

REQUEST TO ESTABLISH DOCKET

(Please Type)

Date:	8/12/2004	Docket No.:	040845-Tx
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1. Division Name/Staff Name:	Division Of Competitive Markets & Enforcement/Isler
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2. OPR:	Division Of Competitive Markets & Enforcement
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3. OCR:	Office Of The General Counsel
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4. Suggested Docket Title:	Compliance Investigation Of USA Telephone Inc. D/B/A CHOICE ONE Telecom For Apparent Violation Of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.
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5. Suggested Docket Mailing List (attach separate sheet if necessary)

A. Provide NAMES OR ACRONYMS ONLY if a regulated company.

B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)

1. Parties and their representatives (if any):

2. Interested persons and their representatives (if any):

6. Check one:

Documentation is attached.

Documentation will be provided with recommendation.

DOCUMENT NUMBER-DATE

08782 AUG 12 3

STATE OF FLORIDA

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



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

Public Service Commission

May 7, 2004

Mr. Jean Andre Cherubin, Vice President
USA Telephone Inc. d/b/a CHOICE ONE Telecom (TX203)
1510 NE 162nd Street
North Miami Beach, FL 33162-4716

Dear Mr. Cherubin:

The Regulatory Assessment Fee (RAF) is due by January 30th 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. Since payment has not been made, statutory penalty and interest charges are now applicable.

Our records show that the 2003 RAF return notice was mailed on December 12, 2003, and a delinquent notice was mailed on February 20, 2004. As of this date, our records do not show receipt of the RAF return or payment. A copy of the 2003 RAF return form is enclosed. If full payment, including penalty and interest charges, along with the RAF return form, are not received by May 28, 2004, a docket may be established. Since this will be the second time a docket is established for the same rule violation, staff intends to recommend that your company be fined or its 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 2003 RAF return form, either pay the 2004 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 collections. When returning payment and a copy of the completed 2003 Regulatory Assessment Fee return form, please use the enclosed blue envelope, which will insure prompt processing.

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, or by writing to me at the address below.

Sincerely,

A handwritten signature in cursive script that reads "Paula J. Isler".

Paula J. Isler, Research Assistant
Bureau of Service Quality

Enclosures

Competitive 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

TX203-03-0-R
 CHOICE ONE Telecom
 1510 N.E. 162nd Street
 North Miami Beach, FL 33162-4716
 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.	TOTAL REVENUES	_____	\$ _____
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.	TOTAL AMOUNT DUE	_____	\$ _____

* 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. _____

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.

TX203-03-0-D

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ 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.	A. Received by (Please Print Clearly) B. Date of Delivery C. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: TX203 CHOICE ONE Telecom 1510 N.E. 162nd Street North Miami Beach, Florida 33162-4716	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No 3. Service Type <input checked="" 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.
2. Article Number (Transfer from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes 7002 0860 0001 1761 1084

COMPANY IDENTIFICATION

Printed on 04/28/2004 at 12:14:09 by PJI

Complete Name: USA Telephone Inc. d/b/a CHOICE ONE Telecom

Mailing Name: CHOICE ONE Telecom

Company Code: TX203 FEID Number: 65-0826014

RAF ACCOUNT FOR THE PERIOD 01/01/2003 THROUGH 12/31/2003

Reg. Date: 06/13/1998 Inactive Date:
 Service: CLX - Competitive Local Exchange
 Received: No RAF Form
 Status: Pending
 Amended: No Extension: No
 Frozen: No Comments: No
 Payment Count: 0 Payments Made to Date
 Operating Rev: \$0.00 Interstate Rev: \$0.00
 RAF Rate: Net RAF Due: \$0.00

Assessment	Due	Paid	Owe
RAF	\$0.00	\$0.00	\$0.00
Penalty	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$0.00	\$0.00	\$0.00

Last modification was made on Tuesday, December 2, 2003 at 2:36 PM by David Brown

Period covered: 01/01/2003 through 12/31/2003 RAF rate:
 Operating rev: \$0.00 Gross intrastate rev: \$0.00
 Documents: Delinquent letter mailed on 02/19/2004
 RAF form mailed on 12/03/2003
 RAF form mailed on 12/02/2003

MCD Company Information for TX203

Printed on 08/11/2004 at 13:58:16 by PJI

Company Code: TX203
Complete Name: USA Telephone Inc. d/b/a CHOICE ONE Telecom
Mailing Name: CHOICE ONE Telecom
Certificate No(s): 5647
Status: Active
Regulation Date: 06/13/1998
Bankruptcy: No
Company Liaison #1: Jean Andre Cherubin
Title: Vice President
Mailing Address: 1510 N.E. 162nd Street

Physical Location: North Miami Beach, FL 33162-4716
1510 N.E. 162nd Street

Phone: North Miami Beach, FL 33162-4716
(305) 944-8383
Fax: (305) 947-8050

Related Dockets:

980447-TX Application for certificate to provide alternative local exchange telecommunications service by USA Telephone Inc.

980853-TP Request by BellSouth Telecommunications, Inc. for approval of resale agreement with USA Telephone Inc. pursuant to Sections 251 and 252 of the Telecommunications Act of 1996.

990751-TP Petition by GTE Florida Incorporated for approval of resale agreement with USA Telephone Inc.

990898-TP Petition by Sprint-Florida, Incorporated for approval of resale agreement with USA Telephone Inc.

001383-TP Request by BellSouth Telecommunications, Inc. for approval of resale agreement with USA Telephone, Inc.

011135-TX Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 5647 issued to USA Telephone Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

030023-TP Request for approval of adoption of existing interconnection, unbundling, resale, and collocation agreement in its entirety, and any and all amendments, between BellSouth Telecommunications, Inc. and AT&T Communications of the Southern States, LLC d/b/a AT&T by USA Telephone Inc.

030152-TP Request for approval of amendment to interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. and USA Telephone Inc.

030393-TX Request for name change on ALEC Certificate No. 5647 from USA Telephone Inc. to USA Telephone Inc. d/b/a CHOICE ONE Telecom.

030595-TP Petition for approval of adoption, with modifications, of existing terms of interim interconnection agreement between AT&T Communications of the Southern States, Inc. d/b/a AT&T and Verizon Florida Inc., by USA Telephone Inc. d/b/a CHOICE ONE Telecom.

MCD Company Information for TX203

Printed on 08/11/2004 at 13:58:16 by PJI

040365-TP

Request for approval of amendment to interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. and USA Telephone Inc. d/b/a CHOICE ONE Telecom.