



Public Service Commission

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

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

COMMISSION  
CLERK

NOV 20 AM 10:19

DATE: NOVEMBER 20, 2003

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

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (BUYS) *DRB*  
OFFICE OF THE GENERAL COUNSEL (SUSAC) *MS*

RE: DOCKET NO. 030964-TI - COMPLIANCE INVESTIGATION OF TEL-  
TEC, INC. FOR APPARENT VIOLATION OF SECTION 364.02,  
FLORIDA STATUTES, DEFINITIONS, AND SECTION 364.04, FLORIDA  
STATUTES, SCHEDULES OF RATES, TOLLS, RENTALS, CONTRACTS,  
AND CHARGES; FILING; PUBLIC INSPECTION.

AGENDA: 12/02/03 - REGULAR AGENDA - PROPOSED AGENCY ACTION -  
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\030964.RCM

CASE BACKGROUND

- December 4, 2002 - Staff received a consumer complaint in which the complainant claimed that Qwest Communications Corporation (Qwest) changed her long distance service without authorization, a practice known as slamming.
- December 17, 2002 - Qwest responded to the complaint via letter (Attachment A) in which it stated that the customer's long distance service was provisioned by a switchless reseller using the name Tel-Tec, Inc. (Tel-Tec).
- January 3, 2003 - Tel-Tec responded to the consumer complaint via facsimile (Attachment B). The company stated that the customer incurred no charges for the long distance service and the account was removed from Qwest's database. The complaint

DOCUMENT NUMBER 030964

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FPSC-COMMISSION CLERK

DATE: November 20, 2003

was resolved to the consumer's satisfaction and closed on January 27, 2003.

- February 5, 2003 - Staff sent Tel-Tec a letter (Attachment C) via United States Postal Service (USPS) certified mail advising the company that it is apparently required to obtain a certificate of public convenience and necessity. Staff requested that the company submit its application for a certificate by February 28, 2003.
- February 14, 2003 - Staff received the USPS certified mail receipt (Attachment D) indicating that Tel-Tec received staff's letter.
- February 28, 2003 - Staff telephoned Tel-Tec and spoke with Mr. Jack Lambert regarding the application for a certificate. Mr. Lambert told staff he was in the process of submitting Tel-Tec's application.
- March 31, 2003 - Staff sent Tel-Tec a second letter (Attachment E) via USPS certified mail advising the company that the Commission has not received Tel-Tec's certificate application, and again, requested that Tel-Tec submit its application for a certificate by April 18, 2003.
- April 7, 2003 - Staff received the USPS certified mail receipt (Attachment F) indicating that Tel-Tec received staff's second letter.
- April 18, 2003 - Staff received a facsimile of Tel-Tec's application for a certificate (Attachment G). However, Tel-Tec did not send the original application and application fee to the Commission.
- May 2, 2003 - Staff called Mr. Lambert at Tel-Tec and left a voice mail requesting that Mr. Lambert return staff's call. Staff has not received a return phone call.
- May 6, 2003 - Staff sent Tel-Tec a notice via facsimile (Attachment H) that the Commission did not receive the original application or application fee.
- July 21, 2003 - Staff sent Tel-Tec a third letter (Attachment I) via USPS certified mail and facsimile. The letter advised the company of the changes in the Florida Statutes whereby the

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requirement for interexchange telecommunications companies (IXCs) to obtain a certificate was eliminated, however, IXCs are still required to file a tariff and register with the Commission. Staff requested that Tel-Tec submit its tariff and a completed registration form by August 11, 2003.

- July 29, 2003 - Staff received the USPS certified mail receipt (Attachment J) indicating that on July 25, 2003, Tel-Tec received staff's third letter.
- October 10, 2003 - Staff opened this docket to address the company's apparent violation of Sections 364.02 and 364.04, Florida Statutes.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.02, 364.04, and 364.285, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission impose a \$25,000 penalty on Tel-Tec, Inc. for its apparent violation of Sections 364.02 and 364.04, Florida Statutes?

RECOMMENDATION: Yes, the Commission should impose a \$25,000 penalty upon Tel-Tec for its apparent violations of Sections 364.02(13) and 364.04, Florida Statutes. If Tel-Tec 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. (**Buys, Susac**)

STAFF ANALYSIS:

Apparent Deficiency

By its own admission to staff, Tel-Tec is apparently providing intrastate interexchange telecommunications service within the state. As of the filing date for this recommendation, Tel-Tec has not provided the Commission with current contact information, nor filed a tariff with the Commission in apparent violation of Sections 364.02(13), and 364.04, Florida Statutes.

Staff sent three certified letters to Tel-Tec and the certified mail return receipts indicate that the company received all three letters. The first two letters were sent prior to the date of passage of the Tele-Competition Innovation and Infrastructure Enhancement Act (Tele-Competition Act) and informed the company of its requirement to obtain a certificate. Part of the certification process included the filing of a tariff and providing current company contact information to the Commission.

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The third letter addressed the elimination of the certification requirement for IXCs and informed the company of its obligation to file a tariff and register with the Commission. Staff believes that Tel-Tec has been adequately notified of its obligations and provided sufficient time to comply with the requirements of Sections 364.02(13) and 364.04, Florida Statutes.

#### Applicable Florida Statutes

On May 23, 2003, the Governor signed 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 amend 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 Tel-Tec's failure to provide the Commission with current contact information and file a tariff is a "willful violation" 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.

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. 1<sup>st</sup> 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 Smit 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. 1<sup>st</sup> 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, the failure of Tel-Tec to file a tariff and provide the Commission with current contact information meets the standard for a "refusal to comply" and "willful violations" as contemplated by the Legislature when enacting section 364.285, Florida Statutes.

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Nor could Tel-Tec claim that it did not know that it had the duty to file a tariff and provide the Commission with current contact information. "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. 3<sup>rd</sup> DCA 2000) (ignorance of the law is never a defense). Moreover, in the context of this docket, all intrastate interexchange telecommunication companies, like Tel-Tec, 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 Tel-Tec 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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**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** The Order issued from this recommendation will become final upon issuance of a 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 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 receipt of:

1. The company's tariff, and
2. The company's current contact information, and
3. The payment of the penalty, or

upon the referral of the penalty to the Department of Financial Services. (**Susac**)

**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.



DOCKET NO. 030964-TX  
DATE: November 20, 2003

4250 N. Fairfax Drive, 13th Floor  
Arlington, Virginia 22203

Attachment A



Via U.S. & Electronic Mail

December 17, 2002

Ms. Kaullis Marshall  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Re: **Maybel Ugenas. (727) 360-7177**  
**Request No. 505454T**

Dear Ms. Marshall:

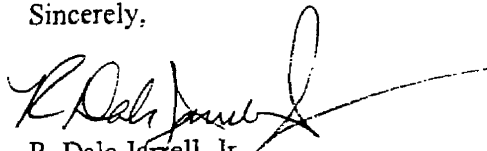
Please be advised that Qwest Communications Corporation (Qwest) has completed a review of the complaint filed by Ms. Maybel Ugenas. After investigation, Qwest has determined that this ANI (727) 360-7177 was provisioned on behalf of a switchless reseller called Tel Tec, Inc. Qwest cannot respond to this complaint as Qwest acts solely as a provider of transport services for Tel Tec, Inc. The company in question is reselling Qwest and is currently offering reseller services to other regionally based switchless resellers.

As a general rule Qwest never interfaces with the end user nor do we have access to the Letter of Agency for account numbers provisioned on behalf of the reseller. For legal reasons Tel Tec, Inc. has the ultimate responsibility as the reseller and not Qwest. Any future correspondence regarding this case should be directed to the following:

Tel Tec, Inc.  
1302 S. High School Road  
Indianapolis, IN 46241  
(317) 390-8585

Qwest regrets any inconvenience that this may have caused. Should you have additional questions regarding this matter, please contact this office.

Sincerely,

  
R. Dale Jarrell, Jr.  
Customer Advocacy Manager

Enclosure (1)

DEC 20 2002



1302 S. High School Road  
Indianapolis, IN 46241  
(317) 524-3612  
(317) 524-3613 Fax

**TO:** Kaullis Marshall – Florida Public Service Commission

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**FAX:** 850-413-7168

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**FROM:** Jenn Brunty

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**PAGES:** 2

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**DATE:** January 3, 2003

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Per our conversation regarding Maybell Ugenas, telephone number 727-360-7177, following is the explanation of what happened with her unintentional long distance switch:

One of our business clients submitted Ms. Ugenas's telephone number on a long distance contract by accident. He has a business in Florida; upon submitting his Florida numbers, the representative from his company accidentally transposed a number on the contract and it happened to be Ms. Ugenas's telephone number. Since then, this company has been paying the long distance bill for this number, as well as his own, so Ms. Ugenas has incurred no charges.

As you'll see on the following disconnect page, we've removed the telephone number from the Qwest database, therefore this will no longer be an issue and Ms. Ugenas no longer has her service with us Qwest.

We greatly apologize for any inconvenience this has caused. Please be assured this issue has been resolved.

Thank you.

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

February 5, 2003

**Via Certified U.S. Mail**

Mr. Dennis Miller  
Tel-Tec, Inc.  
1302 S. Highschool Road  
Indianapolis, IN 46421

**Re: Notice of requirement to obtain a certificate of public convenience and necessity.**

Dear Mr. Miller:

Based on correspondence from Qwest Communications Corporation (Qwest) regarding a consumer complaint (Request No. 505454T) and your company's response to that complaint, it appears that Tel-Tec, Inc. is providing intrastate telecommunications service in Florida. I have enclosed a copy of both letters for your convenience. In its letter, Qwest indicated that Tel-Tec, Inc. is a switchless reseller of its services.

The purpose of my letter is to inform your company of the Commission's requirement for entities providing intrastate telecommunications services in Florida (including switchless resellers) to obtain a certificate of public convenience and necessity (certificate). According to our records, Tel-Tec, Inc. has not obtained a certificate under that name.

Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, states:

No person shall provide intrastate interexchange telephone service without first obtaining a certificate of public convenience and necessity from the Commission. Services may not be provided, nor may deposits or payment for services be collected, until the effective date of a certificate, if granted. However, acquisition of equipment and facilities, advertising and other promotional activities may begin prior to the effective date of the certificate at the applicant's risk that it may not be granted. In any customer contacts or advertisements prior to certification, the applicant must advise the customer that certification has not and may never be granted.

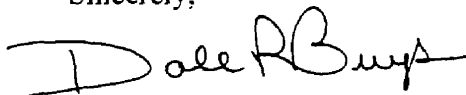
Mr. Dennis Miller  
Page 2  
February 5, 2003

Currently, Tel-Tec, Inc. appears to be in violation of this rule. To resolve this matter, Tel-Tec, Inc. should file an application to obtain an interexchange company certificate. You can find the necessary information and application form on the Commission's website, <http://www.psc.state.fl.us>. Please note that filing with the Florida Secretary of State, Division of Corporations for authorization to transact business in Florida is a prerequisite.

Also, please be aware that by Section 364.285, Florida Statutes, the Commission is authorized to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 per day for each offense, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of Chapter 364.

To avoid further enforcement action, please submit your company's application for a certificate by **February 28, 2003**. Should you have any questions or wish to discuss this matter, please call me at (850) 413-6536.

Sincerely,



Dale R. Buys  
Regulatory Analyst  
Bureau of Service Quality

DRB  
Enclosures (2)

cc: Certification Section (J. Gilchrist)  
Florida Department of Revenue

DOCKET NO. 030964-TX  
DATE: November 20, 2003

4250 N. Fairfax Drive, 13th Floor  
Arlington, Virginia 22203

Attachment C



Via U.S. & Electronic Mail

December 17, 2002

Ms. Kaullis Marshall  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Re: **Maybel Ugenas. (727) 360-7177**  
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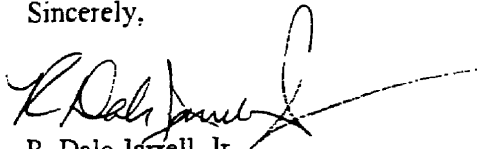
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Enclosure (1)

DEC 20 2002



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**FAX:** 850-413-7168

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**FROM:** Jenn Brunty

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**PAGES:** 2

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As you'll see on the following disconnect page, we've removed the telephone number from the Qwest database. therefore this will no longer be an issue and Ms. Ugenas no longer has her service with us Qwest.

We greatly apologize for any inconvenience this has caused. Please be assured this issue has been resolved.

Thank you.

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> <p>Mr. Dennis Miller Tel-Tec, Inc. 1302 South Highschool Road Indianapolis, Indiana 46421 bbbbblllbbbbblllbbbbblll</p>	A. Received by (Please Print Clearly) Kris Wilson	B. Date of Delivery
	C. Signature X <i>Kris Wilson</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:		
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		
2. 7002 0860 0001 1754 3750		

PS Form 3811, March 2001 Domestic Return Receipt 102595-01-M-1424

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

Florida Public Service Commission  
Mr. Dale Buys  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

2003 FEB 14 A.M.  
DIVISION OF  
COMPETITIVE SERVICES

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DOCKET NO. 030964-TX  
DATE: November 20, 2003

Attachment E

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

March 31, 2003

### Via Certified U.S. Mail

Mr. Jack Lambert  
Tel-Tec, Inc.  
1302 S. Highschool Road  
Indianapolis, IN 46421

**Re: Second Notice of requirement to obtain a certificate of public convenience and necessity.**

Dear Mr. Lambert:

If you recall our phone conversation on February 28, 2003, you indicated that your company was in the process of filing an application for an interexchange company (IXC) certificate of public convenience and necessity (certificate). My letter dated February 5, 2003 (copy enclosed), requested that Tel-Tec, Inc. submit an application for an IXC certificate by February 28, 2003. As of today, our records do not indicate that your company has submitted its application.

Rule 25-24.470, Florida Administrative Code, Certificate of Public Convenience and Necessity Required, states:

No person shall provide intrastate interexchange telephone service without first obtaining a certificate of public convenience and necessity from the Commission. Services may not be provided, nor may deposits or payment for services be collected, until the effective date of a certificate, if granted. However, acquisition of equipment and facilities, advertising and other promotional activities may begin prior to the effective date of the certificate at the applicant's risk that it may not be granted. In any customer contacts or advertisements prior to certification, the applicant must advise the customer that certification has not and may never be granted.

If the Commission does not receive Tel-Tec, Inc.'s IXC certificate application by **April 18, 2003**, a docket will be opened to implement formal compliance proceedings. Please understand that by Section 364.285, Florida Statutes, the Commission is authorized to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 per day for each offense, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of Chapter 364. Currently, it appears that Tel-Tec, Inc. is in violation of Rule 25-24.470, Florida Administrative Code.

- 16 -



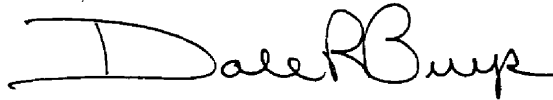
DOCKET NO. 030964-TX  
DATE: November 20, 2003

Attachment E

Mr. Dennis Miller  
Page 2  
March 31, 2003

Should you have any questions or wish to discuss this matter, please call me at (850) 413-6536.

Sincerely,

A handwritten signature in black ink that reads "Dale R. Buys". The signature is written in a cursive style with a long horizontal line extending to the left of the first letter.

Dale R. Buys  
Regulatory Analyst  
Bureau of Service Quality

DRB  
Enclosure

DOCKET NO. 030964-TX  
DATE: November 20, 2003

Attachment E

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

February 5, 2003

**Via Certified U.S. Mail**

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Tel-Tec, Inc.  
1302 S. Highschool Road  
Indianapolis, IN 46421

**Re: Notice of requirement to obtain a certificate of public convenience and necessity.**

Dear Mr. Miller:

Based on correspondence from Qwest Communications Corporation (Qwest) regarding a consumer complaint (Request No. 505454T) and your company's response to that complaint, it appears that Tel-Tec, Inc. is providing intrastate telecommunications service in Florida. I have enclosed a copy of both letters for your convenience. In its letter, Qwest indicated that Tel-Tec, Inc. is a switchless reseller of its services.

The purpose of my letter is to inform your company of the Commission's requirement for entities providing intrastate telecommunications services in Florida (including switchless resellers) to obtain a certificate of public convenience and necessity (certificate). According to our records, Tel-Tec, Inc. has not obtained a certificate under that name.

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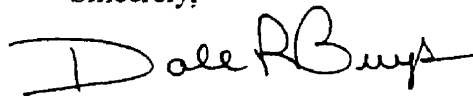
Mr. Dennis Miller  
Page 2  
February 5, 2003

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Also, please be aware that by Section 364.285, Florida Statutes, the Commission is authorized to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 per day for each offense, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of Chapter 364.

To avoid further enforcement action, please submit your company's application for a certificate by **February 28, 2003**. Should you have any questions or wish to discuss this matter, please call me at (850) 413-6536.

Sincerely,



Dale R. Buys  
Regulatory Analyst  
Bureau of Service Quality

DRB  
Enclosures (2)

cc: Certification Section (J. Gilchrist)  
Florida Department of Revenue

DOCKET NO. 030964-TX  
DATE: November 20, 2003

4250 N. Fairfax Drive, 13th Floor  
Arlington, Virginia 22203

Attachment E



Via U.S. & Electronic Mail

December 17, 2002

Ms. Kaullis Marshall  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

Re: **Maybel Ugenas. (727) 360-7177**  
**Request No. 505454T**

Dear Ms. Marshall:

Please be advised that Qwest Communications Corporation (Qwest) has completed a review of the complaint filed by Ms. Maybel Ugenas. After investigation, Qwest has determined that this ANI (727) 360-7177 was provisioned on behalf of a switchless reseller called Tel Tec, Inc. Qwest cannot respond to this complaint as Qwest acts solely as a provider of transport services for Tel Tec, Inc. The company in question is reselling Qwest and is currently offering reseller services to other regionally based switchless resellers.

As a general rule Qwest never interfaces with the end user nor do we have access to the Letter of Agency for account numbers provisioned on behalf of the reseller. For legal reasons Tel Tec, Inc. has the ultimate responsibility as the reseller and not Qwest. Any future correspondence regarding this case should be directed to the following:

Tel Tec, Inc.  
1302 S. High School Road  
Indianapolis, IN 46241  
(317) 390-8585

Qwest regrets any inconvenience that this may have caused. Should you have additional questions regarding this matter, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Dale Jarrell, Jr.", written over a horizontal line.

R. Dale Jarrell, Jr.  
Customer Advocacy Manager

Enclosure (1)

DEC 20 2002



1302 S. High School Road  
Indianapolis, IN 46241  
(317) 524-3612  
(317) 524-3613 Fax

**TO:** Kaulis Marshall – Florida Public Service Commission

---

**FAX:** 850-413-7168

---

**FROM:** Jenn Brunty

---

**PAGES:** 2

---

**DATE:** January 3, 2003

---

Per our conversation regarding Maybell Ugenas, telephone number 727-360-7177, following is the explanation of what happened with her unintentional long distance switch:

One of our business clients submitted Ms. Ugenas's telephone number on a long distance contract by accident. He has a business in Florida; upon submitting his Florida numbers, the representative from his company accidentally transposed a number on the contract and it happened to be Ms. Ugenas's telephone number. Since then, this company has been paying the long distance bill for this number, as well as his own, so Ms. Ugenas has incurred no charges.

As you'll see on the following disconnect page, we've removed the telephone number from the Qwest database, therefore this will no longer be an issue and Ms. Ugenas no longer has her service with us Qwest.

We greatly apologize for any inconvenience this has caused. Please be assured this issue has been resolved.

Thank you.

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Attachment F

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

Florida Public Service Commission  
Mr. Dale Buys  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

2003 APR - 7 PM 10:08  
DIVISION OF  
COMPETITIVE SERVICES

01



**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

Mr. Jack Lambert  
Tel-Tec, Inc.  
1302 S. Highschool Road  
Indianapolis, IN 46421  
bblbbllllllllllllllllllll

**COMPLETE THIS SECTION ON DELIVERY**

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

*Judy Ryan*  
Signature

X Judy Ryan  Agent  
 Addressee

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

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

7002 0860 0001 1754 4757

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

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1302 S. HIGH SCHOOL ROAD  
INDIANAPOLIS, IN 46241  
(317) 390-8585 FAX (317) 390-8590

# Fax Cover Sheet

<b>To:</b> Dale Buys	<b>From:</b> John Lambert
<b>Fax:</b> 850-413-6537	<b>Pages:</b> 18
<b>Phone:</b>	<b>Date:</b> 4/18/2003
<b>Re:</b> Certification	<b>CC:</b>

**● Comments:** Mr. Buys,

The originals of this paperwork was put in the mail today, along with the a check in the amount of \$250.00 (copy of check also enclosed).

The tariff will follow shortly.

Please call me at 317-390-8585 if you have any questions

Thank you,

John

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- 1. This is an application for F (check one):
  - Original certificate (new company).
  - Approval of transfer of existing certificate: Example, a non-certificated company purchases an existing company and desires to retain the original certificate of authority.
  - Approval of assignment of existing certificate: Example, a certificated company purchases an existing company and desires to retain the certificate of authority of that company.
  - Approval of transfer of control: Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of company:

TEL TEC INC.

3. Name under which applicant will do business (fictitious name, etc.):

TEL TEC, INC.

4. Official mailing address (including street name & number, post office box, city, state, zip code):

1302 S. HIGH SCHOOL RD

INDIANAPOLIS, IN 46241

5. Florida address (including street name & number, post office box, city, state, zip code):

n/a



6. Select type of business your company will be conducting **F** (check all that apply):

- Facilities-based carrier** - company owns and operates or plans to own and operate telecommunications switches and transmission facilities in Florida.
- Operator Service Provider** - company provides or plans to provide alternative operator services for IXCs; or toll operator services to call aggregator locations; or clearinghouse services to bill such calls.
- Reseller** - company has or plans to have one or more switches but primarily leases the transmission facilities of other carriers. Bills its own customer base for services used.
- Switchless Rebiller** - company has no switch or transmission facilities but may have a billing computer. Aggregates traffic to obtain bulk discounts from underlying carrier. Rebills end users at a rate above its discount but generally below the rate end users would pay for unaggregated traffic.
- Multi-Location Discount Aggregator** - company contracts with unaffiliated entities to obtain bulk/volume discounts under multi-location discount plans from certain underlying carriers, then offers resold service by enrolling unaffiliated customers.
- Prepaid Debit Card Provider** - any person or entity that purchases 800 access from an underlying carrier or unaffiliated entity for use with prepaid debit card service and/or encodes the cards with personal identification numbers.

7. Structure of organization;

- |  |   |
|--|---|
| <input type="checkbox"/> Individual          | <input checked="" type="checkbox"/> Corporation |
| <input type="checkbox"/> Foreign Corporation | <input type="checkbox"/> Foreign Partnership    |
| <input type="checkbox"/> General Partnership | <input type="checkbox"/> Limited Partnership    |
| <input type="checkbox"/> Other _____         |   |

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8. **If individual**, provide:

Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_  
 Internet E-Mail Address: \_\_\_\_\_  
 Internet Website Address: \_\_\_\_\_

9. **If incorporated in Florida**, provide proof of authority to operate in Florida:

(a) **The Florida Secretary of State Corporate Registration number:**

\_\_\_\_\_

10. **If foreign corporation**, provide proof of authority to operate in Florida:

(a) **The Florida Secretary of State Corporate Registration number:**

IN PROCESS

11. **If using fictitious name-d/b/a**, provide proof of compliance with fictitious name statute (Chapter 865.09, FS) to operate in Florida:

(a) **The Florida Secretary of State fictitious name registration number:**

\_\_\_\_\_

12. **If a limited liability partnership**, provide proof of registration to operate in Florida:

(a) **The Florida Secretary of State registration number:** \_\_\_\_\_

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- 13. If a partnership, provide name, title and address of all partners and a copy of the partnership agreement.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Internet E-Mail Address: \_\_\_\_\_

Internet Website Address: \_\_\_\_\_

- 14. If a foreign limited partnership, provide proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS), if applicable.

(a) The Florida registration number: \_\_\_\_\_

- 15. Provide F.E.I. Number (if applicable): \_\_\_\_\_

- 16. Provide the following (if applicable):

(a) Will the name of your company appear on the bill for your services?  
( Yes ( ) No

(b) If not, who will bill for your services?

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

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(c) How is this information provided?

PRINTED INVOICES THAT ARE MAILED TO CUSTOMERS  
AND/OR ELECTRONIC INVOICES E-MAILED TO CUSTOMERS

17. Who will receive the bills for your service?

- Residential Customers
- PATs providers
- Hotels & motels
- Universities
- Other: (specify) \_\_\_\_\_
- Business Customers
- PATs station end-users
- Hotel & motel guests
- Universities dormitory residents

18. Who will serve as liaison to the Commission with regard to the following?

(a) The application:

Name: JOHN H. LAMBERT

Title: PRESIDENT

Address: 1302 S. HIGH SCHOOL RD

City/State/Zip: INDIANAPOLIS, IN 46241

Telephone No.: 317-390-8585 Fax No.: 317-390-8590

Internet E-Mail Address: JLAMBERT@TELTECINC.COM

Internet Website Address: WWW.TELTECINC.COM

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(b) Official point of contact for the ongoing operations of the company:

Name: JOHN H. LAMBERT

Title: PRESIDENT

Address: 1302 S. HIGH SCHOOL RD  
City/State/Zip: INDIANAPOLIS, IN 46241

Telephone No.: 317-390-8585 Fax No.: 317-390-8590  
Internet E-Mail Address: JLAMBERT@TELTECINC.COM  
Internet Website Address: WWW.TELTECINC.COM

(c) Complaints/Inquiries from customers:

Name: JOHN H. LAMBERT

Title: PRESIDENT

Address: 1302 S. HIGH SCHOOL RD  
City/State/Zip: INDIANAPOLIS, IN 46241

Telephone No.: 317-390-8585 Fax No.: 317-390-8590  
Internet E-Mail Address: JLAMBERT@TELTECINC.COM  
Internet Website Address: WWW.TELTECINC.COM

19. List the states in which the applicant:

(a) has operated as an interexchange telecommunications company.

INDIANA

(b) has applications pending to be certificated as an interexchange telecommunications company.

Indiana

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(c) is certificated to operate as an interexchange telecommunications company.

INDIANA

(d) has been denied authority to operate as an interexchange telecommunications company and the circumstances involved.

N/A

(e) has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved.

N/A

(f) has been involved in civil court proceedings with an interexchange carrier, local exchange company or other telecommunications entity, and the circumstances involved.

N/A

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20. Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

(a) adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, please explain.

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) an officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

N/A  
\_\_\_\_\_  
\_\_\_\_\_

21. The applicant will provide the following interexchange carrier services F (check all that apply):

a. \_\_\_\_\_ MTS with distance sensitive per minute rates

- \_\_\_\_\_ Method of access is FGA
- \_\_\_\_\_ Method of access is FGB
- \_\_\_\_\_ Method of access is FGD
- \_\_\_\_\_ Method of access is 800

b. \_\_\_\_\_ MTS with route specific rates per minute

- \_\_\_\_\_ Method of access is FGA
- \_\_\_\_\_ Method of access is FGB
- \_\_\_\_\_ Method of access is FGD
- \_\_\_\_\_ Method of access is 800

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c.  MTS with statewide flat rates per minute (not distance sensitive)

- Method of access is FGA
- Method of access is FGB
- Method of access is FGD
- Method of access is 800

d.  MTS for pay telephone service providers

e.  Block-of-time calling plan (Reach Out Florida, Ring America, etc.).

f.  800 service (toll free)

g.  WATS type service (bulk or volume discount)

- Method of access is via dedicated facilities
- Method of access is via switched facilities

h.  Private line services (Channel Services)  
(For ex. 1.544 mbs., DS-3, etc.)

i.  Travel service

- Method of access is 950
- Method of access is 800

j.  900 service

k.  Operator services

- Available to presubscribed customers
- Available to non presubscribed customers (for example, to patrons of hotels, students in universities, patients in hospitals).
- Available to inmates



1. **Services included are:**

- Station assistance
- Person-to-person assistance
- Directory assistance
- Operator verify and interrupt
- Conference calling

22. Submit the proposed tariff under which the company plans to begin operation. Use the format required by Commission Rule 25-24.485 (example enclosed).

23. Submit the following:

A. **Managerial capability;** give resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.

B. **Technical capability;** give resumes of employees/officers of the company that would indicate sufficient technical experiences or indicate what company has been contracted to conduct technical maintenance. *QWEST COMMUNICATIONS IS RESPONSIBLE FOR ALL TECHNICAL MAINTENANCE.*

C. **Financial capability.**

The application should contain the applicant's audited financial statements for the most recent 3 years. If the applicant does not have audited financial statements, it shall so be stated.

The unaudited financial statements should be signed by the applicant's chief executive officer and chief financial officer affirming that the financial statements are true and correct and should include:

1. the balance sheet;
2. income statement; and
3. statement of retained earnings.

**NOTE:** *This documentation may include, but is not limited to, financial statements, a projected profit and loss statement, credit references, credit bureau reports, and descriptions of business relationships with financial institutions.*

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Further, the following (which includes supporting documentation) should be provided:

1. A written explanation that the applicant has sufficient financial capability to provide the requested service in the geographic area proposed to be served.
2. A written explanation that the applicant has sufficient financial capability to maintain the requested service.
3. A written explanation that the applicant has sufficient financial capability to meet its lease or ownership obligations.

*SEE FOLLOWING SHEET ATTACHED.*

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**Answers to Questions on Page 12:**

- 1) We currently only have our long distance service on six (6) lines in the state of Florida. These lines are in service only because our Indiana customers have a relative that they have referred us to or they have a second home or business in the state. We only market our services in the state of Indiana, so our volume of business in Florida should remain quite minimal. Since we have other products and services that we sell in Indiana, we easily have sufficient financial resources to support our minimal service offering in Florida.
- 2) We have no requirement to provide technical maintenance of our service in Florida. That is provided by Qwest Communications, who we buy our services from.
- 3) We do not lease or own any building or real estate in Florida, nor do we have any intention of doing so.

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**THIS PAGE MUST BE COMPLETED AND SIGNED**  
**APPLICANT ACKNOWLEDGMENT STATEMENT**

- 1. REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of 15 of one percent of its gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of \$50 is required.
- 2. APPLICATION FEE:** I understand that a non-refundable application fee of \$250.00 must be submitted with the application.

**UTILITY OFFICIAL:**

JOHN H. LAMBERT  
Print Name

*John H. Lambert*  
Signature

PRESIDENT  
Title

4-18-03  
Date

317-390-8585  
Telephone No.

317-390-8590  
Fax No.

Address: TEL TEC, INC.  
1302 S. HIGH SCHOOL RD  
INDIANAPOLIS, IN 46241

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**THIS PAGE MUST BE COMPLETED AND SIGNED**

**CUSTOMER DEPOSITS AND ADVANCE PAYMENTS**

A statement of how the Commission can be assured of the security of the customer's deposits and advance payments may be provided in one of the following ways (applicant, please F check one):

- (  ) The applicant will not collect deposits nor will it collect payments for service more than one month in advance.
- (  ) The applicant intends to collect deposits and/or advance payments for more than one month's service and will file and maintain a surety bond with the Commission in an amount equal to the current balance of deposits and advance payments in excess of one month.  
(The bond must accompany the application.)

**UTILITY OFFICIAL:**

JOHN H. LAMBERT  
Print Name

*John H. Lambert*  
Signature

PRESIDENT  
Title

4-18-03  
Date

317-390-8590  
Telephone No.

317-390-8590  
Fax No.

Address: TEL TEC, Inc.  
1302 S. HIGH SCHOOL RD  
INDIANAPOLIS, IN 46241

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DATE: November 20, 2003

**THIS PAGE MUST BE COMPLETED AND SIGNED**

**AFFIDAVIT**

By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide interexchange telecommunications service in the State of Florida. I have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083."

**UTILITY OFFICIAL:**

JOHN H. LAMBERT  
Print Name

*John H. Lambert*  
Signature

PRESIDENT  
Title

4-18-03  
Date

317-390-8585  
Telephone No.

317-390-8590  
Fax No.

Address: TEL TEC, INC  
1302 S. HIGH SCHOOL RD  
INDIANAPOLIS, IN 46241

CURRENT FLORIDA INTRASTATE SERVICES

Applicant has (✓) or has not ( ) previously provided intrastate telecommunications in Florida.

If the answer is has, fully describe the following:

a) What services have been provided and when did these services begin?

AT PRESENT, A TOTAL OF SEVEN TELEPHONE LINES IN THE ENTIRE STATE OF FLORIDA ARE BID TO TEL TEC LD SERVICES. THESE SERVICES HAVE BEEN IN EFFECT LESS THAN 24 MONTHS.

b) If the services are not currently offered, when were they discontinued?

UTILITY OFFICIAL:

JOHN H. LAMBERT
Print Name

[Handwritten Signature]
Signature

PRESIDENT
Title

4-18-03
Date

317-390-8585
Telephone No.

317-390-8590
Fax No.

Address: TEL TEC, INC.
1302 S. HIGH SCHOOL RD
INDIANAPOLIS, IN 46241

DOCKET NO. 030964-TX

DATE: November 20, 2003

3173908590

Attachment G

P.18

ORIGINAL DOCUMENT PRINTED ON CHEMICAL RESISTIVE PAPER WITH MICROPRINTED BACKGROUND. SECURITY FEATURES



TEL TEC, INC.  
1302 S. High School Road  
Indianapolis, IN 48241  
(317) 390-8585

FIRST INDIANA BANK  
A FEDERAL SERVICE BANK  
INDIANAPOLIS, INDIANA 48204  
20-7043/2740

012610

4/18/2003

PAY TO THE ORDER OF FLORIDA PUBLIC SERVICE COMMISSION

\$ 250.00

Two Hundred Fifty and 00/100..... DOLLARS

FLORIDA PUBLIC SERVICE COMMISSIO

MEMO

AUTHORIZED SIGNATURE



THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE. SEC. IMAGE DISAPPEARS WITH HEAT.

TEL TEC, INC.

FLORIDA PUBLIC SERVICE COMMISSION  
LD SET UP FEE

4/18/2003

012610  
250.00

FIRST INDIANA

250.00



May 6 2003, 01:47 PM

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850

TO:

Mr. John Lambert  
Tel-Tec, Inc.

317-390-8590

FROM:

Dale R. Buys  
Division of Competitive Markets & Enforcement

Voice: 850-413-6536

Fax: 850-413-6537

RE:

IXC Certificate Application

Notes:

Mr. Lambert:

On April 18, 2003, you sent me a facsimile copy of your company's IXC certificate application and stated that the originals were put in the mail on that same day. As of today, Tel-Tec's original application for an IXC certificate has not been received by the Commission. On Friday, May 2, 2003, I called you regarding this issue and left a voice mail message to return my call. **Please understand that if your company's original application and application fee is not received by the Commission by May 9, 2003, staff will open a docket to recommend that the Commission impose a penalty in the amount of \$25,000 for Tel-Tec's apparent violation of Rule 25-24.490, Florida Administrative Code, Certificate of Public Convenience and Necessity Required.**

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Attachment I

STATE OF FLORIDA

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



DIVISION OF COMPETITIVE MARKETS &  
ENFORCEMENT  
BETH W. SALAK  
DIRECTOR  
(850) 413-6408

## Public Service Commission

July 21, 2003

Via Certified U.S. Mail and Facsimile  
**(317) 390-8590**

Mr. Jack Lambert  
Tel-Tec, Inc.  
1302 S. Highschool Road  
Indianapolis, IN 46421

Dear Mr. Lambert:

If you recall, during March and April of this year, you were working on submitting an interexchange telecommunications company (IXC) certificate application to the Florida Public Service Commission (Commission) for Tel-Tec, Inc. (Tel-Tec). On April 18, 2003, you sent me a facsimile copy of your company's IXC application and stated that the originals were put in the mail on that same day. However, the Commission did not receive the originals. On May 2, 2003, I called you regarding this matter and left a voice mail message requesting a return phone call. As of today, I have not received any further contact from you or Tel-Tec regarding the IXC certificate application.

On May 23, 2003, Florida state legislators passed a law that no longer requires an IXC providing services within the state to obtain a certificate. However, Section 364.02(13)(g), Florida Statutes (F.S.), does still require that each IXC provide the Commission with information to contact and communicate with the company. Please complete and submit the enclosed IXC Registration Form (Enclosure 1). Also, Section 364.04, F.S., requires that all IXCs providing services within the state file a tariff with the Commission. A sample tariff and tariff checklist are also enclosed (Enclosure 2) to assist you. The IXC Registration Form and tariff should be submitted to the following address:

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

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

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)

Mr. Jack Lambert  
Page 2  
July 21, 2003


Please understand that if Tel-Tec fails to provide the Commission with the requested information it may be subject to a penalty as prescribed by Section 364.285, F.S., which states:

The commission shall have the power to impose upon any entity subject to its jurisdiction under this chapter which 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 this chapter a penalty for each offense of not more than \$25,000, which penalty shall be fixed, imposed, and collected by the commission; or the commission may, for any such violation, amend, suspend, or revoke any certificate issued by it. Each day that such refusal or violation continues constitutes a separate offense. . . .

In conclusion, to avoid potential penalties, your tariff and a completed IXC Registration Form containing your company contact information should be submitted to the Commission by **August 11, 2003**.

If you have any questions or wish to discuss this matter, please contact me at (850) 413-6536.

Sincerely,



Dale R. Buys  
Regulatory Analyst  
Bureau of Service Quality

Enclosures (2)

1. Registration Form
2. Tariff checklist and sample tariff

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

Ref: TMS 321

**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.

DOCKET NO. 030964-TI  
DATE: November 20, 2003

Attachment I

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. 030964-TI  
DATE: November 20, 2003

Attachment I

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

DOCKET NO. 030964-TI  
DATE: November 20, 2003

Attachment I

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. 030964-TT  
DATE: November 20, 2003

Attachment I

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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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

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:

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

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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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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

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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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By:

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(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:

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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 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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ISSUED: January 1, 1998

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

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Tallahassee, FL 32301



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  
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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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ISSUED: January 1, 1998

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

By:

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

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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)(i)).

4.6 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

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) <u>Judy Ryan</u> B. Date of Delivery <u>7/25/03</u>
Article Addressed to:  <b>Mr. Jack Lambert Tel-Tec, Inc. 1302 S. Highschool Road Indianapolis, IN 46421</b>	C. Signature <u>Judy Ryan</u> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No
	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

7002 0860 0001 1754 8380

PS Form 3811, March 2001 Domestic Return Receipt 102595-01-M-1424

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**Mr. Dale Buys  
Florida Public Service Commission  
2540 Shumard Oak Blvd,  
Tallahassee, FL 32399-0850**

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