

REQUEST TO ESTABLISH DOCKET

(Please Type)

Date: 8/24/2004 Docket No.: 040933-77

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 Moving Bytes, Inc. for apparent violation of Section 364.336, Florida Statutes.

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
09255 AUG 24 04

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

STATE OF FLORIDA



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

Public Service Commission

June 10, 2004

Mr. Mark Smith, Secretary
Moving Bytes, Inc. (TJ637)
5858 Horton Street, Suite 101
Emeryville, CA 94608-2007

Dear Mr. Smith:

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. Our records also show that you have a small past due balance for a prior year's fee or statutory penalty and interest charges, 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 July 2, 2004, a docket may be established. Your company may 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 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 25-24.474, 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
TMS #1445

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

Interexchange 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)

TJ637-03-0-R
 Moving Bytes, Inc.
 5858 Horton Street, Suite 101
 Emeryville, CA 94608-2007

P. Isler

Please Complete Below If Official Mailing Address Has Changed

FOR PSC USE ONLY

Check# _____
 \$ _____ 0603001
 _____ 003001
 \$ _____ P
 _____ 0603001
 _____ 004011
 \$ _____ I
 Postmark Date _____
 Initials of Preparer _____

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

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

* These amounts must be intrastate only and must be verifiable.

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

CURRENT COMPANY STATUS

- Facilities-Based Carrier Reseller Call Aggregator
 Alternate-Operator Service Rebiller Other: _____

BILLING INFORMATION

Complete below if billing agent if other than yourself.

_____ (Name) _____ (Address: City/State/Zip) _____ (Telephone)
 What is the total amount of customer deposits collected? What is the total amount of bond held (if applicable)?
 Amount: \$ _____ for 19 _____ Amount: \$ _____ Expires: _____

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 08:45:50 by PJI

Complete Name: Moving Bytes, Inc.

Mailing Name: Moving Bytes, Inc.

Company Code: TJ637 FEID Number:

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

Reg. Date:	05/24/2002	Inactive Date:	
Service:	IXC - Interexchange Telephone		
Received:	Actual RAF Form		
Status:	Pending		
Amended:	No	Extension:	No
Frozen:	No	Comments:	No
Payment Count:	1 Payment Made to Date		
Operating Rev:	\$1,280.76	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
Total	\$56.00	\$50.00	\$6.00

Last modification was made on Thursday, March 13, 2003 at 2:55 PM by Jackie Knight

Period covered:	01/01/2002 through 12/31/2002	RAF rate:	0.0015		
Operating rev:	\$1,280.76	Interstate rev:	\$0.00		
Documents:	Actual RAF form received on 03/07/2003				
	Delinquent letter mailed on 02/19/2003				
	RAF form mailed on 12/05/2002				
Postmarked	Trans Date	Date Posted-By	Dep #	Check #	Check Amount
03/07/2003	03/13/2003	03/13/2003-JIK	II320	007978	\$50.00
	RAF paid		II320		\$50.00

25-24.474 Cancellation of a Certificate.

(1) The Commission may on its own motion cancel a company's certificate for any of the following reasons:

- (a) Violation of the terms and conditions under which the authority was originally granted;
- (b) Violation of Commission rule or order; or
- (c) Violation of Florida Statutes.

(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:

- (a) Statement of intent and date to pay Regulatory Assessment Fee.
- (b) Statement of why the certificate is proposed to be cancelled.
- (c) A statement on treatment of customer deposits and final bills.
- (d) Proof of individual customer notice regarding discontinuance of service.

(3) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

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

Law Implemented: 350.113, 350.127(1), 364.285, 364.337, 364.345, F.S.

History: New 2/23/87, amended 3/13/96.

TJ637-03-0-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
1. Article Addressed to: TJ637 Moving Bytes, Inc. 5858 Horton Street, Suite 101 Emeryville, California 94608-2007	C. Signature X <i>Batte</i>	3/1/04
	D. Is delivery address different from item 1?	<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
	If YES, enter delivery address below:	<input type="checkbox"/> Yes <input checked="" 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.	
	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
2. Article Number (Transfer from service label)	7002 0860 0001 1760 2617	
PS Form 3811 March 2001 Domestic Return Receipt 102595-01-M-1424		

COMPANY IDENTIFICATION

Printed on 04/28/2004 at 08:45:58 by PJI

Complete Name: Moving Bytes, Inc.

Mailing Name: Moving Bytes, Inc.

Company Code: TJ637 FEID Number:

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

Reg. Date:	05/24/2002	Inactive Date:	
Service:	IXC - Interexchange Telephone		
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

Period covered:	01/01/2003 through 12/31/2003	RAF rate:	
Operating rev:	\$0.00	Interstate rev:	\$0.00
Documents:	Delinquent letter mailed on 02/20/2004		
	Delinquent letter mailed on 02/19/2004		
	Delinquent letter mailed on 02/18/2004		
	RAF form mailed on 12/03/2003		

MCD Company Information for TJ637

Printed on 08/24/2004 at 08:32:39 by PJI

Company Code:	TJ637
Complete Name:	Moving Bytes, Inc.
Mailing Name:	Moving Bytes, Inc.
Certificate No(s):	8080
Status:	Active
Regulation Date:	05/24/2002
Bankruptcy:	No
Company Liaison #1:	Mark Smith
Title:	Secretary
Mailing Address:	5858 Horton Street, Suite 101
	Emeryville, CA 94608-2007
Physical Location:	5858 Horton Street, Suite 101
	Emeryville, CA 94608-2007
Phone:	(510) 985-1033
Fax:	(510) 985-1726
Related Dockets:	
020121-TI	Application for certificate to provide interexchange telecommunications service by Moving Bytes, Inc.