

**REQUEST TO ESTABLISH DOCKET**

(Please Type)

Date: 8/13/2004

Docket No.: 040852-TX

1. Division Name/Staff Name: Division Of Competitive Markets & Enforcement/Isler

2. OPR: Division Of Competitive Markets & Enforcement

3. OCR: Office Of The General Counsel

4. Suggested Docket Title: Compliance Investigation of David A. Chesson and Ted J. Moss d/b/a Phone-Out/Phone-

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 - DAT

08844 AUG 13 8

Document2

FPSC-COMMISSION CLERK

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. David A. Chesson, President  
David A. Chesson and Ted J. Moss d/b/a  
Phone-Out/Phone-On (TX445)  
1012 Gregg Street  
Leesburg, FL 34748-4338

Dear Mr. Chesson:

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. 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. Our records also show that you have a small past due balance for late payment of a prior year's fee, which must be paid. A breakdown 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.

Mr. David A. Chesson, President  
Page 2  
May 7, 2004

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 at the bottom of Page One.

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 a long, sweeping underline.

Paula J. Isler, Research Assistant  
Bureau of Service Quality

Enclosures

# Competitive Local Exchange Company Regulatory Assessment Fee Return

STATUS:

- Actual Return
- Estimated Return
- Amended Return

**PERIOD COVERED:**  
01/01/2003 TO 12/31/2003

Florida Public Service Commission

(See Filing Instructions on Back of Form)

TX445-03-0-R  
Phone-Out/Phone-On  
1012 Gregg Street  
Leesburg, FL 34748-4338

cc: P. Isler

Please Complete Below If Official Mailing Address Has Changed

**FOR PSC USE ONLY**

Check# \_\_\_\_\_  
 \$: \_\_\_\_\_ 0603006  
 \_\_\_\_\_ 003001  
 \$ \_\_\_\_\_ P  
 \_\_\_\_\_ 0603006  
 \_\_\_\_\_ 004011  
 \$ \_\_\_\_\_  
 Postmark Date \_\_\_\_\_  
 Initials of Preparer \_\_\_\_\_

(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. \_\_\_\_\_

**COMPANY IDENTIFICATION**

Printed on 04/28/2004 at 13:53:28 by PJI

Complete Name: David A. Chesson and Ted J. Moss d/b/a Phone-Out/Phone-On

Mailing Name: Phone-Out/Phone-On

Company Code: TX445                      FEID Number: 59-3605192

**RAF ACCOUNT FOR THE PERIOD 01/01/2002 THROUGH 12/31/2002**

Reg. Date: 06/30/2000                      Inactive Date:                      4/

Service: CLX - Competitive Local Exchange

Received: Actual RAF Form

Status: Pending

Amended: No                                      Extension: No

Frozen: No                                        Comments: No

Payment Count: 1 Payment Made to Date

Operating Rev:                                      \$0.00                      Interstate Rev:                                      \$0.00

RAF Rate: 0.0015                                      Net RAF Due:                                      \$50.00

Assessment	Due	Paid	Owe
RAF	\$50.00	\$50.00	\$0.00
Penalty	\$5.00	\$0.00	\$5.00
Interest	\$1.00	\$0.00	\$1.00
Extension Fee	\$0.00	\$0.00	\$0.00
<b>Total</b>	<b>\$56.00</b>	<b>\$50.00</b>	<b>\$6.00</b>

Last modification was made on Wednesday, March 26, 2003 at 3:35 PM by Valorie Moore

Period covered: 01/01/2002 through 12/31/2002                      RAF rate: 0.0015

Operating rev:                                      \$0.00                      Gross intrastate rev:                                      \$0.00

Documents: Actual RAF form received on 03/20/2003

                    Delinquent letter mailed on 02/19/2003

                    RAF form mailed on 12/05/2002

Postmarked	Trans Date	Date Posted-By	Dep #	Check #	Check Amount
03/20/2003	03/26/2003	03/26/2003-VPM	II325	154	\$50.00
	RAF paid		II325		\$50.00

**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.

TX446-03-0-D

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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)	B. Date of Delivery
	C. Signature <i>[Signature]</i>	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
1. Article Addressed to: 1 X445 Phone-Out/Phone-On 1012 Gregg Street Leesburg, Florida 34748-4338	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <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 1312	
PS Form 3811, March 2001    Domestic Return Receipt    102595-01-M-1424		



COMPANY IDENTIFICATION

Printed on 04/28/2004 at 13:53:33 by PJI

Complete Name: David A. Chesson and Ted J. Moss d/b/a Phone-Out/Phone-On

Mailing Name: Phone-Out/Phone-On

Company Code: TX445 FEID Number: 59-3605192

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

Reg. Date: 06/30/2000 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
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Last modification was made on Wednesday, December 3, 2003 at 9:24 AM 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



## MCD Company Information for TX445

Printed on 08/12/2004 at 09:30:29 by PJI

Company Code: TX445  
Complete Name: David A. Chesson and Ted J. Moss d/b/a Phone-Out/Phone-On  
Mailing Name: Phone-Out/Phone-On  
Certificate No(s): 7466  
Status: Active  
Regulation Date: 06/30/2000  
Bankruptcy: No  
Company Liaison #1: David A. Chesson  
Title: President  
Mailing Address: 1012 Gregg Street

Physical Location: Leesburg, FL 34748-4338  
1012 Gregg Street

Phone: Leesburg, FL 34748-4338  
(352) 326-5441  
Fax:

### Related Dockets:

000415-TX Application for certificate to provide alternative local exchange telecommunications service by David A. Chesson and Ted J. Moss d/b/a Phone-Out/Phone-On.

011296-TX Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 7466 issued to David A. Chesson and Ted J. Moss d/b/a Phone-Out/Phone-On for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.