

**FRIEND, HUDAK & HARRIS, LLP**

ATTORNEYS AT LAW

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EMAIL: fh2@fh2.com

December 8, 2004

**VIA OVERNIGHT MAIL**

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

Re: Compliance Investigation of InterCept Communications Technologies, Inc. for  
Apparent Violation of Rule 25-4.0161, FAC, Regulatory Assessment Fees;  
Telecommunications Companies, Docket No. 040847-TX

Dear Ms. Bayo:

We are counsel for InterCept Communications Technologies, Inc. ("InterCept"). InterCept is a Georgia corporation headquartered at 3150 Holcomb Bridge Road, Suite 200, Norcross, Georgia 30071. InterCept was issued certificate number 7062 by the Florida Public Service Commission (the "Commission") to provide local telecommunications services in Florida in Docket No. 990541 on August 3, 1999 (the "CLEC Certificate"). In addition, InterCept was issued certificate number 7282 to provide interexchange services in Florida in Docket No. 990659.

This correspondence regards Order No. PSC-04-1145-PAA-TX issued on November 18, 2004 in Docket No. 040847-TX. InterCept respectfully protests the Order and hereby offers to settle all of the applicable compliance issues raised in Docket No. 040847-TX, as further discussed below.

Despite having received the CLEC Certificate in 1999, InterCept never commenced the provision of telecommunications services in Florida (or in any other state). Because its business plans changed before it began provisioning any telecommunications services, InterCept took steps to affirmatively cancel its certificates in all other states in which InterCept had been certificated to provide telecommunications services, and was under the mistaken belief that the CLEC Certificate already had been cancelled. As such, InterCept believed in good faith that it was no longer obligated to comply with the requirements discussed in Docket No. 040847-TX.

InterCept hereby offers to settle the issues raised in Docket No. 040847-TX by (i) voluntarily canceling the CLEC Certificate, and (ii) remitting the applicable 2003 and 2004 Regulatory Assessment Fees, including statutory penalties and interest. InterCept respectfully requests that the

DOCUMENT NUMBER-DATE

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Blanca Bayo, Director  
December 8, 2004  
Page 2

Commission accept its proposal to voluntarily cancel the CLEC Certificate in lieu of assessing any fines sought in Docket No. 040847-TX. Toward this end, InterCept is enclosing its 2003 and 2004 Regulatory Assessment Fee returns, along with full payment.

Enclosed are the original and sixteen (16) copies of this letter. Please file the letter in your usual fashion and return one (1) file-stamped copy to us in the enclosed, pre-addressed envelope. If you have any questions regarding the foregoing, please contact the undersigned.

Sincerely,



Charles A. Hudak

Counsel for InterCept Communications Technologies, Inc.

CAH/jh

Enc.

cc: Paula Isler, Florida Public Service Commission  
(with enclosure)  
InterCept Communications Technologies, Inc.  
(with enclosure)

## 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)

TX315-03-0-R  
 InterCept Communications Technologies, Inc.  
 3150 Holcomb Bridge Road, Suite 200  
 Norcross, GA 30071-1370

Docket No. 040847-TX (Isler)

Please Complete Below If Official Mailing Address Has Changed

FOR PSC USE ONLY	
Check#	
\$ _____	06-03-001 003001
\$ _____ P	06-03-001 004011
\$ _____ I	
Postmark Date	_____
Initials of Preparer	_____

(Name of Company)	(Address)	(City/State)	(Zip)
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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		\$ 0
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)		50.00
11.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)		12.50
12.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)		5.50
13.	TOTAL AMOUNT DUE		\$ 68.00

\* 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: Does not provide telecommunications services

### BILLING INFORMATION

Complete below if billing agent if other than yourself.

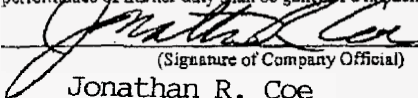
(Name)	(Address: City/State/Zip)	(Telephone)
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### COMPANY INFORMATION

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)  
 Jonathan R. Coe  
 \_\_\_\_\_  
 (Preparer of Form - Please Print Name)

\_\_\_\_\_  
 Senior Vice President  
 \_\_\_\_\_  
 (Title) 12-7-04  
 \_\_\_\_\_  
 (Date)  
 Telephone Number 770, 248-9600 Fax Number 770, 242-6803  
 F.E.I. No. 58-2456007

## Competitive Local Exchange Company Regulatory Assessment Fee Return

STATUS:

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 Estimated Return  
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PERIOD COVERED:  
01/01/2004 TO 12/31/2004

Florida Public Service Commission  
(See Filing Instructions on Back of Form)

TX315-04-0-R  
 InterCept Communications Technologies, Inc.  
 3150 Holcomb Bridge Road, Suite 200  
 Norcross, GA 30071-1370  
 Docket No. 040847-TX (Isler)

Please Complete Below If Official Mailing Address Has Changed

**FOR PSC USE ONLY**

Check# \_\_\_\_\_

\$ \_\_\_\_\_ 06-03-001  
 \_\_\_\_\_ P 003001

\_\_\_\_\_ 06-03-001  
 \_\_\_\_\_ I 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>		0
8.	LESS: Amounts Paid to Other Telecommunications Companies* (see "2. Fees" on back)		0
9.	Net Intrastate Operating Revenue for Regulatory Assessment Fee Calculation (Line 7 less Line 8)		50.00
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>		\$ 50.00

\* These amounts must be intrastate only and must be verifiable.  
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**AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50**

( ) Facilities-Based Provider

CURRENT COMPANY STATUS

( ) Reseller  
 (X) Other: Does not provide telecommunications services.

BILLING INFORMATION

Complete below if billing agent if other than yourself.

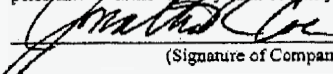
\_\_\_\_\_  
(Name) (Address: City/State/Zip) (Telephone)

COMPANY INFORMATION

Do you lease telecommunications facilities? ( ) YES (X) 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)  
 Jonathan R. Coe  
(Preparer of Form - Please Print Name)

\_\_\_\_\_  
(Title)  
 Senior Vice President

\_\_\_\_\_  
(Date)  
 12-7-04

Telephone Number 770 248-9600 Fax Number 770 242-6803  
 F.E.L. No. 58-2456007