

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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

DATE: January 19, 2006
TO: Blanca Bayó, Director, Division of Commission Clerk and Administrative Services
FROM: Adam J. Teitzman, Attorney, Office of the General Counsel *AT plw*
RE: Request for Permission from Department of Financial Services to Write-Off the Penalty Imposed on Tiburon Telecom, Inc.
Docket No. 050180-TI – Compliance investigation of Tiburon Telecom, Inc. for apparent violation of Section 364.336, F.S., Regulatory Assessment Fees

On March 11, 2005, Docket No. 050180-TI was established to address Tiburon Telecom, Inc.'s violations of Section 364.336, Florida Statutes. Tiburon Telecom, Inc. failed to remit the penalty levied by Order No. PSC-05-0573-PAA-TI, issued on May 24, 2005. The Commission further ordered that Tiburon Telecom, Inc. should cease and desist providing intrastate interexchange telecommunications service in Florida. The Commission further ordered that the outstanding penalty be sent to the Department of Financial Services for collection, and, that the Division of the Commission Clerk and Administrative Services should request permission to write-off the uncollectible amount.

Therefore, staff requests that Bureau of Administrative Services/Fiscal Services Section take the appropriate steps to seek permission from the Department of Financial Services to write-off the uncollectible penalty for Tiburon Telecom, Inc.

AJT/js

cc: Melinda Watts

DOCUMENT NUMBER-DATE

00565 JAN 20 06

FPSC-COMMISSION CLERK

STATE OF FLORIDA
DEPARTMENT OF FINANCIAL SERVICES
BUREAU OF ACCOUNTING
DELINQUENT ACCOUNTS RECEIVABLE TRANSMITTAL
(PLEASE PRINT OR TYPE)

AGENCY FLORIDA PUBLIC SERVICE COMMISSION DATE JANUARY 19, 2006 PAGE 1 OF 1
 CONTACT KAREN BELCHER, DIRECTOR, FISCAL SERVICES
 PHONE NUMBER 850-413-6273

FLAIR ACCOUNT CODE SAMAS ACCOUNT CODES: 61 50 2 573003 610100 00 000300
61 74 1 000331 610100 00 001200

1. DOCKET 050180-TI TIBURON TELECOM, INC.

Agency Reference #	Last Name	First	M	Social Security #	DFS use only
1630-C	OLD BAINBRIDGE ROAD			TALLAHASSEE, FL 32303-5335	
Last Known Address (Include Zip)					
UNKNOWN	850-222-4638	\$50.00		\$12.50/6.50	\$69.00
Home Telephone Work Phone		Principal Amount		Penalty/Interest Amount	Total
SECTION 364.336, FLORIDA STATUTES		2004		8	
Penalty/Interest Authority		Date Debt Incurred		Debt Type	
REGULATORY ASSESSMENT FEES AND PENALTY FOR FAILURE TO PAY REGULATORY FEES					
Debt Description, e.g., Drivers License, Property Damage					

Additional Information, e.g., Date of Birth, Drivers License Number, etc

2. DOCKET NO. 050180-TI TIBURON TELECOM, INC.

Agency Reference #	Last Name	First	M	Social Security #	DFS use only
1630-C	OLD BAINBRIDGE ROAD			TALLAHASSEE, FL 32303-5335	
Last Known Address (Include Zip)					
UNKNOWN	850-222-4638	50.00		NONE	50.00
Home Telephone Work Phone		Principal Amount		Penalty/Interest Amount	Total
SECTION 364.336, FLORIDA STATUTES		2005		8	
Penalty/Interest Authority		Date Debt Incurred		Debt Type	
REGULATORY ASSESSMENT FEES					
Debt Description, e.g., Drivers License, Property Damage					

Additional Information, e.g., Date of Birth, Drivers License Number, etc

3.

Agency Reference #	Last Name	First	M	Social Security #	DFS use only
Last Known Address (Include Zip)					
Home Telephone Work Phone		Principal Amount		Penalty/Interest Amount	Total
Penalty/Interest Authority		Date Debt Incurred		Debt Type	
Debt Description, e.g., Drivers License, Property Damage					
Additional Information, e.g., Date of Birth, Drivers License Number, etc					

****DEBIT TYPE CODE****

1. RETURNED CHECK 2. NONPAYMENT FOR STATE GOODS/SERVICES 3. DAMAGE TO STATE PROPERTY
 7. COURT ORDER 8. FINES 9. OVERPAYMENT OF STATE FUNDS

GENERAL INSTRUCTIONS

Provide as much information as possible for each account or returned check listed. Names should include legal entities as well as individuals. Principal Amount is the original amount of the debt excluding any service charge, penalty, and/or interest. Penalty/Interest Amount is the amount of the service charge, penalty, and/or interest due to date on the delinquent account or returned check. For those accounts subject to interest charges, please indicate the interest rate, method of calculation, and whether the rate is subject to change. Penalty/Interest Authority is the Florida Statutory and/or Florida Administrative Code citation authorizing the service charge, penalty, and/or interest on delinquent accounts and returned checks. Date Incurred is the date the account became delinquent; e.g., the date a check was returned marked NSF, the date an invoice was due to be paid, etc. Debt Type must be indicated using the codes listed at the bottom of the form.

In order to properly pursue a delinquent account the Bureau of Accounting and the collection agency, if used, require pertinent information about the debt and debtor. Such information regarding the debt should be provided in the area titled Debt Description and include the purpose of the original payment by check; type of goods/services provided; what, when, and where State property was damaged; when, why and what court ordered a payment; when and why a fine was issued; for what and when were State funds overpaid; etc. Additional Information about the debtor should include, if available, date of birth, driver license number, credit card type and number, names and addresses of relatives, and any other information that may be used to locate the debtor. The more the Bureau and the collection agency know about the debt and debtor the more likely the recovery of the debt.

To facilitate the transfer of moneys collected, each agency shall designate one FLAIR revenue account code to which all moneys will be transferred by the journal transfer. Agencies will be provided a detailed listing of amounts collected and collection fees charged for each amount. The Department will also provide instructions in accordance with Generally Accepted Accounting Principles on the appropriate method of recording the difference between any moneys collected and the amount of the delinquent account; i.e., treat the difference as cost of collection or provide approval for adjusting the balance of the account pursuant to Section 17.04, Florida Statutes.

Forms and Questions should be addressed to:

Department of Financial Services
Bureau of Accounting
Room 414 Fletcher Building
200 East Gaines Street
Tallahassee, Florida 32399-0354
(850) 410-9365 / SC 210-9365

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of Tiburon Telecom, Inc. for apparent violation of Section 364.336, F.S., Regulatory Assessment Fees. | DOCKET NO. 050180-TI
ORDER NO. PSC-05-0573-PAA-TI
ISSUED: May 24, 2005

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING PENALTY

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Docket No. 050180-TI is a compliance investigation of Tiburon Telecom, Inc. for its apparent failure to pay its 2004 intrastate interexchange telecommunications company Regulatory Assessment Fees, with statutory late charges. Tiburon Telecom, Inc. is a certificated competitive local exchange telecommunications company (CLEC) and a registered intrastate interexchange telecommunications company (IXC) located in Tallahassee, Florida. On January 10, 2003, the Commission granted Tiburon Telecom, Inc. IXC Registration No. TJ714.

Pursuant to Section 364.336, Florida Statutes, IXCs must pay a minimum annual Regulatory Assessment Fee (RAF) of \$50 if the registration 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 this Commission by January 30 of the subsequent year. Pursuant to Section 364.285, Florida Statutes, we may impose a penalty or cancel a registration if a company refuses to comply with Commission statutes.

On December 15, 2004, the Division of the Commission Clerk & Administrative Services mailed the 2004 RAF return notice to Tiburon Telecom, Inc. On February 18, 2005, the Office of General Counsel mailed a delinquent notice via certified mail to the company for nonpayment of its 2004 RAF. Tiburon Telecom, Inc. has not paid the RAF required by Section 364.336, Florida Statutes, for 2004. Also, accrued statutory late payment charges required by Section 350.113(4), Florida Statutes, have not been paid.

DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

We are vested with jurisdiction over this matter pursuant to Sections 350.113, 364.02, 364.336, and 364.285, Florida Statutes. Further the amount of the proposed penalty is consistent with penalties previously imposed by us upon other interexchange telecommunications companies for similar violations. Therefore, we hereby impose a penalty and a cost of collection, together totaling \$500, on Tiburon Telecom, Inc. for apparent violation of Section 364.336, Florida Statutes, in Docket No. 050180-TI.

Therefore it is,

ORDERED by the Florida Public Service Commission that Tiburon Telecom, Inc. is hereby assessed a penalty of \$500 for apparent violation of Sections 350.113, 364.02, 364.336, and 364.285, Florida Statutes. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that should Tiburon Telecom, Inc. fail to timely protest this Order, the facts shall be deemed admitted, the right to a hearing waived, and the penalty shall be deemed assessed. It is further

ORDERED that any protest must identify with specificity the issues in dispute. In accordance with Section 120.80(13)(b), Florida Statutes, issues not in dispute will be deemed stipulated. It is further

ORDERED that should Tiburon Telecom, Inc. fail to timely protest this Order, payment of the \$500 penalty must be received within fourteen calendar days after the issuance of the Consummating Order. It is further

ORDERED that if this Order is not protested and the penalty is not received within fourteen calendar days of the issuance of the Consummating Order, the penalty shall be referred to the Department of Financial Services for further collection efforts and the company's IXC tariff shall be canceled and IXC Registration No. TJ714 shall be removed from the register administratively and the company shall be required to cease and desist providing intrastate interexchange telecommunications services in Florida. It is further

ORDERED that if this Order is not timely protested, this Docket shall be closed administratively upon: 1) receipt of the company's tariff; 2) receipt of the company's current contact information; and 3) receipt of the \$500 penalty payment; or 4) referral of the penalty to the Department of Financial Services for further collection efforts.

By ORDER of the Florida Public Service Commission this 24th day of May, 2005.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

JPR

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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 14, 2005.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of Tiburon
Telecom, Inc. for apparent violation of Section
364.336, F.S., Regulatory Assessment Fees.

DOCKET NO. 050180-TI
ORDER NO. PSC-05-0647-CO-TI
ISSUED: June 16, 2005

CONSUMMATING ORDER

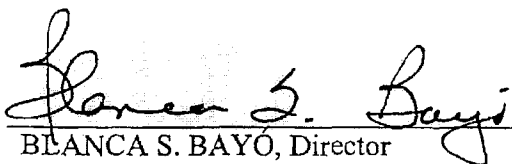
BY THE COMMISSION:

By Order No. PSC-05-0573-PAA-TI, issued May 24, 2005, this Commission proposed to take certain action, subject to a Petition for Formal Proceeding as provided in Rule 25-22.029, Florida Administrative Code. No response has been filed to the order, in regard to the above mentioned docket. It is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-05-0573-PAA-TI has become effective and final. It is further

ORDERED that this docket shall remain open.

By ORDER of the Florida Public Service Commission this 16th day of June, 2005.



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

(SEAL)

JPR

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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 judicial review of Commission orders that is available pursuant to Section 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 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 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.

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of Tiburon
Telecom, Inc. for apparent violation of Section
364.336, F.S., Regulatory Assessment Fees.

DOCKET NO. 050180-TI
ORDER NO. PSC-05-0573A-PAA-TI
ISSUED: December 2, 2005

AMENDATORY ORDER

On June 16, 2005, we issued Order No. PSC-05-0647-CO-TI, which consummated PAA Order No. PSC-05-0573-PAA-TI, issued May 24, 2005, which assessed Tiburon Telecom, Inc. for apparent violations of Section 364.336, Florida Statutes. However, due to a scrivener's error, the PAA Order incorrectly stated that the penalty shall be referred to the Department of Financial Services for further collection efforts. The PAA Order should have stated that collection of the past due Regulatory Assessment Fees, including statutory late payment charges, shall be referred to the Florida Department of Financial Services for further collection efforts. Therefore, PAA Order No. PSC-05-0573-PAA-TI is amended to reflect that collection of the past due Regulatory Assessment Fees, including statutory late payment charges, shall be referred to the Florida Department of Financial Services for further collection efforts.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that PAA Order No. PSC-05-0573-PAA-TI is hereby amended as stated above. It is further

ORDERED that Order Nos. PSC-05-0573-PAA-TI and PSC-05-0647-CO-TI are reaffirmed in all other respects.

By ORDER of the Florida Public Service Commission this 2nd day of December, 2005.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(SEAL)

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