

**REQUEST TO ESTABLISH DOCKET**

(Please Type)

Date: 9/20/2005

Docket No.: 050616-TV

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 CLEC Certificate No. 7478 issued to DV2, Inc. for apparent violation of Rule 25-~~4~~4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

~BM

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):

|  |  |
|--|--|
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|  |  |
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|  |  |
|  |  |
|  |  |

2. Interested persons and their representatives (if any):

|  |  |
|--|--|
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

6. Check one:

Documentation is attached.

Documentation will be provided with recommendation.

DOCUMENT NUMBER-DATE

08857 SEP 20 08

COMMISSIONERS:  
BRAULIO L. BAEZ, CHAIRMAN  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
LISA POLAK EDGAR

STATE OF FLORIDA



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

## Public Service Commission

July 29, 2005

Mr. Jeffrey W. Hinkle, CTO  
DV2, Inc. (TX441)  
PO Box 72973  
Atlanta, GA 30007-2973

Dear Mr. Hinkle:

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 (\$12.50) and interest (\$3.50) charges are now applicable.

Our records show that the 2004 RAF return notice was mailed on December 10, 2004, and a delinquent notice was mailed on February 18, 2005. As of this date, our records do not show receipt of the RAF return or payment. A copy of the 2004 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 August 19, 2005, 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 \$1,000 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 the company owes the minimum amount, it will owe \$66.00 for 2004, plus the \$3.00 past due amount for a **total due of \$69.00.** 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 2004 RAF return form, either pay the 2005 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 2004 Regulatory Assessment Fee return form, please use the enclosed blue envelope, which will insure prompt processing.

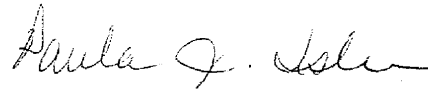
Mr. Jeffrey W. Hinkle, CTO

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July 29, 2005

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 cursive script that reads "Paula J. Isler".

Paula J. Isler  
Bureau of Service Quality

Enclosures

# Competitive Local Exchange Company Regulatory Assessment Fee Return

**STATUS:**

- Actual Return
- Estimated Return
- Amended Return

**PERIOD COVERED:**

01/01/2004 TO 12/31/2004

Florida Public Service Commission

(See Filing Instructions on Back of Form)

TX441-04-0-R  
 DV2, Inc.  
 P. O. Box 72973  
 Atlanta, GA 30007-2973  
 (ISLER)

**FOR PSC USE ONLY**

Check# \_\_\_\_\_  
 \$ \_\_\_\_\_ 06-03-001  
 003001  
 \$ \_\_\_\_\_ P \_\_\_\_\_  
 06-03-001  
 004011  
 \$ \_\_\_\_\_ I \_\_\_\_\_  
 Postmark Date \_\_\_\_\_  
 Initials of Preparer \_\_\_\_\_

Please Complete Below If Official Mailing Address Has Changed

\_\_\_\_\_  
 (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.       | TOTAL REVENUES  |                         | \$ _____           |
| 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.      | TOTAL AMOUNT DUE  |                         | \$ _____           |

\* 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 07/22/2005 at 10:01:17 by PJI

Complete Name: DV2, Inc.

Mailing Name: DV2, Inc.

Company Code: TX441

FEID Number: 58-2426392

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

Reg. Date: 07/05/2000 Inactive Date:  
 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       | \$2.50  | \$0.00  | \$2.50 |
| Interest      | \$0.50  | \$0.00  | \$0.50 |
| Extension Fee | \$0.00  | \$0.00  | \$0.00 |
| Total         | \$53.00 | \$50.00 | \$3.00 |

Last modification was made on Wednesday, February 11, 2004 at 8:13 AM by Valorie Moore

DV2, INC. (TX441)

Industry: Telecommunications, Service provided: CLX

Company type: Alternative Local Exchange Companies

Regulation date: 07/05/2000, Inactive date:

Certificate number: 7478, County:

Company liaison: Jeffrey W. Hinkle, CTO

Mailing address:

P. O. Box 72973

Atlanta, GA 30007-2973

E-mail address: jhinkle@dv2.com

Web site:

Phone number: (404) 525-6433

Fax number: (404) 230-9149

Period covered: 01/01/2003 through 12/31/2003

RAF rate: 0.0015

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

Documents: Actual RAF form received on 02/07/2004

RAF form mailed on 12/03/2003

| Postmarked | Trans Date | Date Posted-By | Dep # | Check # | Check Amount |
|------------|------------|----------------|-------|---------|--------------|
| 02/07/2004 | 02/10/2004 | 02/11/2004-VPM | JH431 | 1414    | \$50.00      |
|            | RAF paid   |                | JH431 |         | \$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.

COMPANY IDENTIFICATION

Printed on 07/22/2005 at 10:01:32 by PJI

Complete Name: DV2, Inc.

Mailing Name: DV2, Inc.

Company Code: TX441

FEID Number: 58-2426392

RAF ACCOUNT FOR THE PERIOD 01/01/2004 THROUGH 12/31/2004

Reg. Date: 07/05/2000 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 |
| Total         | \$0.00 | \$0.00 | \$0.00 |

Last modification was made on Wednesday, December 1, 2004 at 8:57 AM by David Brown

DV2, INC. (TX441)

Industry: Telecommunications, Service provided: CLX

Company type: Alternative Local Exchange Companies

Regulation date: 07/05/2000, Inactive date:

Certificate number: 7478, County:

Company liaison: Jeffrey W. Hinkle, CTO

Mailing address:

P. O. Box 72973

Atlanta, GA 30007-2973

E-mail address: jhinkle@dv2.com

Web site:

Phone number: (404) 525-6433

Fax number: (404) 230-9149

Period covered: 01/01/2004 through 12/31/2004

RAF rate:

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

Documents: RAF form e-mailed on 03/15/2005

Remarks: Sent to hhinkle@gnax.net as file

C:\RAFREPS\RAF-TX441-04-0-R.pdf

Delinquent letter mailed on 02/16/2005

RAF form mailed on 12/01/2004

MCD Company Information for TX441

2nd + Prev.

Printed on 07/14/2005 at 11:42:39 by PJI

Company Code: TX441  
Complete Name: DV2, Inc.  
Mailing Name: DV2, Inc.  
Certificate No(s): 7478  
Status: Active  
Regulation Date: 07/05/2000  
Bankruptcy: No  
Company Liaison #1: Jeffrey W. Hinkle  
Title: CTO  
Mailing Address: P. O. Box 72973

Physical Location: Atlanta, GA 30007-2973  
% CT Corporation System  
1200 South Pine Island Road  
Plantation, FL 33324-4413

Phone: (404) 525-6433  
Fax: (404) 230-9149

Related Dockets:

000384-TX Application for certificate to provide alternative local exchange telecommunications service by DV2, Inc.

001107-TP Request by BellSouth Telecommunications, Inc. for approval of interconnection, unbundling, resale, and collocation agreement with DV2, Inc.

020012-TP Request by BellSouth Telecommunications, Inc. for approval of amendment to negotiated interconnection, unbundling, resale and collocation agreement with DV2, Inc., pursuant to Sections 251, 252 and 271 of the Telecommunications Act of 1996.

020588-TX Cancellation by Florida Public Service Commission of ALEC Certificate No. 7478 issued to DV2, Inc. for violation of Rule 25-4.161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

020588-TX  
\$100 settlement