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210 N. Park Ave.
Winter Park, FL
32789

P.O. Drawer 200
Winter Park, FL
32790-0200

Tel: 407-740-8575
Fax: 407-740-0613
tmi@tminc.com

March 31, 2005

Ms. Blanca Bayo
Director, Division of Commission clerk & Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399- 850

RE: Phone1 Smart, LLC
TG879 and TX727
Docket Nos. 041049-TC and 040861-TX
CLEC and Payphone RAF Returns - Settlement Proposal

- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- RCA _____
- SCR _____
- SEC 1
- OTH _____

Dear Ms. Bayo:

Please accept this letter and one (1) copy, filed on behalf of Phone1 Smart, LLC, along with payment of \$200 as settlement of the above-referenced docket.

Please acknowledge receipt of this filing by date stamping the extra copy of this cover letter and returning it to me in the self-addressed, stamped envelope provided.

Any questions you may have pertaining to this filing may be directed to me at (407) 740-8575 or via email at mbyrnes@tminc.com. Thank you for your assistance.

Sincerely,

Monique Byrnes
Consultant to Phone1Smart, Inc.

cc: Paula Isler, FPSC
J. Leath, Phone1
file: Phone1 - Phone1Smart FL

DOCUMENT NUMBER-DATE
03254 APR-4 05

FPSC-COMMISSION CLERK

Raquel Tully

From: Paula Isler
Sent: Friday, April 01, 2005 11:00 AM
To: Raquel Tully
Subject: RE: Docket Nos. 040861-TX and 041049-TC

Raquel, the \$200 (\$100 for each docket) should be deposited in the PSC Trust Fund for collection costs. Thanks.

From: Raquel Tully
Sent: Friday, April 01, 2005 10:16 AM
To: Paula Isler
Subject:

We received a check from Wayne Malaney, from Phone Smart for \$200.00 they are asking for the PSC to accept this, Please let me know if we can accept this and if we do do you want it all to go to fines?

Thanks for all of your help.

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of Phone 1 Smart LLC for apparent violation of Rule 25- 4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.	DOCKET NO. 041049-TC ORDER NO. PSC-05-0295-AS-TC ISSUED: March 17, 2005
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The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH RUDY BRADLEY
CHARLES M. DAVIDSON
LISA POLAK EDGAR

ORDER APPROVING SETTLEMENT**BY THE COMMISSION:**

Pursuant to Section 364.336, Florida Statutes, pay telephone companies must pay a minimum annual Regulatory Assessment Fee of \$50 if the certificate was active during any portion of the calendar year. Pursuant to Rule 25-4.0161(2), Florida Administrative Code, the form and applicable fees are due to the Florida Public Service Commission by January 30 of the subsequent year. Pursuant to Section 350.113(4), Florida Statutes, the Regulatory Assessment Fee return forms, for the period of January 1 through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due. All entities that apply for certification receive a copy of our rules governing pay telephone service.

Phone 1 Smart LLC currently holds Certificate No. 8081, issued by this Commission on May 10, 2002, authorizing the provision of Pay Telephone service. The Division of the Commission Clerk & Administrative Services advised our staff that Phone 1 Smart LLC had not paid the Regulatory Assessment Fee required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 2003. Also, accrued statutory late payment charges required by Section 350.113(4), Florida Statutes, for the years 2002 and 2003 had not been paid. The entity was scheduled to remit its 2003 Regulatory Assessment Fee by January 30, 2004. In addition, on May 26, 2004, our staff wrote the company and advised that payment of the 2003 Regulatory Assessment Fee should be paid by June 25, 2004, to avoid a docket from being established. On October 20, 2004, the company's consultant, Ms. Monique Byrnes, called staff and asked for the information required to resolve this docket. In addition, Ms. Byrnes asked that the 2003 and 2004 Regulatory Assessment Fee returns be e-mailed to her, which was done the same date. On November 19, 2004, the Commission received the company's 2003 and 2004 Regulatory Assessment Fee returns, along with full payment. On December 3, 2004, the Commission received a letter from Ms. Byrnes on behalf of the company, which proposed to pay future Regulatory Assessment Fees on a timely basis and offered to pay a \$100 contribution to

ORDER NO. PSC-05-0295-AS-TC
DOCKET NO. 041049-TC
PAGE 2

resolve this docket. This amount is consistent with amounts the Commission has accepted for recent, similar violations.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. Phone 1 Smart LLC must comply with these requirements within 14 days from the date of issuance of this Order. The contribution should be identified with the docket number and the company name. Upon timely receipt, the contribution will be deposited in the Florida Public Service Regulatory Trust Fund, pursuant to Section 350.113, Florida Statutes. Upon remittance of the \$100 contribution or cancellation of the certificate, this docket shall be closed. If Phone 1 Smart LLC's certificate is cancelled in accordance with this Order, Phone 1 Smart LLC shall immediately cease and desist providing pay telephone services in Florida. We are vested with jurisdiction over this matter pursuant to Sections 350.113, 364.336, 364.3375, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Phone 1 Smart LLC's settlement proposal set forth in the body of this Order is hereby approved. It is further

ORDERED that the settlement amount must be received within 14 days of the issuance of this Order. It is further

ORDERED that this docket shall remain open pending timely receipt of the \$100 contribution, which will be applied to the cost of collection. The contribution will be deposited in the Florida Public Service Regulatory Trust Fund. It is further

ORDERED that if Phone 1 Smart LLC fails to comply with this Order, its certificate will be cancelled administratively. It is further

ORDERED that if Phone 1 Smart LLC's certificate is cancelled in accordance with this Order, Phone 1 Smart LLC shall immediately cease and desist providing pay telephone services in Florida. It is further

ORDERED that upon receipt of the \$100 contribution or cancellation of the certificate, this docket shall be closed.

ORDER NO. PSC-05-0295-AS-TC
DOCKET NO. 041049-TC
PAGE 3

By ORDER of the Florida Public Service Commission this 17th day of March, 2005.

/s/ Blanca S. Bay

BLANCA S. BAY , Director
Division of the Commission Clerk
and Administrative Services

This is a facsimile copy. Go to the Commission's Web site,
<http://www.floridapsc.com> or fax a request to 1-850-413-7118, for a copy of the order with signature.

(S E A L)

DRG

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request:
1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850

TO: Monique Byrnes
Fax #: 6,14077400613

FROM: Records Fax Server

RE:

Note: This fax was generated by the Case Management System.

Multiple attempts will be made to fax this document. If all attempts fail, you will automatically be sent a copy of the document by U.S. Mail. You do not need to call to report a fax failure.

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of Phone 1 Smart LLC for apparent violation of Rule 25-4.0161, FAC, Regulatory Assessment Fees; Telecommunications Companies.	DOCKET NO. 040861-TX ORDER NO. PSC-05-0293-AS-TX ISSUED: March 17, 2005
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The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH RUDY BRADLEY
CHARLES M. DAVIDSON
LISA POLAK EDGAR

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

Pursuant to Section 364.336, Florida Statutes, competitive local exchange telecommunications companies must pay a minimum annual Regulatory Assessment Fee of \$50 if the certificate was active during any portion of the calendar year. Pursuant to Rule 25-4.0161(2), Florida Administrative Code, the form and applicable fees are due to the Florida Public Service Commission by January 30 of the subsequent year. Pursuant to Section 350.113(4), Florida Statutes, the Regulatory Assessment Fee return forms, for the period of January 1 through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due. All entities that apply for certification receive a copy of our rules governing competitive local exchange telecommunications service.

Phone 1 Smart LLC currently holds Certificate No. 8384, issued by this Commission on October 6, 2003, authorizing the provision of Competitive Local Exchange Telecommunications service. The Division of the Commission Clerk & Administrative Services advised our staff that Phone 1 Smart LLC had not paid the Regulatory Assessment Fee required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 2003. Also, accrued statutory late payment charges required by Section 350.113(4), Florida Statutes, for the year 2003 had not been paid. The entity was scheduled to remit its 2003 Regulatory Assessment Fee by January 30, 2004. In addition, on May 7, 2004, our staff wrote the company and advised that payment of the 2003 Regulatory Assessment Fee should be paid by May 28, 2004, to avoid a docket from being established. On October 20, 2004, the company's consultant, Ms. Monique Byrnes, called staff and asked for the information required to resolve this docket. In addition, Ms. Byrnes asked that the 2003 and 2004 Regulatory Assessment Fee returns be e-mailed to her, which was done the same date. On November 19, 2004, the Commission received the company's 2003 and 2004 Regulatory Assessment Fee returns, along with full payment. On December 3, 2004, the Commission received a letter from Ms. Byrnes on behalf of the company,

ORDER NO. PSC-05-0293-AS-TX
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which proposed to pay future Regulatory Assessment Fees on a timely basis and offered to pay a \$100 contribution to resolve this docket. This amount is consistent with amounts the Commission has accepted for recent, similar violations.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. Phone 1 Smart LLC must comply with these requirements within 14 days from the date of issuance of this Order. The contribution should be identified with the docket number and the company name. Upon timely receipt, the contribution will be deposited in the Florida Public Service Regulatory Trust Fund, pursuant to Section 350.113, Florida Statutes. Upon remittance of the \$100 contribution or cancellation of the certificate, this docket shall be closed. If Phone 1 Smart LLC's certificate is cancelled in accordance with this Order, Phone 1 Smart LLC shall immediately cease and desist providing competitive local exchange telecommunications services in Florida. We are vested with jurisdiction over this matter pursuant to Sections 350.113, 364.336, 364.337, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Phone 1 Smart LLC's settlement proposal set forth in the body of this Order is hereby approved. It is further

ORDERED that the settlement amount must be received within 14 days of the issuance of this Order. It is further

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ORDER NO. PSC-05-0293-AS-TX
DOCKET NO. 040861-TX
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By ORDER of the Florida Public Service Commission this 17th day of March, 2005.

/s/ Blanca S. Bay
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Division of the Commission Clerk
and Administrative Services

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