

**REQUEST FOR CHANGE TO AGENDA CONFERENCE
HAND DELIVER**

Date of Request: 10/31/2005 Date of Agenda Conference: 11/1/2005 Item No. 10 (part*)

Docket No.: 050610-TX Brief Title: Compliance Invest. RAF Rule Violation

Requested by: Staff Other Richard E. Fallon
(Name)

Please attach a copy of the written documentation filed (IF OTHER)

STAFF's Recommendation to Executive Suite (IF OTHER) Approve Request Deny Request

ACTION REQUESTED [see APM 2.11]

- Defer Item to Agenda Scheduled Date: 12/20/2005
- Change Order of Item or Take Up at Time Certain
- Withdraw Item (not expected to return to Agenda)
- Late Filed Recommendation (must be filed no later than 3:00 p.m. on the date approved for late filing) **A copy of the front page of the recommendation must be provided to CCA by 12 noon on the regular filing date for use as a place-holder during agenda preparation.**
- Add Item to Published Agenda [see Section 120.525(2), F.S.] – Issue an ADDENDUM and give Legal NOTICE
- Add Emergency Item to Published Agenda [see Section 120.525 (3), F.S.] – Issue an ADDENDUM and Give Fair NOTICE

Concise explanation, justification or comments (attach additional sheet if necessary):

Mr. Richard E. Fallon, owner of Electronic Technical Services, a certificated CLEC, has requested deferral of Docket 050610-TX. Mr. Fallon claims he has paid the RAF, but his records were affected by Hurricane Ivan and he needs more time to go through them. He had relocated to a temporary facility and the notice of the docket and agenda schedule was delayed in reaching him. Even though staff has been unable to find any record of payment of the 2004 RAF, staff believes that under the circumstances, Mr. Fallon should be given more time to search his records. A copy of Mr. Fallon's correspondence is attached.

*NOTE: DEFER DOCKET 050610-TX ONLY Other Dockets in Item 10 Should Remain

RECEIVED-FPSC
OCT 31 PM 3:37
COMMISSION CLERK
CMP _____
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SGA _____
SEC _____
OTH _____

Signature (Technical Staff): *Paula Miller*
Ray Kemp
Signature (Legal Staff): *Scott Hendry*

Initials (Division Director or Designee): *Evans, War*
Thompson
Rayo
Initials (General Counsel or Designee): *RER*

EXECUTIVE DIRECTOR:

Recommendation to the Chairman's Office Approve Request Deny Request
Initials: *IVAB* Date: *10/31/05*
Comments:

CHAIRMAN'S OFFICE:

Initials: *Blair* Approve Request Deny Request
Date: *10-31-05*

Executive Suite will send the original to the Division of Commission Clerk & Administrative Services and return copy to the requesting staff after the Chairman's Office takes action on this request. Requesting staff should distribute copies to the Division Directors (OPR & OCR) and Attorney assigned to the docket.

DOCUMENT NUMBER-DATE

10500 OCT 31 05

Electronic Technical Services

700 Beal Parkway NE Suite HH
Fort Walton Beach
Fl. 32547

October 31, 2005,

Florida Public Service Commission

Dear Sir or Madam:

This letter concerns pending action against Electronic Technical Services for failure to pay the 2004 regulatory fee. I request a deferment of the action to allow time to research the payment information and resolve the problem. We received notice of this problem via mail on 25 Oct 2005. The letter detailing the problem was dated July of 2005. A notice of action was received the next day, 26 Oct 2005. A check and a second change of address had been mailed in February after receiving notice back in late February of 2005 that a payment had not been received. We had called your office, and had the form faxed to us by Mr. David Brown on 24 Feb 2005. A check #15019 was sent out on 28 Feb 2005. Our late response was due to our business being displaced by hurricane Ivan in September of 2004 and our not receiving the initial paperwork. Also, your administrative office did not receive our first change of address, so mail was being sent to our old address. This notice in late October was our first indication that you had not received our February check. We are still in a temporary facility and access to paper records and computers that were water damaged is limited. We will pay the 2004 fee again and request a refund if the first check has cleared. Preliminary checks do not show the check cleared.

We were also notified that we had not made a payment in 1998. During that period we had an administrative staff that included 2 full time bookkeepers. It is difficult to imagine that this payment was not made and that this was the first notification of the problem. To draw an analogy, this is like the power company notifying you yesterday that you never paid your power bill 7 years ago and you need to pay it immediately with 7 years of late fees and a \$500 fine or we will turn your power off. Under the best circumstances it would be very costly to research through records that are over 5 years old. The hurricane damage that we had would make that task virtually impossible. Although I feel confident that we have paid that fee, I would be willing to repay it without the late fees and penalties in order to resolve the problem.

I will not be able to attend the 1 Nov 2005 meeting in person. If this action is not deferred, I request that I be given the opportunity to address the board via telephone. My mobile number is 850-865-4196.

Sincerely,



Richard E Fallon
President, Electronic Technical Services

Docket #
050610-TX

NET Satisfaxtion To: Richard

From: David Brown

2-24-05 12:21pm p. 1 of 2

TO AVOID PENALTY AND INTEREST CHARGES, THE REGULATORY ASSESSMENT FEE RETURN MUST BE FILED ON OR BEFORE 01/31/2005

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 F-1100 Instructions on Back of Form)

TX135-04-0-R
 Electronic Technical Services (E.T.S.)
 648 North Beal Parkway
 Ft. Walton Beach, FL 32547-3508

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

Please Complete Below If Official Mailing Address Has Changed

Electronic Technical Services 700HH Beal Av Ft Walton Beach FL 32547
 (Name of Company) (Address) (City/State) (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	FLORIDA GROSS OPERATING REVENUE INTRASTATE REVENUE
1.	Basic Local Services	\$ 0
2.	Long Distance Services (IntraLATA only)**	0
3.	Access Services	0
4.	Private Line Services	0
5.	Leased Facilities & Circuits Services	0
6.	Miscellaneous Services	0
7.	TOTAL REVENUES	\$ 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)	0
10.	Regulatory Assessment Fee Due (Multiply Line 9 by 0.0015)	0
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	\$ 0.00

*pd 28 Feb 2005
CKW*

* Those amounts must be intrastate only and must be verifiable.
 ** Other long distance revenues must be listed on the Interexchange Regulatory Assessment Fee Return.

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

() Facilities-Based Provider
 () Reseller
 (X) 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 (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 in 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.

Richard Fallon President/owner 28 Feb 2005
 (Signature of Company Official) (Title) (Date)

Richard Fallon Telephone Number (850) 813-9284 Fax Number (850) 803 9779
 (Preparer of Form - Please Print Name)

Florida Public Services Co.
TX 188-0472
PREPARED
28 Feb 2005
50.02

5F6001-1

TO REPAIR, CALL YOUR LOCAL SAFEGUARD DISTRIBUTOR AT 800-878-3155

028660010000 1005F00002

