

ORIGINAL

# The Helein Law Group, P.C.

Telecommunications  
E Commerce  
Technology  
Corporate & Finance  
Trademarks  
Proprietary Rights  
Complex Litigation  
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December 8, 2003

VIA OVERNIGHT COURIER

Ms. Blanca S. Bayo, Director  
Division of the Commission Clerk  
And Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Order No. PSC-03-1205-PAA-TI  
Docket No. 030794-TI  
Summit Telco, LLC**

Dear Ms. Bayo:

Pursuant to discussions with Staff of the Florida Public Service Commission ("Commission"), the undersigned counsel for Summit Telco, LLC ("Summit"), Summit hereby presents the following second offer of settlement ("Settlement Offer") in hopes of resolving the above-captioned proceeding:

- This Settlement Offer is presented in Docket No. 030794-TI
- Summit expresses its sincere apologies to the Commission for the belated nature of its 2002 Regulatory Assessment Fee ("RAF") filing, which, as previously indicated in the company's November 12, 2003 letter, was the direct result of a database corruption caused by a computer virus. In its efforts to cure the virus, Summit engaged the services of numerous IT professionals and expended hundreds of hours restoring lost and corrupted data. During the experience, Summit installed firewalls and other preventative measures designed to forestall and block future viral infections and hacks. Due to the ever-changing and menacing nature of computer viruses and hackers, however, neither Summit nor its IT professionals can provide absolute assurances that the preventative measures taken will succeed in stopping all potential infections and attacks. However, on the advice of its IT professionals, Summit believes that the

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measures it has taken are sufficient to prevent and/or counter the vast majority of existing and probable viruses.

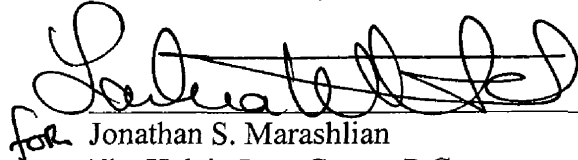
- In furtherance of Summit's objective of preventing future late payments of the RAF, management has authorized additional actions. Summit memorializes these efforts and initiatives in the attached Regulatory Compliance Plan. See Exhibit 1.
- Summit understands that it is important to support the above-outlined Settlement Offer with a monetary settlement. Summit believes that the amount of this monetary settlement should be reasonable and consistent with the circumstances of the offense. As indicated in Summit's November 12, 2003, letter, the company was rendered incapable of obtaining the data necessary to complete the RAF in a timely manner. Once the appropriate data was retrieved, it revealed that Summit generated only \$29.28 in intrastate, jurisdictional revenue. Thereafter, Summit immediately filed its RAF and paid the necessary fee. With these circumstances taken into consideration, Summit is prepared to offer the Commission a monetary settlement offer in the amount of \$500.00.
- Summit agrees to waive any objection to the administrative cancellation of its certificate should it fail to pay in accordance with the above Settlement Offer, provided that if there is a factual dispute as to the manner or level of compliance with any provision in the Settlement Offer, Commission staff will bring the matter to the Commission for consideration.

An additional copy of this filing is enclosed in the paper copy that is being filed along with the electronic version. Please date-stamp and return in the self-addressed, stamped envelope.

Please contact the undersigned with questions or to discuss this filing and the relief requested herein.

Respectfully submitted,

SUMMIT TELCO, LLC

  
for Jonathan S. Marashlian

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President  
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cc: Ray Kennedy  
Paula Isler

**Exhibit 1**

## Regulatory Compliance Plan

On January 1, 2004, the following steps will be taken by Summit Telco, LLC to ensure compliance with the regulatory reporting Rules and Regulations of the Florida Public Service Commission ("Commission"), as well as other state and federal regulatory agencies:

1. Designated senior employee as Regulatory Compliance Manager. Contact information is below:

Mark Hendy  
Summit Telco, LLC  
2646 South Loop West  
Suite 600  
Houston, Texas 77054  
Tel: 713-838-7100  
Fax: 713-838-0260  
E-mail: [mark@ctsltd.com](mailto:mark@ctsltd.com)

As Regulatory Compliance Manager, Mr. Hendy has direct responsibility for ensuring that Summit Telco and its agents take all actions necessary to become and remain compliant with Florida's regulatory requirements. Mr. Hendy is also responsible for the company's compliance with other state and federal regulatory requirements. Mr. Hendy oversees internal staff and the outside law firm hired to assist the company with these efforts.

2. Retained The Helein Law Group ("THLG") law firm for the purpose of identifying, tracking, preparing, and filing all regulatory filings associated with Summit Telco's telecommunications operations in Florida and elsewhere.

Detailed descriptions of THLG's telecommunications practice and the partner responsible for Summit Telco's regulatory compliance initiatives are provided below.

*Firm Profile:*

Attached hereto at Attachment 1 is a description of THLG's Telecommunications/Technology Regulatory Practice.

*Responsible Partner & Profile:*

Jonathan S. Marashlian, Esq.  
The Helein Law Group, LLP  
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Since joining The Helein Law Group, Mr. Marashlian has applied his extensive knowledge of the industry to assist long distance, competitive local exchange and wireless clients with regulatory and legal matters before the Federal Communications Commission and state regulatory agencies across the nation.

Mr. Marashlian chairs the firm's Telecommunications & Technology Regulatory Practice. In this capacity, Mr. Marashlian is responsible for coordinating and managing staff and attorneys and guiding the firm's clients through the maze of state and federal regulatory requirements, including the coordination, management and execution of regulatory filings associated with a full range of corporate and regulatory transactions, from the routine to the highly complex.

Mr. Marashlian is also the Editor of the firm's electronic newsletter, *The Front Lines*; providing the competitive industry with news, commentary and insight regarding regulatory and legal developments.

Mr. Marashlian is licensed to practice in the state of Maryland, has been an active member of the Federal Communications Bar Association since 1997, and regularly practices before the FCC and state utility and regulatory commissions throughout the United States.

Summit Telco, through the efforts of its current management and attorneys, is committed to ensuring that the company operates in full compliance with the Rules and Regulations established by the Commission, now and in the future.

**Attachment 1**



## Telecommunications & Technology Regulatory Practice

### REGULATORY REPORTING & COMPLIANCE

The Helein Law Group ("HLG") provides nationwide regulatory reporting support to meet all federal & state regulatory reporting obligations. The Federal Communications Commission ("FCC"), state utility commissions and other state agencies require regulated telecommunications companies to file a vast number and variety of reports. Many of these reports are required annually, semi-annually and even monthly. Failure to pay attention to these reporting requirements can lead to fines, forced customer refunds and even revocation of your operating authority. Whether you need someone to prepare and file all your reports or simply need information to stay abreast of reporting requirements, HLG will help your company remain in compliance with these myriad of complex and often burdensome requirements.

One way HLG keeps its clients informed is through its newsletter. ***The FRONT LINES*** provides clients with valuable information, news, and updates regarding selected regulatory and legal developments primarily impacting companies engaged in the competitive telecommunications industry.

### LEGAL & REGULATORY REPRESENTATION

A truly unique quality possessed by HLG that sets its services apart are its dedicated attorneys and years of experience practicing before the FCC and state utility commissions across the nation. The close ties and relationships HLG's attorneys have with staff at all levels of the regulatory ladder are invaluable tools that are utilized to the benefit of our clients.

Where administrative action has been insufficient to satisfy the clients' needs, however, the firm has the unique ability to litigate in court and before regulatory agencies through its Litigation Practice Group. When such action is necessary, HLG brings its full range of business law services, including intellectual property, corporate, and employment law expertise.

### REGULATORY CERTIFICATION

HLG's dedicated attorneys and staff have the unparalleled knowledge, experience, and resources needed to make state and federal certification easier for all telecommunications service providers.

The result of years of developing and nurturing close contacts with key members of state public utility commission staff, one of HLG's specialties is the ability to offer the firm's clients the opportunity to rapidly and cost-effectively obtain the required certificates of authority and to make the peripheral filings necessary to pursue whatever telecommunications enterprise they desire, from resold or facilities-based long distance and/or competitive local exchange to pre-paid, debit, and dial-around calling services and more. HLG has:

- ◆ Over 20 years of experience preparing and filing registrations and applications for certificates of authority, as well as tariffs, in every jurisdiction requiring such filings for all telecommunications service providers
- ◆ A respected relationship with federal and state utility commission staffs nationwide
- ◆ A complete library of state and federal rules & regulations, along with sample applications and tariffs to meet virtually any client's needs

### STRATEGIC REGULATORY CONSULTING & PLANNING

With the industry transitioning away from circuit switched networks and towards Internet Protocol, HLG has been asked to consult on the legal and regulatory implications associated with proposed business strategies and service rollouts, including identification of potential regulatory pitfalls, assistance in service design to ensure regulatory compliance, and projection of associated regulatory costs with an eye toward cost mitigation.



## Telecommunications & Technology Regulatory Practice

### TARIFF PREPARATION & MAINTENANCE

Tariffs are the contracts between providers of most telecommunications services and their customers and are an integral and necessary part of doing business as a telecommunications company.

Most states require telecommunications companies to file and dutifully maintain tariffs. And, although the FCC officially detariffed the domestic interstate long distance and international marketplaces, it still requires regulated carriers to post their tarified rates on company websites.

HLG's tariff experts will:

- ◆ Develop initial tariffs for each new jurisdiction your company seeks to operate in
- ◆ Maintain your company's tariffs to ensure they accurately reflect the services and rates offered
- ◆ Ensure your company's tariffs reflect the current rules and regulations

### TARIFFLINK

HLG helps clients operate in the detariffed environment through its proprietary service, **TariffLink**, a full-service, web-based tariffing system designed to meet FCC detariffing requirements while providing a cost-effective marketing and product management tool. **TariffLink** offers our clients the unique ability to operate with confidence in the otherwise uncertain and unknown post-FCC detariffing legal and regulatory environment and can be the one-stop provider of any and all of your company's web-tariffing needs

### OTHER SERVICES

#### Compliance Audits & Training

HLG analyzes client operations to determine potential compliance deficiencies and weaknesses. Through a compliance audit, HLG can develop a targeted compliance plan to ensure that its clients' operations remain in full regulatory compliance.

HLG designs and implements targeted in-house regulatory training programs to ensure that employees understand the regulatory process and regulatory implications of what they do and how they contribute to company compliance efforts.

#### Research

HLG performs detailed regulatory research tailored to clients' current and future operational requirements. From regulatory overviews to issue-specific matters, HLG research provides clients with the in-depth regulatory tools needed to do business.

#### Merger and Acquisition Authority & Customer Base Transfers

HLG prepares requisite applications and supporting documentation necessary to obtain regulatory merger and acquisition authority.

HLG literally "wrote the rules" on carrier-to-carrier customer base transfers.

#### Professional Opinions

HLG reviews corporate regulatory compliance and prepares related professional opinions for use by counsel in formulating legal opinions.