1+" dialing).

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BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 14

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SECTION 3 - DESCRIPTION OF SERVICE continued

3.4 Service Offerings

3.4.1 Bogus Long Distance Service

Bogus Long Distance Service is offered to residential and business customers. The service permits direct dialed outbound calling at a single per minute rate. Service is provided from presubscribed, dedicated or shared use access lines. Calls are billed in one minute increments. No monthly recurring charges or minimum monthly billing requirements apply.

3.4.2 Bogus 800/888 (Inbound) Long Distance Service

Bogus 800/888 (Inbound) Long Distance Service is offered to residential and business customers. The service permits inbound 800/888 calling at a single per minute rate. Service is provided from presubscribed, dedicated or shared use access lines. Calls are billed in six second increments, with a six second minimum call duration. A \$10.00 minimum monthly billing requirement applies. Customers whose monthly usage is less than the minimum will be billed the minimum amount.

3.4.3 Bogus Calling Card Service

Bogus Calling Card Service is a calling card service offered to residential and business customers who subscribe to the Bogus Long Distance Service calling plan. Customers using the Carrier's calling card service access the service by dialing a 1-800 number followed by an account identification number and the number being called. This service permits subscribers utilizing the Carrier's calling card to make calls at a single per minute rate. Calls are billed in one (1) minute increments after the initial minimum period of one (1) minute. There are no nonrecurring or monthly recurring charges.

SECTION 3 - DESCRIPTION OF SERVICE continued

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301



BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 15

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3.4.4 Operator Services

The Company's operator services are provided to residential and business customers who "presubscribe" to this service for intrastate calling. Operator services include the completion of collect, station-to-station, person-to-person, third party billing and credit card calls with the assistance of a Carrier operator. Each completed operator assisted call consists of two charge elements (except as otherwise indicated herein): (i) a fixed operator charge, which will be dependent on the type of billing selected (e.g., calling card, collect or other) and/or the completion restriction selected (e.g., station-to-station or person-to-person); and (ii) a measured usage charge dependent upon the duration, distance and/or time of call.

3.4.4.A Operator Dialed Surcharge

This surcharge applies to calls when the customer has the capability of dialing all the digits necessary to complete a call, but elects to dial only the appropriate operator code and requests the operator to dial the called station. The surcharge does not apply to:

- 1) Calls where a customer cannot otherwise dial the call due to defective equipment or trouble on the Bogus Communication, Inc. network; and
- 2) Calls in which a Company operator places a call for a calling party who is identified as being handicapped and unable to dial the call because of his/her handicap.

The Operator Dialed Surcharge applies in addition to any other applicable operator charges.

NOTE: Operator service from payphones or all aggregator locations must comply with the rate caps in sections 25-24.630 and 25-24.516, F.A.C for nonprescribed customers.

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BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 16

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SECTION 4 - RATES

REMEMBER TO INCLUDE INTRASTATE RATES ONLY - DO NOT INCLUDE INTERSTATE RATES UNLESS THE CUSTOMER NEEDS THEM TO CALCULATE THE INTRASTATE PORTION OF HIS/HER BILL. NOTE: IF BILLING IS IN ANYTHING OTHER THAN MINUTE INCREMENTS, ADD ANOTHER COLUMN INDICATING THESE CHARGES.

4.1 Boqus Long Distance Service

Rate per minute - \$0.10.  
Plan is billed in full minute increments.

4.2 Boqus 800/888 (Inbound) Long Distance Service

Rate per minute - \$0.12.  
Plan is billed in six second increments with a six second minimum.

4.3 Boqus Calling Card Service

Rate per minute - \$0.20.  
Plan is billed in full minute increments.

4.4 Operator Services (For presubscribed customers)

4.4.1 Usage Rates: The appropriate rate found under 4.1 or 4.3 shall apply.

4.4.2 Operator Charges:

Collect Station-to-Station	\$1.00
Collect Person-to-Person	\$3.25
Person-to-Person	\$3.25
Station-to-Station	\$1.00
Customer Dialed Calling Card	\$1.00
Operator Dialed Calling Card	\$1.75
Operator Dialed Surcharge	\$0.75

SECTION 4 - RATES continued

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By: J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 17

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4.5 Determining Applicable Rate in Effect

For the initial minute, the rate applicable at the start of chargeable time at the calling station applies. For additional minutes, the rate applicable is that rate which is in effect at the calling station when the additional minute(s) begin. That is, if chargeable time begins during the Day Period, the Day Rate applies to the initial minute and to any additional minutes that the call continues during the rate period. If the call continues into a different rate period, the appropriate rates from that period apply to any additional minutes occurring in that rate period. If an additional minute is split between two rate periods, the rate period applicable at the start of the minute applies to the entire minute.

4.6 Payment of Calls

4.6.1 Late Payment Charges

A late payment Charge of 1.5% per month will be assessed on all unpaid balances more than thirty days old.

4.6.2 Return Check Charges

A return check charge of \$25.00 will be assessed for checks returned for insufficient funds if the face value does not exceed \$50.00, \$30.00 if the face value does exceed \$50.00 but does not exceed \$300.00, \$40.00 if the face value exceeds \$300.00 or 5% of the value of the check, which ever is greater.

4.7 Restoration of Service

A reconnection fee of \$25.00 per occurrence is charged when service is re-established for customers who had been disconnected for non-payment.

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BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 18

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SECTION 4 - RATES continued

IF YOU WANT TO OFFER SPECIAL PROMOTIONS YOU WILL HAVE TO PUT IN A SECTION EQUIVALENT TO THE ONE BELOW. PLEASE REFER TO RULE NUMBER (25-24.485(1)(1)).

4.8 Special Promotions

The company will, from time to time, offer special promotions to its customers waiving certain charges. These promotions will be approved by the FPSC with specific starting and ending dates, and be made part of this tariff.

4.9 Special Rates For The Handicapped

4.9.1. Directory Assistance

There shall be no charge for up to fifty calls per billing cycle from lines or trunks serving individuals with disabilities. The Company shall charge the prevailing tariff rates for every call in excess of 50 within a billing cycle.

4.9.2. Hearing and Speech Impaired Persons

Intrastate toll message rates for TDD users shall be evening rates for daytime calls and night rates for evening and night calls.

4.9.3. Telecommunications Relay Service

For intrastate toll calls received from the relay service, the Company will when billing relay calls discount relay service calls by 50 percent off of the otherwise applicable rate for a voice nonrelay call except that where either the calling or called party indicates that either party is both hearing and visually impaired, the call shall be discounted 60 percent off of the otherwise applicable rate for a voice nonrelay call. The above discounts apply only to time-sensitive elements of a charge for the call and shall not apply to per call charges such as a credit card surcharge.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

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

STATE OF FLORIDA



DIVISION OF COMPETITIVE MARKETS &  
ENFORCEMENT  
BETH W. SALAK  
DIRECTOR  
(850) 413-6600

Public Service Commission

August 8, 2003

**CERTIFIED**

Digitec  
99 Madison Avenue, 3<sup>rd</sup> Floor  
New York, NY 10016

Dear Sir or Madam:

The purpose of this letter is to notify you that staff did not receive your response to its July 15, 2003, letter (copy enclosed). This letter is also to notify you of the possible penalty that may be imposed by the Florida Public Service Commission (Commission) on Digitec if it does not comply with Commission rules, and to urge you to provide a timely, appropriate response.

Section 364.285, Florida Statutes (F.S.), authorizes the Commission to impose a penalty of not more than \$25,000 per day for each offense upon any entity subject to its jurisdiction which is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission. As the provider of intrastate interexchange telecommunications services in Florida, Digitec is subject to the Commission's jurisdiction and its rules, orders and statutes. Staff strongly urges you to provide the information requested in its July 15, 2003, letter by August 29, 2003.

Sincerely,

A handwritten signature in cursive script that reads "Melinda Watts".

Melinda Watts  
Bureau of Service Quality

Enclosure

cc: Division of Competitive Markets & Enforcement (Gilchrist)

Ref: TMS 623  
CATS 532583T & 541837T

Enclosure

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

STATE OF FLORIDA



DIVISION OF COMPETITIVE MARKETS &  
ENFORCEMENT  
BETH W. SALAK  
DIRECTOR  
(850) 413-6600

Public Service Commission

July 15, 2003

Digitec  
99 Madison Avenue, 3<sup>rd</sup> Floor  
New York, NY 10016

Dear Sir or Madam:

The purpose of this letter is to address two issues: two consumer complaints and registration as an intrastate interexchange telecommunications provider in Florida. I will address the consumer complaints first.

The first complaint was filed on May 12, 2003, by Ms. Althia Gabrilowitz with the Florida Public Service Commission (Commission) against Digitec regarding a prepaid calling card (PIN number 135 9135 447). The complaint has been assigned Request No. 532583T and a copy is enclosed (Enclosure 1).

Ms. Gabrilowitz purchased the card for \$5.00 on May 1, 2003, and subsequently attempted to use the card. Her call attempt was not completed (the call was not connected), so she attempted the call again. The recording then stated that only \$3.00 remained on the card. She contacted customer service to dispute the \$2.00 being deducted from the balance on the card for a call that was never connected, and was informed that the \$2.00 would be placed back on the card within an hour. She attempted the call again the next day and found that the \$2.00 had not been refunded. She again called customer service and was informed that the \$2.00 would not be placed back on the card. Please contact Ms. Gabrilowitz (contact information located on Enclosure 1) to resolve her complaint.

The second complaint was filed with the Commission on July 1, 2003, by Ms. Mayra Veliz against Digitec regarding a prepaid calling card (PIN number 192 9300 398). Ms. Veliz's complaint has been assigned Request No. 541837T and a copy is enclosed (Enclosure 2).

Ms. Veliz purchased the card for \$5.00 on June 1, 2003, and shortly thereafter attempted to use the card; however, she could not get through to the called number. She noted that when she tried again, the balance on the card had dropped. Ms. Veliz claims that there are 12 minutes remaining on the card, and since she was unable to get any use out of the card she would like her \$5.00 refunded. Please contact Ms. Veliz (contact information located on Enclosure 2) to resolve her complaint.

Please provide me a written response explaining the resolution of the customers' complaints and the reason why each customer's account balance was reduced for incomplete calls. Your response should include a detailed listing of each deduction from each card with the date, amount,

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An Affirmative Action/Equal Opportunity Employer

PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

Digitec  
Page 2  
July 15, 2003

and type of deduction. Also, please furnish a copy of the point-of-sale information supplied with your prepaid calling cards in Florida, as well as the name of the company from which Digitec purchases network time.

Section 364.02(13)(g), Florida Statutes (F.S.), requires each intrastate interexchange telecommunications company to provide the Commission with information to contact and communicate with the company. Please complete and submit the contact information requested on the enclosed form (Enclosure 3). Additionally, Section 364.04, F.S., requires that every telecommunication company file a tariff with the Commission showing the rates, tolls, rentals, contracts, and charges of that company for service to be performed within the state. A tariff checklist and a sample tariff are enclosed to assist you in its preparation (Enclosure 4).

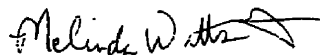
To summarize, Digitec should provide the following information by August 4, 2003:

1. Response to the customer complaints (including an explanation of the draw-down of time for uncompleted calls), point-of-sale information, and the name of the company from which Digitec purchases network time. Please mail this information directly to my attention at the address shown on the bottom of the first page of this letter.
2. Company contact information and a tariff. This information should be mailed to:

Florida Public Service Commission  
Division of the Commission Clerk & Administrative Services  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

If you have any questions, please contact me at (850) 413-6952.

Sincerely,



Melinda Watts  
Bureau of Service Quality

Enclosures (4)

1. Request No. 532583T
2. Request No. 541837T
3. Change of Company Information on Regulated Utility form
4. Tariff checklist and sample tariff

cc: Department of Revenue  
Division of Competitive Markets & Enforcement (Gilchrist)

Ref: TMS 201 & 588  
CATS 532583T & 541837T

Request No. <u>532583T</u> Name <u>GABRILOWITZ ,ALTHIA MS.</u> Business Name _____		
<b>Consumer Information</b>  Name: ALTHIA GABRILOWITZ  Business Name:  Address: 8320 NW 80TH STREET   County: Broward      Phone:  City/Zip: Tamarac      / 33321-  Account Number:  Caller's Name: ALTHIA GABRILOWITZ  Billing Address: 8320 NW 80TH STREET   City/Zip: TAMARAC ,FL 33321-  Can Be Reached: (954)-722-4795  Tracking Number:	<b>Florida Public Service Commission - Consumer Request</b> <b>2540 Shumard Oak Boulevard</b> <b>Tallahassee, Florida 32399</b> <b>850-413-6100</b>	<b>PSC Information</b>  Assigned To: MELINDA WATTS Entered By: DKF Date: 05/12/2003 Time: 15:23 Via: FAX Prelim Type: PREPAID CALLING PO: Disputed Amt:      2.00
	<b>Utility Information</b> Company Code: NA Company: DIGITEC Attn. Response Needed From Company?    Y Date Due: 07/03/2003 Fax:      R	Supmntl Rpt Req'd:    /    / Certified Letter Sent:    /    / Certified Letter Rec'd:    /    /
	Interim Report Received:    /    / Reply Received:    /    / Reply Received Timely/Late: Informal Conf.: N	Closed by: Date:    /    / Closeout Type: Apparent Rule Violation: ?

close type - Prepaid Calling Card

When did you purchase the card? 05/01/2003

Where did you purchase the card? Distribution store in Ft. Lauderdale, FL.

What was the cost of the card? \$5.00

How many minutes were on the card? Unsure, but was informed verbally that 70 minutes were on the card.

Other Comments: Customer states she attempted to use her card shortly after buying it on 05/01/2003. She states the call was not connected so she attempted to place the call again and was informed that she had \$3.00 remaining. She disputes \$2.00 being taken from the card when no connection was made. She states customer service informed her that the \$2.00 would be placed back onto the card within an hour, but when she attempted

Request No. <u>532583T</u>	Name <u>GABRILOWITZ ,ALTHIA MS.</u>	Business Name _____
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ENCLOSURE NO: 1

Enclosure 1

ATTACHMENT B



Call today the \$2.00 had not been refunded. She states customer service informed her on 05/02/2003 that the \$2.00 would not be refunded. She requests \$2.00 refunded to card.

Please investigate this matter, contact the customer, and provide a detailed written report to the Florida Public Service Commission by the due date.

Action taken by DFalise  
Lead Response to  
Phone number 850-413-7168  
Email : PSCREPLY@PSC.STATE.FL.US

11/13/2003 Forwarding complaint to technical for review. Digitec does not appear to have a certificate. Digitec does not appear in the Master Commission Directory as a company name or DBA. ACalhoun

11/16/2003 Case reassigned to the Division of Competitive Markets and Enforcement. P.Lowery

11/23/03 - Acknowledgement letter sent to the customer. Searching for an address for the company. --mw

11/29/03 - I still have not found an address for the company.

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Request No. 532583T Name GABRILOWITE ,ALTHIA MS. Business Name \_\_\_\_\_

FILE NO: 2

v

Request No. <u>541837T</u> Name <u>VELIZ ,MAYRA MS.</u> Business Name _____	
<b>Consumer Information</b> Name: MAYRA VELIZ Business Name: Svc Address: PO BOX 144085  County: Dade Phone: (305)-207-4414 City/Zip: Coral Gables / 33114- Account Number: Caller's Name: MAYRA VELIZ Mailing Address: PO BOX 144085  City/Zip: CORAL GABLES ,FL 33114- Can Be Reached: (305)-207-4414 E-Tracking Number:	<b>Florida Public Service Commission - Consumer Request</b> <b>2540 Shumard Oak Boulevard</b> <b>Tallahassee, Florida 32399</b> <b>850-413-6100</b>
	<b>Utility Information</b> Company Code: NA Company: DIGITEC Attn. Response Needed From Company? Y Date Due: 07/23/2003 Fax: R
	Interim Report Received: / / Reply Received: / / Reply Received Timely/Late: Informal Conf.: N
<b>PSC Information</b> Assigned To: MELINDA WATTS Entered By: LAW Date: 07/01/2003 Time: 08:49 Via: FAX Prelim Type: PREPAID CALLING PO: Disputed Amt: 5.00 Supntl Rpt Req'd: / / Certified Letter Sent: / / Certified Letter Rec'd: / / Closed by: Date: / / Closeout Type: Apparent Rule Violation	

Prepaid type - Prepaid Calling Card  
 Request customer send in a copy of the front and back of the card.  
 When did you purchase the card? 06/01/2003  
 Where did you purchase the card?  
 What was the cost of the card? 5.00  
 How many minutes were on the card? 12 minutes  
 Other Comments: Customer states that she did not get any use out of the card. Customer states that when you

Request No. 541837T Name VELIZ ,MAYRA MS. Business Name \_\_\_\_\_

PAGE NO: 1

Enclosure 2

- 42 -

try to access the call you cannot get through, and then when you call back to try again it has already deducted minutes from your account. Customer would like the company providing these services investigated and would like a refund on card that was purchased.

Please investigate this matter, contact the customer, and provide a detailed written report to the Florida Public Service Commission by the due date.

Case taken by Lee White  
Send Response to  
Fax number 850-413-7168  
E-mail : PSCREPLY@PSC.STATE.FL.US

07/01/2003 Digitec cannot be located in the Master Commission Directory. Requesting case be forwarded to CMP for review. ACalhoun

7/8/2003 Case reassigned to the Division of Competitive Markets and Enforcement. P.Lowery

7/10/03: Received complaint and reassigned it to Melinda Watts. RK

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Request No. 541837T      Name VELIZ ,MAYRA MS.      Business Name

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PAGE NO: 2

**IXC REGISTRATION FORM**

Company Name \_\_\_\_\_

Florida Secretary of State Registration No. \_\_\_\_\_

Fictitious Name(s) as filed at Fla. Sec. of State \_\_\_\_\_

Company Mailing Name \_\_\_\_\_

Mailing Address \_\_\_\_\_

Web Address \_\_\_\_\_

E-mail Address \_\_\_\_\_

Physical Address \_\_\_\_\_

Company Liaison \_\_\_\_\_

Title \_\_\_\_\_

Phone \_\_\_\_\_

Fax \_\_\_\_\_

E-mail address \_\_\_\_\_

Consumer Liaison \_\_\_\_\_

Title \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Fax \_\_\_\_\_

E-mail address \_\_\_\_\_

My company's tariff as required in Section 364.04, Florida Statutes, is enclosed with this form. I understand that my company must notify the Commission of any changes to the above information pursuant to Section 364.02, Florida Statutes. My company will owe Regulatory Assessment Fees for each year or partial year my registration is active pursuant to Section 364.336, Florida Statutes. My company will comply with Section 364.603, Florida Statutes, concerning carrier selection requirements, and Section 364.604, Florida Statutes, concerning billing practices.

\_\_\_\_\_  
Signature of Company Representative

\_\_\_\_\_  
Printed/Typed Name of Representative

\_\_\_\_\_  
Date

## CHECK LIST FOR IXC TARIFFS.

**Note:** This check list is for Interexchange Telecommunications Company (IXC) Tariffs and should **not be** returned with your application and tariff. The check list is provided to better understand what the Florida Public Service Commission (FPSC) will look for when reviewing a new IXC tariff. However, the IXC tariff check list is not intended to be an all-inclusive check list for all IXC tariffs. Staff reviewing the new IXC tariff may possibly ask for changes to the tariff which are not mentioned in this IXC check list.

REMEMBER THE WORDING IN THE EXAMPLE TARIFF CAN BE USED AS A GUIDE AND CERTAIN PARTS CAN BE COPIED VERBATIM BY CHANGING NAMES AND OTHER INFORMATION.

### General Requirements:

- ( ) 1. Is the company name in the upper left hand corner of each tariff sheet and are all tariff sheets correctly numbered in the upper right hand corner?
- ( ) 2. Is the effective date (lower right hand corner) space left blank on each tariff sheet?
- ( ) 3. Is the name, title, and complete business address of the company officer responsible for the tariff listed at the bottom center of each tariff sheet?

### Title Requirements:

- ( ) 4. Is the Tariff Title Sheet included with required wording (This can be copied verbatim)?
- ( ) 5. Does the Tariff Check Sheet have all the pages listed?
- ( ) 6. Does the tariff contain a Table of Contents?
- ( ) 7. If the tariff contains 30 or more sheets, does it contain an index?
- ( ) 8. Does the tariff contain a Symbol sheet using the only approved symbols in D, I, M, N, R, and T and are they defined correctly?
- ( ) 9. Is there a "Tariff Format Sheet" that discusses the following; Sheet Numbering, Sheet Revision Numbering, Paragraph Numbering Sequence, and Check Sheets?

Section 1 - "Technical Terms and Abbreviations:"

- ( ) 10. Does Section 1 define such terms as day, evening, night/weekend, holidays, any unusual or unique terminology used in the body of the tariff, trade names of the long distance services, and any other terminology deemed necessary

Section 2 - "Rules and Regulations:"

- ( ) 11. Does the tariff contain language concerning the "Undertaking of the Company".?
- ( ) 12. Does the tariff contain language concerning "Limitations of Service"?
- ( ) 13. Does the tariff contain language concerning "Liabilities of the Company" ?
- ( ) 14. Does the tariff contain language concerning "Interruption of Service"?
- ( ) 15. Is there language containing disconnection of service by the company ?
- ( ) 16. Is There a statement that resellers & rebillers of the company's service must be certificated?
- ( ) 17. Is there a statement concerning deposits ? (If the company requires customer deposits, has the company posted a bond or has the bond requirement been waived?)
- ( ) 18. Is there a statement concerning Advance Payments? (The company is allowed to collect an amount not to exceed one month's estimated charges and advance payment for service. This amount must be credited back to the end user in the next months bill but not recollected).

[Rule 25-24.490(2), Florida Administrative Code, forbids collection of any deposit and any advance payments in excess of one month's estimated charges without posting an appropriate bond or obtaining a waiver of this Rule.]

- ( ) 19. Is there a statement indicating all state and local taxes are listed as separate line items and are not included in the quoted rates (i.e., gross receipts tax, sales tax, municipal utilities tax).

**Section 2 - "Rules and Regulations continued:"**

- ( ) 20. Is there a statement indicating the billing procedures (How will calls be billed to the end user and who is the billing agent.)
- ( ) 21. Is there a statement that resellers and rebillers of the company's service must be certificated as an IXC by the Commission.

In addition to the above items, your company should include in this section any language concerning the following: restoration of service, maintenance, billing periods, refunds/credits, responsibilities of the customer, cancellations, nonpayment, restrictions, etc.

**Section 3 - Description of Service:**

In this section the following must be included: How calls are timed, Calculation of Distance (including the formula), minimum call completion rate, and description of each service offered.

You may refer to Section 25-24.485 (3) (g) (6), Florida Administrative Code, governing interexchange carriers for specific requirements.

- ( ) 22. Does the tariff state when does a call begin and end? (Should begin when two way communication is possible and should be terminated when either party hangs up.)
- ( ) 23. Does the tariff state how timing is performed? (Should discuss hardware answer supervision and software answer supervision.)
- ( ) 24. Does the tariff state language for uncompleted calls?
- ( ) 25. Does the tariff state what increments are billed?
- ( ) 26. Does the tariff state how rounding is performed for billing purposes?
- ( ) 27. Does the tariff state how distance is calculated, and does it provide the formula for calculation of a call? (The utility may refer to either ATT-C's V&H coordinates or Bell's NECA Tariff #4.
- ( ) 28. Does the tariff state the minimum call completion rate? (This should be less than 10% blocking if Featured Group D.)
- ( ) 29. Does the tariff contain a complete description of each service it offers and how it is offered?

**Section 4 - "Rates**

Remember to include intrastate rates only. No interstate rates should be included unless the customer needs them to calculate the intrastate portion of his/her bill.

( ) 30. If the IXC assesses a late payment charge, then the charge must be in the tariff. [1.5% per month is the maximum allowed by current law.]

( ) 31. Does the tariff indicate a return check charge?

(Chapter 832,F.S), [Pursuant to Florida law, you have 30 days from receipt of this notice to tender payment in cash of the full amount of the check plus a service charge of \$25, if the face value does not exceed \$50, \$30, if the face value exceeds \$50 but does not exceed \$300, \$40, if the face value exceeds \$300, or 5 percent of the face amount of the check, whichever is greater.]

( ) 32. If the IXC assesses a restoration of service charge, then the charge must be in the tariff?

( ) 33. Does the tariff indicate any special promotions? (The promotion should include exactly what charges are being reduced or waived, who is eligible, what customers have to do to be eligible, starting and ending date of promotion.)

( ) 34. Does the tariff have language on the hearing impaired rule requirement which discounts day calls to evening rates and evening calls to night rates.

Section 25-4.079 (4). Florida Statutes, Hearing/Speech Impaired Persons.

( ) 35. Does the tariff have a statement that there will be no charge for the first 50 directory assistance calls made per billing cycle for lines or trunks serving individuals with disabilities?

Section 25-4.115 (3) (a), Florida Statutes, Directory Assistance,



- ( ) 36. Does the tariff have language covering the Telecommunications Relay Rule?  
  
Section 25-4.160 (1), Florida Statutes, Operation of Telecommunications Relay service.
- ( ) 37. Does the tariff list all rates and charges per service?
- ( ) 38. If the IXC has them, does the tariff list all connection and minimum monthly charges?
- ( ) 39. Does the tariff have all the necessary data for computing a customers intrastate bill including any terms for discounts.

The discount should specify if interstate usage is also used in determining the effective discount.

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 1

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TITLE SHEET

FLORIDA TELECOMMUNICATIONS TARIFF

This tariff contains the descriptions, regulations, and rates applicable to the furnishing of service and facilities for telecommunications services provided by Bogus Communications, Inc., with principal offices at 101 East Money Street, Tallahassee, FL 32301. This tariff applies for services furnished within the state of Florida. This tariff is on file with the Florida Public Service Commission, and copies may be inspected, during normal business hours, at the Company's principal place of business.

NOTE: This tariff can be used as a guide or copied verbatim by changing the name, rates, and other information associated with Bogus Communications, Inc.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

DOCKET NO. 030947-TI  
DATE: October 22, 2003

ATTACHMENT B

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 2

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CHECK SHEET

The sheets listed below, which are inclusive of this tariff, are effective as of the date shown at the bottom of the respective sheet(s). Original and revised sheets as named below comprise all changes from the original tariff and are currently in effect as of the date of the bottom of this page.

SHEET	REVISION
1	Original
2	Original
3	Original
4	Original
5	Original
6	Original
7	Original
8	Original
9	Original
10	Original
11	Original
12	Original
13	Original
14	Original
15	Original
16	Original
17	Original
18	Original

---

ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 3

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TABLE OF CONTENTS

Title Sheet.....1  
Check Sheet.....2  
Table of Contents.....3  
Symbols Sheet.....4  
Tariff Format Sheets.....5  
Section 1 - Technical Terms and Abbreviations.....6  
Section 2 - Rules and Regulations.....7  
Section 3 - Description of Service.....12  
Section 4 - Rates.....16

Note: If you have more than 30 sheets you need to attach an index to the tariff after this page.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

DOCKET NO. 030947-TI  
DATE: October 22, 2003

ATTACHMENT B

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 4

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SYMBOLS SHEET

NOTE: These are the only approved symbols to be used in your tariff and this list of symbols must be copied verbatim.

- D - Delete Or Discontinue
- I - Change Resulting In An Increase to A Customer's Bill
- M - Moved From Another Tariff Location
- N - New
- R - Change Resulting In A Reduction To A Customer's Bill
- T - Change in Text Or Regulation But No Change In Rate Or Charge

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 5

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TARIFF FORMAT SHEETS

A. **Sheet Numbering** - Sheet numbers appear in the upper right corner of the page. Sheets are numbered sequentially. However, new sheets are occasionally added to the tariff. When a new sheet is added between sheets already in effect, a decimal is added. For example, a new sheet added between sheets 14 and 15 would be 14.1.

B. **Sheet Revision Numbers** - Revision numbers also appear in the upper right corner of each page. These numbers are used to determine the most current sheet version on file with the FPSC. For example, the 4th revised Sheet 14 cancels the 3rd revised Sheet 14. Because of various suspension periods, deferrals, etc, the FPSC follows in their tariff approval process, the most current sheet number on file with the Commission is not always the tariff page in effect. Consult the Check Sheet for the sheet currently in effect.

C. **Paragraph Numbering Sequence** - There are nine levels of paragraph coding. Each level of coding is subservient to its next higher level:

2.  
2.1.  
2.1.1.  
2.1.1.A.  
2.1.1.A.1.  
2.1.1.A.1.(a).  
2.1.1.A.1.(a).I.  
2.1.1.A.1.(a).I.(i).  
2.1.1.A.1.(a).I.(i).(1).

D. **Check Sheets** - When a tariff filing is made with the FPSC, an updated check sheet accompanies the tariff filing. The check sheet lists the sheets contained in the tariff, with a cross reference to the current revision number. When new pages are added, the check sheet is changed to reflect the revision. All revisions made in a given filing are designated by an asterisk (\*). There will be no other symbols used on this page if these are the only changes made to it (i.e., the format, etc. remains the same, just revised revision levels on some pages). The tariff user should refer to the latest check sheet to find out if a particular sheet is the most current on file with the FPSC.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By: J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 6

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SECTION 1 - TECHNICAL TERMS AND ABBREVIATIONS

Access Line - An arrangement which connects the customer's location to the Company's network switching center.

Authorization Code - A numerical code, one or more of which are available to a customer to enable him/her to access the carrier, and which are used by the carrier both to prevent unauthorized access to its facilities and to identify the customer for billing purposes.

Company or Carrier - Bogus Communications, Inc.

Customer - the person, firm, corporation or other entity which orders service and is responsible for payment of charges due and compliance with the Company's tariff regulations.

Day - From 8:00 AM up to but not including 5:00 PM local time Sunday through Friday.

Evening - From 5:00 PM up to but not including 11:00 PM local time Sunday through Friday.

Holidays - The Company's recognized holidays are New Year's Day, July 4th, Thanksgiving Day, Christmas Day.

Night/Weekend - From 11:00 PM up to but not including 8:00 AM Sunday through Friday, and 8:00 AM Saturday up to but not including 5:00 PM Sunday.

YOU CAN USE THESE AND/OR ANY OTHER DEFINITIONS YOU WISH: JUST REMEMBER TO DEFINE HERE ANY UNUSUAL OR UNIQUE TERMINOLOGY USED IN THE BODY OF YOUR TARIFF.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

DOCKET NO. 030947-TI  
DATE: October 22, 2003

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 7

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SECTION 2 - RULES AND REGULATIONS

**NOTE:** Include in this section all of the rules and regulations you want to include - limitations, liabilities, restoration of service, interruption of service, maintenance, billing periods, refunds/credits, responsibilities of the customer, frequency restrictions, cancellations, non payment, etc.

**2.1 Undertaking of the Company**

The Company's services and facilities are furnished for communications originating at specified points within the state of Florida under terms of this tariff.

The Company's installs operates, and maintains the communications services provided herein in accordance with the terms and conditions set forth under this tariff. It may act as the customer's agent for ordering access connection facilities provided by other carriers or entities when authorized by the customer, to allow connection of a customer's location to the Company's network. The customer shall be responsible for all charges due for such service arrangement.

The Company's services and facilities are provided on a monthly basis unless ordered on a longer term basis, and are available twenty-four hours per day, seven days per week.

**2.2 Limitations**

2.2.1 Service is offered subject to the availability of facilities and provisions of this tariff.

2.2.2 The Company's reserves the right to discontinue furnishing service, or limit the use of service necessitated by conditions beyond its control: or when the customer is using service in violation of the law or the provisions of this tariff.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301



BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 8

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SECTION 2 - RULES AND REGULATIONS continued

2.2 Limitations (Cont.)

- 2.2.3 All facilities provided under this tariff are directly controlled by the Company and the customer may not transfer or assign the use of service or facilities, except with the express written consent of the Company. Such transfer or assignment shall only apply where there is no interruption of the use or location of the service or facilities.
- 2.2.4 All regulations and conditions contained in this tariff shall apply to all such permitted assignees or transferees, as well as all conditions for service.
- 2.2.5 Customers reselling or rebilling services must have a Certificate of Public Convenience and Necessity as an interexchange carrier from the Florida Public Service Commission.

2.3 Liabilities of the Company

- 2.3.1 The Company's liability arising out of mistakes, interruptions, omissions, delays, errors, or defects in the transmission occurring in the course of furnishing service or facilities, and not caused by the negligence of its employees or its agents, in no event shall exceed an amount equivalent to the proportionate charge to the customer for the period during which the aforementioned faults in transmission occur, unless ordered by the Commission.
- 2.3.2 The Company shall be indemnified and held harmless by the customer against:
- (A) Claims for libel, slander, or infringement of copyright arising out of the material, data, information, or other content transmitted over the Company's facilities.
- (B) All other claims arising out of any act or omission of the customer in connection with any service or facility provided by the Company.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By: J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 9

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SECTION 2 - RULES AND REGULATIONS continued

2.4 Interruption of Service

2.4.1 Credit allowance for the interruption of service which is not due to the Company's testing or adjusting, negligence of the customer, or due to the failure of channels or equipment provided by the customer, are subject to the general liability provisions set forth in Subsection 2.3.1. It shall be the customer's obligation to notify the Company immediately of any service interruption for which a credit allowance is desired. Before giving such notice, the customer shall ascertain that the trouble is not being caused by any action or omission by the customer within his control, or equipment, if any, furnished by the customer and connected to the Company's facilities. No refund or credit will be made for the time that the Company stands ready to repair the service and the subscriber does not provide access to the Company for such restoration work.

2.4.2 No credit shall be allowed for an interruption of a continuous duration of less than twenty-four hours after the subscriber notifies the Company.

2.4.3 The customer shall be credited for an interruption of more than twenty-four hours as follows:

Credit Formula:

$$\text{Credit} = A/720 \times C$$

"A" - outage time in hours

"B" - each month is considered to have 720 hours

"C" - total monthly charge for affected facility

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 10

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SECTION 2 - RULES AND REGULATIONS continued

**2.5 Disconnection of Service by Carrier**

The company (carrier), upon 5 working days written notice to the customer, may discontinue service or cancel an application for service without incurring any liability for any of the following reasons:

- 2.5.1 Non-payment of any sum due to carrier for regulated service for more than thirty days beyond the date of rendition of the bill for such service.
- 2.5.2 A violation of any regulation governing the service under this tariff.
- 2.5.3 A violation of any law, rule, or regulation of any government authority having jurisdiction over such service.
- 2.5.4 The company has given the customer notice and has allowed a reasonable time to comply with any rule, or remedy, and deficiency as stated in Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company.
- 2.5.5 Service may be disconnected without notice for tampering with company equipment, for interfering with the service to other customers, for fraud, or in the event of a hazardous condition.

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By: J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 11

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SECTION 2 - RULES AND REGULATIONS continued

THE FOLLOWING SUBSECTIONS DEALING WITH DEPOSITS AND ADVANCE PAYMENTS WILL BE IN THIS SECTION. RULE 25-24.490(2) FORBIDS COLLECTION OF ANY DEPOSITS, AND ANY ADVANCE PAYMENTS IN EXCESS OF ONE MONTH'S ESTIMATED CHARGES WITHOUT POSTING AN APPROPRIATE BOND OR OBTAINING A WAIVER OF THIS RULE. IF YOU DO NOT HAVE A BOND OR WAIVER YOU MUST STATE IN THIS SECTION SOMETHING TO THE EFFECT OF THE FOLLOWING:

**2.6 Deposits**

The Company does not require a deposit from the customer.

**2.7 Advance Payments**

For customers whom the Company feels an advance payment is necessary, the Company reserves the right to collect an amount not to exceed one (1) month's estimated charges as an advance payment for service. This will be applied against the next month's charges and if necessary a new advance payment will be collected for the next month.

**2.8 Taxes**

All state and local taxes (i.e., gross receipts tax, sales tax, municipal utilities tax) are listed on customer bills as separate line items and are not included in the quoted rates.

**2.9 Billing of Calls**

All charges due by the subscriber are payable at any agency duly authorized to receive such payments. Any objection to billed charges should be promptly reported to the Company. Adjustments to customers' bills shall be made to the extent that records are available and/or circumstances exist which reasonably indicate that such charges are not in accordance with approved rates or that an adjustment may otherwise be appropriate.

SECTION 3 - DESCRIPTION OF SERVICE

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ISSUED: January 1, 1998

EFFECTIVE: \_\_\_\_\_

By: J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

BOGUS COMMUNICATIONS, INC.  
(also include any d/b/a's)

Florida Tariff No. 1  
Original Sheet 12

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THE FOLLOWING MUST BE INCLUDED IN THIS SECTION: HOW CALLS ARE TIMED, CALCULATION OF DISTANCE (INCLUDING FORMULA), MINIMUM CALL COMPLETION RATE, AND DESCRIPTIONS OF EACH SERVICE YOU ARE OFFERING. PLEASE REFER TO SECTION 25-24.485 (3) (g) (6) OF THE FPSC RULES GOVERNING INTEREXCHANGE CARRIERS FOR SPECIFIC REQUIREMENTS AND USE THE FOLLOWING FOR FORMAT REFERENCE.

**3.1 Timing of Calls**

**3.1.1 When Billing Charges Begin and End For Phone Calls**

The customer's long distance usage charge is based on the actual usage of the Company's network. Usage begins when the called party picks up the receiver, (i.e. when 2 way communication, often referred to as "conversation time" is possible.). When the called party picks up is determined by hardware answer supervision in which the local telephone company sends a signal to the switch or the software utilizing audio tone detection. When software answer supervision is employed, up to 60 seconds of ringing is allowed before it is billed as usage of the network. A call is terminated when the calling or called party hangs up.

**3.1.2 Billing Increments**

The minimum call duration for billing purposes is 1 minute for a connected call and calls beyond 1 minute are billed in 1 minute increments.

**3.1.3 Per Call Billing Charges**

Billing will be rounded up to the nearest penny for each call.

**3.1.4 Uncompleted Calls**

There shall be no charges for uncompleted calls.

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EFFECTIVE: \_\_\_\_\_

By:

J. T. Bogus, President  
101 East Money Street  
Tallahassee, FL 32301

DOCKET NO. 030947-TI  
 DATE: October 22, 2003

BOGUS COMMUNICATIONS, INC.  
 (also include any d/b/a's)

Florida Tariff No. 1  
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SECTION 3 - DESCRIPTION OF SERVICE continued

3.2 Calculation of Distance

Usage charges for all mileage sensitive products are based on the airline distance between rate centers associated with the originating and terminating points of the call.

The airline mileage between rate centers is determined by applying the formula below to the vertical and horizontal coordinates associated with the rate centers involved. The Company uses the rate centers that are produced by Bell Communications Research in the NPA-NXX V & H Coordinates Tape and Bell's NECA Tariff No. 4.

**FORMULA:**

The square  
 root of: 
$$\frac{(V1 - V2)^2 + (H1 - H2)^2}{10}$$

3.3 Minimum Call Completion Rate

A customer can expect a call completion rate (number of calls completed / number of calls attempted) of not less than 90% during peak use periods for all Feature Group D services ("1+" dialing).

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SECTION 3 - DESCRIPTION OF SERVICE continued

3.4 Service Offerings

3.4.1 Bogus Long Distance Service

Bogus Long Distance Service is offered to residential and business customers. The service permits direct dialed outbound calling at a single per minute rate. Service is provided from presubscribed, dedicated or shared use access lines. Calls are billed in one minute increments. No monthly recurring charges or minimum monthly billing requirements apply.

3.4.2 Bogus 800/888 (Inbound) Long Distance Service

Bogus 800/888 (Inbound) Long Distance Service is offered to residential and business customers. The service permits inbound 800/888 calling at a single per minute rate. Service is provided from presubscribed, dedicated or shared use access lines. Calls are billed in six second increments, with a six second minimum call duration. A \$10.00 minimum monthly billing requirement applies. Customers whose monthly usage is less than the minimum will be billed the minimum amount.

3.4.3 Bogus Calling Card Service

Bogus Calling Card Service is a calling card service offered to residential and business customers who subscribe to the Bogus Long Distance Service calling plan. Customers using the Carrier's calling card service access the service by dialing a 1-800 number followed by an account identification number and the number being called. This service permits subscribers utilizing the Carrier's calling card to make calls at a single per minute rate. Calls are billed in one (1) minute increments after the initial minimum period of one (1) minute. There are no nonrecurring or monthly recurring charges.

SECTION 3 - DESCRIPTION OF SERVICE continued

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3.4.4 Operator Services

The Company's operator services are provided to residential and business customers who presubscribe to this service for intrastate calling. Operator services include the completion of collect, station-to-station, person-to-person, third party billing and credit card calls with the assistance of a Carrier operator. Each completed operator assisted call consists of two charge elements (except as otherwise indicated herein): (i) a fixed operator charge, which will be dependent on the type of billing selected (e.g., calling card, collect or other) and/or the completion restriction selected (e.g., station-to-station or person-to-person); and (ii) a measured usage charge dependent upon the duration, distance and/or time of day of the call.

3.4.4.A Operator Dialed Surcharge

This surcharge applies to calls when the customer has the capability of dialing all the digits necessary to complete a call, but elects to dial only the appropriate operator code and requests the operator to dial the called station. The surcharge does not apply to:

- 1) Calls where a customer cannot otherwise dial the call due to defective equipment or trouble on the Bogus Communication, Inc. network; and
- 2) Calls in which a Company operator places a call for a calling party who is identified as being handicapped and unable to dial the call because of his/her handicap.

The Operator Dialed Surcharge applies in addition to any other applicable operator charges.

NOTE: Operator service from payphones or all aggregator locations must comply with the rate caps in sections 25-24.630 and 25-24.516, F.A.C for nonprescribed customers.

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SECTION 4 - RATES

REMEMBER TO INCLUDE INTRASTATE RATES ONLY - DO NOT INCLUDE INTERSTATE RATES UNLESS THE CUSTOMER NEEDS THEM TO CALCULATE THE INTRASTATE PORTION OF HIS/HER BILL. NOTE: IF BILLING IS IN ANYTHING OTHER THAN MINUTE INCREMENTS, ADD ANOTHER COLUMN INDICATING THESE CHARGES.

4.1 Bogus Long Distance Service

Rate per minute - \$0.10.  
Plan is billed in full minute increments.

4.2 Bogus 800/888 (Inbound) Long Distance Service

Rate per minute - \$0.12.  
Plan is billed in six second increments with a six second minimum.

4.3 Bogus Calling Card Service

Rate per minute - \$0.20.  
Plan is billed in full minute increments.

4.4 Operator Services (For presubscribed customers)

4.4.1 Usage Rates: The appropriate rate found under 4.1 or 4.3 shall apply.

4.4.2 Operator Charges:

Collect Station-to-Station	\$1.00
Collect Person-to-Person	\$3.25
Person-to-Person	\$3.25
Station-to-Station	\$1.00
Customer Dialed Calling Card	\$1.00
Operator Dialed Calling Card	\$1.75
Operator Dialed Surcharge	\$0.75

SECTION 4 - RATES continued

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4.5 Determining Applicable Rate in Effect

For the initial minute, the rate applicable at the start of chargeable time at the calling station applies. For additional minutes, the rate applicable is that rate which is in effect at the calling station when the additional minute(s) begin. That is, if chargeable time begins during the Day Period, the Day Rate applies to the initial minute and to any additional minutes that the call continues during the rate period. If the call continues into a different rate period, the appropriate rates from that period apply to any additional minutes occurring in that rate period. If an additional minute is split between two rate periods, the rate period applicable at the start of the minute applies to the entire minute.

4.6 Payment of Calls

4.6.1 Late Payment Charges

A late payment Charge of 1.5% per month will be assessed on all unpaid balances more than thirty days old.

4.6.2 Return Check Charges

A return check charge of \$25.00 will be assessed for checks returned for insufficient funds if the face value does not exceed \$50.00, \$30.00 if the face value does exceed \$50.00 but does not exceed \$300.00, \$40.00 if the face value exceeds \$300.00 or 5% of the value of the check, which ever is greater.

4.7 Restoration of Service

A reconnection fee of \$25.00 per occurrence is charged when service is re-established for customers who had been disconnected for non-payment.

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SECTION 4 - RATES continued

IF YOU WANT TO OFFER SPECIAL PROMOTIONS YOU WILL HAVE TO PUT IN A SECTION EQUIVALENT TO THE ONE BELOW. PLEASE REFER TO RULE NUMBER (25-24.485(1)(1)).

4.8 Special Promotions

The company will, from time to time, offer special promotions to its customers waiving certain charges. These promotions will be approved by the FPSC with specific starting and ending dates, and be made part of this tariff.

4.9 Special Rates For The Handicapped

4.9.1. Directory Assistance

There shall be no charge for up to fifty calls per billing cycle from lines or trunks serving individuals with disabilities. The Company shall charge the prevailing tariff rates for every call in excess of 50 within a billing cycle.

4.9.2. Hearing and Speech Impaired Persons

Intrastate toll message rates for TDD users shall be evening rates for daytime calls and night rates for evening and night calls.

4.9.3. Telecommunications Relay Service

For intrastate toll calls received from the relay service, the Company will when billing relay calls discount relay service calls by 50 percent off of the otherwise applicable rate for a voice nonrelay call except that where either the calling or called party indicates that either party is both hearing and visually impaired, the call shall be discounted 60 percent off of the otherwise applicable rate for a voice nonrelay call. The above discounts apply only to time-sensitive elements of a charge for the call and shall not apply to per call charges such as a credit card surcharge.


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SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Received by (Please Print Clearly)	B. Date of Delivery <i>8/21</i>
Digitec 99 Madison Avenue, 3 <sup>rd</sup> Floor New York, NY 10016 	C. Signature <i>[Handwritten Signature]</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
	D. Is delivery address different from item 1? If YES, enter delivery address below	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Article Number (Transfer from service label)	3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee)		<input type="checkbox"/> Yes

