

ORIGINAL

State of Florida



# 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-

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COMMISSION  
CLERK

**DATE:** June 1, 2004

**TO:** Blanca S. Bayó, Commission Clerk and Administrative Services Director

**FROM:** Kiwanis L. Curry, Regulatory Analyst I, Division of Competitive Markets & Enforcement

**RE:** Docket No. 040427-TI

Please add the following documents to Docket No. 040427-TI:

- 1) Letter dated January 14, 2004 (2 pages)
- 2) Signed certified mail receipt (1 page)
- 3) Letter dated March 23, 2004 (2 pages)

CMP \_\_\_\_\_

COM \_\_\_\_\_

CTR \_\_\_\_\_

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DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

STATE OF FLORIDA

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LILA A. JABER  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON



OFFICE OF THE GENERAL COUNSEL  
RICHARD D. MELSON  
GENERAL COUNSEL  
(850) 413-6199

## Public Service Commission

January 14, 2004

**Return Receipt Requested**

Mr. Lance J. M. Steinhart  
Telecom Compliance Services, Inc.  
1720 Windward Concourse, Suite 250  
Alpharetta, Georgia 30005-2293

**Re: Past Due Company Response to Consumer Complaints**

Dear Mr. Steinhart:

The Florida Public Service Commission's Division of Consumer Affairs (CAF) has informed my office that Telecom Compliance Services, Inc. has not responded to the Commission regarding a specific consumer complaint. Despite numerous attempts by CAF to obtain a reply to the complaint, our records show that a company response has not been received to date.

The Commission intends to see that disputes between regulated companies and their customers be resolved as quickly, effectively, and inexpensively as possible. According to PSC Rule 25-22.032(5)(a):

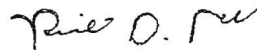
" . . . a Commission staff member will investigate the complaint and attempt to resolve the dispute in the following manner: The staff member will notify the company of the complaint and request a response. The company shall provide its response to the complaint within fifteen (15) working days. The response shall explain the company's actions in the disputed matter and the extent to which those actions were consistent with applicable statutes and regulations. The response shall also describe all attempts to resolve the customer's complaint."

I have enclosed a copy of the original complaint form for which we have no response. If the Commission has not received a response within ten (10) business days of the date of this letter, Telecom Compliance Services, Inc. is potentially at risk of being fined and/or having its certificate revoked. Please respond via fax to (850) 413-7168, or e-mail the response to [PSCREPLY@psc.state.fl.us](mailto:PSCREPLY@psc.state.fl.us).

Mr. Steinhart  
Page 2  
January 14, 2004

If you have any questions or need assistance, please contact Bev DeMello, Director of Consumer Affairs at (850) 413-6107 or by e-mail at [bdemello@psc.state.fl.us](mailto:bdemello@psc.state.fl.us), or Leroy Rasberry, Chief, Bureau of Complaint Resolution at (850) 413-6119, e-mail [lraser@psc.state.fl.us](mailto:lraser@psc.state.fl.us).

Sincerely,



Richard D. Melson  
General Counsel

RDM:bsd/jmb  
Enclosures

cc: Mary Andrews Bane, Executive Director  
Bev DeMello, Director, Consumer Affairs

**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. Lance J. M. Steinhart  
Telecom Compliance Services, Inc.  
1720 Windward Concourse, Suite 250  
Alpharetta, Georgia 30005-2293

2. Article Number  
(Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

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

1-20-04

C. Signature

X

*L. Steinhart*

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 1757 9063

STATE OF FLORIDA

COMMISSIONERS:  
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CHARLES M. DAVIDSON



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

## Public Service Commission

March 23, 2004

Mr. Tom Reardon  
Foxtel, Inc.  
333 Holcomb Avenue Suite 200  
Reno, NV 89502-1674

Dear Mr. Reardon:

The purpose of this letter is provide Foxtel, Inc. (Foxtel) an opportunity to respond to the customer complaint that was filed against the company. On January 14, 2004, staff mailed a certified letter (Enclosure 1) to Foxtel's agent requesting that the company investigate the complaint and submit a response. To date, our records indicate that the company has failed to respond. At this time, staff requests that Foxtel investigate the complaint, contact the customer and submit a written response verifying that the customer has been contacted and the complaint has been resolved. You may fax your response to the complaint to me at (850)413-6663 or you may respond by email to [kcurry@psc.state.fl.us](mailto:kcurry@psc.state.fl.us).

In addition, staff has determined that Foxtel may no longer be operating in the state of Florida. If Foxtel is no longer operating in the state and does not have need for its certification and registration, please submit a written request for cancellation of Certificate No. 8041 and Registration No. TJ039. Rule 25-24.820 (2), Revocation of a Certificate, Florida Administrative Code, states:

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.

You may submit your request to cancel your certification and registration to the following address:

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

Mr. Tom Reardon  
Page 2  
March 23, 2004

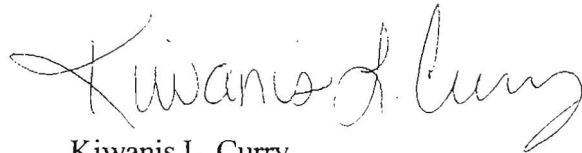
If Foxtel fails to provide the Commission with the requested information it may be subject to a penalty as prescribed by Section 364.285, F.S., which states:

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.

Please submit Foxtel's response to the customer complaint by **April 16, 2004**. If the requested information is not received by the deadline, a docket may be opened to involuntarily cancel the company's certification and registration.

If you have any questions or concerns, you may contact me at (850)413-6662.

Sincerely,



Kiwanis L. Curry  
Bureau of Service Quality

Enclosure

TMS #1073