

ORIGINAL  
STATE OF FLORIDA

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



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

Public Service Commission

December 5, 2003

Mr. Michael L. Fowler, Authorized Agent  
SLP Housing II, LLC  
c/o AIG SunAmerica Inc.  
1 SunAmerica Center, Century City  
Los Angeles, CA 90067-6022

RE: Docket No. 031013-TX

Dear Mr. Fowler:

Kernan Associates, Ltd. d/b/a St. Johns Estates has a Competitive Local Exchange Telecommunications Company (CLEC) Certificate in Florida. The 2002 Regulatory Assessment Fee, which was due by January 30, 2003, has not been paid. Staff had been attempting collection of the fee without success, therefore, this docket was established. The Commission recently had mail addressed to the company at 2221 Lee Road, Suite 15, Winter Park, FL 32789-1864 returned by the US Postal Service. Mr. John Murphy, Jr., General Partner, was listed as liaison, and was called. Mr. Murphy advised on November 17, 2003, that this was not his business any longer.

I researched the Florida Department of State, Division of Corporations' records and found your address. Rule 25-24.835, Florida Administrative Code, incorporates Rule 25-24.480, Florida Administrative Code, which provides that telecommunications companies must provide the Commission with its updated liaison, address, telephone numbers, etc. within 10 days of a change.

Enclosed is a copy of my April 11, 2003 letter to the company, along with a June 25<sup>th</sup> fax and the company's response. It should be noted that the Commission never received the check mentioned in the company's response. Please review the information and let me know by December 12, 2003 how the company wishes to proceed. If a response is not received by December 12, it is my intention to go forward with a recommendation to fine the company or cancel its CLEC certificate.

In addition, when you respond concerning the Regulation Assessment Fee rule violation, please provide the Commission with updated reporting requirements. The information should include liaison, mailing and physical addresses, telephone number, fax number, and e-mail address and website (if available).

RECEIVED - FPSC  
05 DEC -5 PM 4: 21  
COMMISSION  
CLERK

AUS  
CAF  
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COM  
CTR  
ECR  
GCL  
OPC  
MMS  
SEC  
OTH

DOCUMENT NUMBER - 031013-TX  
12505 DEC-5-03  
FPSC-COMMISSION CLERK

Mr. Michael L. Fowler, Authorized Agent  
Page 2  
December 5, 2003

If you have any questions, just let me know. I can be reached at (850) 413-6502-phone, (850) 413-6503-fax, by internet e-mail at [pisler@psc.state.fl.us](mailto:pisler@psc.state.fl.us), or at the address at the bottom of Page 1.

Sincerely,

A handwritten signature in black ink that reads "Paula J. Isler". The signature is written in a cursive style with a large initial "P" and "I".

Paula J. Isler, Research Assistant  
Bureau of Service Quality

Enclosures

cc: Docket No. 031013-TX  
Office of the General Counsel (McKay)

**Paula Isler**

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TX545

**From:** NET SatisFAXtion [postmaster]  
**To:** Paula Isler  
**Subject:** 407 628 2900, 2 page(s)

This is a **FAX** message received by **NET SatisFAXtion**

Received: 6/25/2003 12:02 PM  
Total pages: 2  
CSID: 407 628 2900  
Transfer time: 0:00:47  
Transfer rate: 14400  
Error count: 0  
Port used: Rockwell 56000 External M... #9  
Status: Success



FAX.TIF

June 25, 2003

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850

TO:

John Murphy, Jr.

VOICE: (407) 628-2900  
FAX: (407) 628-8740

FROM:

Paula Isler

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

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

RE:

Kernan Associates, Ltd. d/b/a St. Johns  
Estates  
(TX545)

*Paula,*

*Copy of check*

*Placed in mail box  
attached for your*

*records.*

*Claf*

Assessment Fee was due January 30, 2003. As of this date,  
A delinquent notice was mailed on February 21, 2003  
in February 29, 2003. On April 11<sup>th</sup>, I wrote you and  
explained that payment had not been received and enclosed a copy of the 2002 Regulatory  
Assessment Fee return form.

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

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

**ST JOHN'S TECHNOLOGIES**  
2221 LEE ROAD SUITE 15  
WINTER PARK, FL 32789-3145  
407-628-2900

**REDACTED**

DATE June 25, 2003

PLEASE SIGN HERE

PAY TO THE ORDER OF

State of Florida Public Service Commission

\$ 50.00

Fifty dollars and 00/100

DOLLARS



**SUNTRUST**  
SunTrust Bank

**COPY**

FOR 2002 Regulatory Assessment Fee

TRANSMISSION VERIFICATION REPORT

TIME : 06/25/2003 09:48  
NAME :  
FAX :  
TEL :

DATE, TIME	06/25 09:47
FAX NO./NAME	614076288740
DURATION	00:00:28
PAGE(S)	01
RESULT	OK
MODE	STANDARD ECM

*faxed  
1) cover sheet*

June 25, 2003

**STATE OF FLORIDA**



**PUBLIC SERVICE COMMISSION**

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

**TO:**

John Murphy, Jr.

VOICE: (407) 628-2900

FAX: (407) 628-8740

**FROM:**

Paula Isler

Voice: (850) 413-6502

Fax: (850) 413-6503

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

**RE:**

Kernan Associates, Ltd. d/b/a St. Johns  
Estates  
(TX545)

Dear Mr. Murphy:

Payment for the 2002 Regulatory Assessment Fee was due January 30, 2003. As of this date, payment has still not been received. A delinquent notice was mailed on February 21, 2003 and it was signed for and delivered on February 29, 2003. On April 11<sup>th</sup>, I wrote you and explained that payment had not been received and enclosed a copy of the 2002 Regulatory Assessment Fee return form.

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

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

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

STATE OF FLORIDA



# 268  
DIVISION OF COMPETITIVE MARKETS &  
ENFORCEMENT  
WALTER D'HAESELEER  
DIRECTOR  
(850) 413-6600

## Public Service Commission

April 11, 2003

Mr. John Murphy, Jr., General Partner  
St. Johns Estates (TX545)  
2221 Lee Road, Suite 15  
Winter Park, FL 32789-1864

Dear Mr. Murphy:

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

Our records show that the 2002 RAF return notice was mailed on December 12, 2002, and a delinquent notice was mailed on February 20, 2003. As of this date, our records do not show receipt of the RAF return or payment. A copy of the 2002 RAF return form is enclosed.

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

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

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

Sincerely,

Handwritten signature of Paula J. Isler in cursive.

Paula J. Isler, Research Assistant  
Bureau of Service Quality

Enclosures



# Alternative Local Exchange Company Regulatory Assessment Fee Return

## Florida Public Service Commission

(See Filing Instructions on Back of Form)

STATUS:

- Actual Return  
 Estimated Return  
 Amended Return

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

TX545-02-0-R  
 St. Johns Estates  
 2221 Lee Road, Suite 15  
 Winter Park, FL 32789-1864  
  
 CC: P. Isler

**FOR PSC USE ONLY**

Check# \_\_\_\_\_

\$ \_\_\_\_\_ 0603006  
003001

\$ \_\_\_\_\_ P  
0603006  
004011

\$ \_\_\_\_\_ I

Postmark Date \_\_\_\_\_

Initials of Preparer \_\_\_\_\_

Please Complete Below If Official Mailing Address Has Changed

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

LINE NO.	ACCOUNT CLASSIFICATION	FLORIDA GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Basic Local Services	\$ _____	\$ _____
2.	Long Distance Services (IntraLATA only)**	_____	_____
3.	Access Services	_____	_____
4.	Private Line Services	_____	_____
5.	Leased Facilities & Circuits Services	_____	_____
6.	Miscellaneous Services	_____	_____
7.	<b>TOTAL REVENUES</b>		\$ _____
8.	LESS: Amounts Paid to Other Telecommunications Companies* (see "2. Fees" on back)		_____
9.	Net Intrastate Operating Revenue for Regulatory Assessment Fee Calculation (Line 7 less Line 8)		_____
10.	Regulatory Assessment Fee Due (Multiply Line 9 by 0.0015)		_____
11.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)	_____	
12.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)	_____	
13.	<b>TOTAL AMOUNT DUE</b>		\$ _____

\* These amounts must be intrastate only and must be verifiable.  
 \*\* Other long distance revenue must be listed on the Interexchange Regulatory Assessment Fee Return.

**AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50**

### CURRENT COMPANY STATUS

- Facilities-Based Provider
  Reseller  
 Other: \_\_\_\_\_

### BILLING INFORMATION

Complete below if billing agent if other than yourself.

\_\_\_\_\_ (Name) \_\_\_\_\_ (Address: City/State/Zip) \_\_\_\_\_ (Telephone)

### COMPANY INFORMATION

Do you lease telecommunications' facilities?  YES  NO  
 If YES, who do you lease these facilities from? Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her duty shall be guilty of a misdemeanor of the second degree.

\_\_\_\_\_ (Signature of Company Official) \_\_\_\_\_ (Title) \_\_\_\_\_ (Date)

**(Preparer of Form - Please Print Name)**

Telephone Number ( ) \_\_\_\_\_ Fax Number ( ) \_\_\_\_\_

F.E.I. No. \_\_\_\_\_

**FLORIDA PUBLIC SERVICE COMMISSION**  
Instructions For Filing Regulatory Assessment Fee Return  
(Alternative Local Exchange Company)

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1. **WHEN TO FILE:** For companies which owed a total of \$10,000 or more of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

*On or before July 30 for the six-month period January 1 through June 30, AND  
On or before January 30 for the six-month period July 1 through December 31.*

For companies which owed a total of less than \$10,000 of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

*On or before January 30 for the prior twelve-month period January 1 through December 31.*

However, when July 30 or January 30 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee Return may be filed or postmarked on the next business day, without penalty or interest.

2. **FEES:** Each company shall pay 0.0015 of its gross operating revenues derived from intrastate business, as referenced in Rule 25-4.0161(1), F.A.C. Gross Operating Revenues are defined as the total revenues before expenses. Gross Intrastate Operating Revenues are defined as revenues from calls originating and terminating within Florida. Do not deduct any expenses, taxes, or uncollectibles from these amounts.

On Line 8, deduct any amounts paid to another telecommunications company for the use of any telecommunications network to provide service to its customers. ***Do not deduct any taxes, federal subscriber line charges, interstate long distance access charges, or amounts paid for nonregulated services such as voice mail, inside wire maintenance, or equipment purchases/rentals. DEDUCTIONS MUST BE INTRASTATE ONLY AND MUST BE VERIFIABLE.***

3. **FAILURE TO FILE BY DUE DATE:** Failure to file a return by the established due date will result in a penalty being added to the amount of fee due, 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25% (Line 11). In addition, interest shall be added in the amount of 1% for each 30 days or fraction thereof, not to exceed a total of 12% per year (Line 12). A Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report or if the minimum amount is due.

*When a company fails to timely file a Regulatory Assessment Fee Return, the Commission has the authority to order the company to pay a penalty and/or cancel the company's certificate. The company will have an opportunity to respond to any proposed Commission action.*

4. **EXTENSION:** A request for an extension of time up to 30 days may be made by filing the enclosed *Request for Extension to File Regulatory Assessment Fee Return* form (PSC/ADM-124), two weeks prior to the filing date. When an extension is granted, a charge shall be added to the amount due:

0.75% of the fee to be remitted for an extension of 15 days or less, or  
1.5% of the fee for an extension of 16 to 30 days.

In lieu of paying the charges outlined above, a company may file a return and remit payment based upon estimated gross operating revenues. If such return is filed by the normal due date, the company shall be granted a 30-day extension period in which to file and remit the actual fee due without paying the above charges, provided the estimated fee payment remitted is at least 90% of the actual fee due for the period. An automatic 30-day extension to file an actual return may be obtained by checking the "Estimated Return" space in the top left-hand corner on the reverse side.

5. **FEE ADJUSTMENTS:** You will be notified as to the amount and reason for any fee adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment. The company may file a written request for a refund of any overpayments. The request should be directed to Fiscal Services at the below-referenced address.
6. **MAILING INSTRUCTIONS:** Please complete this form, make a copy for your files, and return the original in the enclosed preaddressed envelope. Use of this envelope should assure a more accurate and expeditious recording of your payment. **Make your check payable to the Florida Public Service Commission.** If you are unable to use the envelope, please address your remittance as follows:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
ATTENTION: Fiscal Services

7. **ADDITIONAL ASSISTANCE:** If you need additional assistance in preparing your Regulatory Assessment Fee Return or regarding telecommunications facilities, please contact the Division of Competitive Services at (850) 413-6600. This division may be contacted at the above-referenced address, directing correspondence to the attention of the division.

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

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

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

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

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

**Specific Authority: 350.127(2), F.S.**

**Law Implemented: 364.335, 364.345, F.S.**

**History: New 12/26/95.**