

State of Florida



ORIGINAL

Public Service Commission

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COMMISSION CLERK

-M-E-M-O-R-A-N-D-U-M-

**DATE:** November 30, 2004

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

**FROM:** Beth W. Salak, Director, Division of Competitive Markets & Enforcement  
Beth Keating, Attorney Supervisor, Office of the General Counsel *BWS*

**RE:** Docket No. 040845-TX - Compliance investigation of USA Telephone, Inc. d/b/a CHOICE ONE Telecom, for apparent violation of Section 364.183(1), F.S., Access to Company Records, and Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

On September 9, 2004, Docket No. 040845-TX was established to investigate USA Telephone, Inc. d/b/a CHOICE ONE Telecom for apparent violation of Section 364.183(1), F.S., Access to Company Records, and Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. By Order PSC-04-0994-PAA-TX, issued October 11, 2004, the Commission proposed penalties against USA Telephone, Inc. in the amount of \$10,000 for failure to provide access to company records and \$1,000 for failure to pay its 2003 Regulatory Assessment Fees which was an apparent violation of Chapter 364.183(1), F.S., and Rule 25-4.0161, F.A.C. respectively. The Commission further ordered that if USA Telephone, Inc. failed to pay the penalties and its 2003 Regulatory Assessment Fees, including statutory late payment and interest charges, within fourteen calendar days after the issuance of the Consummating Order, Certificate No. 5647 would be cancelled administratively. On November 5, 2004, Order PSC-04-1098-CO-TX was issued making Order PSC-040994-PAA-TX, effective and final.

Fourteen calendar days have elapsed since the issuance of the Consummating Order and the company has not paid the total of \$11,000 penalties and its 2003 Regulatory Assessment Fees, including statutory late payment and interest charges. The \$11,000 penalties should not be referred to the Department of Financial Services for further collection. Instead, Certificate No. 5647 should be cancelled and this docket should be closed administratively.

*OK to close 11/30/04 RWS*

cc: Division of Competitive Markets & Enforcement (Howell)  
Office of the General Counsel (Rojas;Rockette-Gray; Scott)

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