

ORIGINAL

Matilda Sanders

From: Marsha Rule [Marsha@reuphlaw.com]
Sent: Tuesday, August 15, 2006 5:08 PM
To: Filings@psc.state.fl.us
Cc: jlapenta@conterra.com; Victor McKay
Subject: Docket 060043-TA - Conterra objection to Order No.PSC-06-0704-CO-TA
Attachments: Conterra Notice of Compliance 08 15 06.pdf

Docket No. 060463-TA

In re: Compliance investigation of AAV certificate holders for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assesment Fees, Telecommunications Companies.

Filed on behalf of Conterra, LLC d/b/a/ Conterra Wireless Broadband

Total number of pages: 8

Attached: Letter dated Aug. 15, 2006, requesting correction of Order No. PSC-06-0704-CO-TA because Conterra complied with the terms of Order No. PSC-06-612-PAA-TA.

Filed by:

Marsha E. Rule, Esq.
Rutledge, Ecenia, Purnell & Hoffman, P.A.
215 South Monroe Street, Suite 420
Tallahassee, Florida 32301
(850) 681-6788 (office)
(850) 681-6515 (fax)
marsha@reuphlaw.com

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CMP _____

COM _____

CTR _____

ECR _____

GCL _____

OPC _____

RCA _____

SCR _____

SGA _____

SEC 1

OTH _____

8/16/2006

DOCUMENT NUMBER-DATE

07338 AUG 16 06

FPSC-COMMISSION CI FRK

RUTLEDGE, ECENIA, PURNELL & HOFFMAN

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ATTORNEYS AND COUNSELORS AT LAW

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GOVERNMENTAL CONSULTANTS
PARSONS B. HEATH
MARGARET A. MENDUNI

August 15, 2006

Ms. Blanca S. Bayo
Director, Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Via electronic filing

RE: Docket No. 060463-TA
In re: Compliance investigation of AAV certificate holders for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies (Conterra, LLC d/b/a Conterra Wireless Broadband)

Dear Mrs. Bayo:

On July 20, 2006, the Commission issued Order No. PSC-06-0612-PAA-TA, which directed several telecommunications companies, including Conterra, LLC, d/b/a Conterra Wireless Broadband, to pay a penalty, cost of collection and any past due Regulatory Assessment Fees and late payment charges. Conterra did so by letter dated August 9, 2006. A file-stamped copy of the filing is attached hereto. Although the Commission's online docket reflects that two of the other three telecommunications companies mentioned in Order No. PSC-06-0612-PAA-TA also responded to the Order, the docket does not show Conterra's filing.

Today we received a copy of Consummating Order No. PSC-06-0704-CO-TA, which incorrectly recites that "no response has been filed to the order" and leaves the impression that Conterra's certificate (as well as the certificates of the other three telecommunications companies) should be cancelled. Although Conterra did not protest the Order, it certainly responded to and complied therewith. Accordingly, Conterra requests that the

DOCUMENT NUMBER-DATE

07338 AUG 16 08

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Page 2
August 15, 2006

Consummating Order be corrected to note that Conterra has paid the penalty, cost of collection, past due Regulatory Assessment Fees and late payment charges as set forth in Order No. PSC-06-0612-PAA-TA, and that its certificates have not been and will not be cancelled.

I would appreciate it if you would let me know as soon as possible how the Commission intends to proceed. Please do not hesitate to call if you have any questions or require further information. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Marsha Rule". The signature is written in black ink and is positioned above the typed name.

Marsha E. Rule

encl.

cc: Victor McKay

RUTLEDGE, ECENIA, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION
ATTORNEYS AND COUNSELORS AT LAW

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GOVERNMENTAL CONSULTANTS
PARSONS B. HEATH
MARGARET A. MENDUNI

COMMISSION
CLERK

AUG -9 AM 11:53

RECEIVED-FPSC

August 9, 2006

Ms. Blanca S. Bayo
Director, Division of the Commission Clerk
and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Via hand delivery

RE: Docket No. 060463-TA
In re: Compliance investigation of AAV certificate holders for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies (Conterra, LLC d/b/a Conterra Wireless Broadband)

Dear Mrs. Bayo:

On July 20, 2006, the Commission issued Order No. PSC-06-0612-PAA-TA, which directed Conterra, LLC, d/b/a Conterra Wireless Broadband, to pay a penalty and cost of collection, together totaling \$500, as well as any past due Regulatory Assessment Fees and late payment charges. Conterra, LLC's failure to timely file its Regulatory Assessment Fee Return was inadvertent, and the company wishes to comply with the terms of the Order and retain its Florida AAV certificate. Accordingly, enclosed please find the following:

1. Conterra, LLC's Regulatory Assessment Fee Return for the period ending December 31, 2005;
2. Check number 5409 from Conterra Ultra Broadband, LLC on behalf of Conterra, LLC, in the amount of \$566.00 in connection with the above return, including penalty and cost of collection in the amount of \$500, regulatory assessment fee in the amount of \$50.00, late payment penalty in the amount of \$12.50, and interest for late payment in the amount of \$3.50;

RECEIVED & FILED

FPS BUREAU OF RECORDS

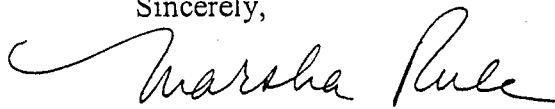
August 9, 2006

Page 2

3. Conterra, LLC's Regulatory Assessment Fee Return for the period ending June 30, 2006;
4. Check number 5410 from Conterra Ultra Broadband, LLC on behalf of Conterra, LLC, in the amount of \$53.00 in connection with the above return, including regulatory assessment fee in the amount of \$50.00, late payment penalty in the amount of \$2.50, and interest for late payment in the amount of \$0.50.

I would appreciate it if you would let me know as soon as possible if these amounts are incorrect or if you require further information. Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Marsha Rule". The signature is written in black ink and is positioned below the word "Sincerely,".

Marsha E. Rule

encl.

Alternative Access Vendor Regulatory Assessment Fee Return

STATUS:

- Actual Return
- Estimated Return
- Amended Return

PERIOD COVERED:

Period ending
Dec. 31, 2005

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

TA 075

Conterra, LLC d/b/a Conterra
Wireless Broadband

Docket No. 060463-TA

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

Conterra, LLC d/b/a 2101 Rexford Rd. Charlotte, NC 28211
(Name of Company) (Address) (City/State) (Zip)
 Conterra Wireless Broadband

LINE NO.	WIDE AREA TOLL SERVICE	FLORIDA GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Special Access Services	\$ _____	\$ _____
2.	Private Line Services	_____	_____
3.	Leased Facilities & Circuits Services	_____	_____
4.	Miscellaneous Services	_____	_____
5.	TOTAL REVENUES		\$ <u>0</u>
6.	LESS: Amounts Paid to Other Telecommunications Companies ⁽¹⁾		_____
7.	NET INTRASTATE OPERATING REVENUE for Regulatory Assessment Fee Calculation (Line 5 less Line 6)		\$ <u>0</u>
8.	Regulatory Assessment Fee Due (Multiply Line 7 by 0.0020)		<u>50.00</u>
9.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)		<u>12.50</u>
10.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)		<u>3.50</u>
11.	Extension Payment Fee (see "4. Extension" on back)		_____
12.	TOTAL AMOUNT DUE (\$50 MINIMUM)		\$ <u>66.00</u> ⁽²⁾

(1) These amounts must be intrastate only and must be verifiable (see "2. Fees" on back).
 (2) Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$50 shall be imposed as provided in Section 364.336, Florida Statutes.

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 official duty shall be guilty of a misdemeanor of the second degree.

John A. Rule
(Signature of Company Official)
 Marsha Rule
(Preparer of Form - Please Print Name)

Sr VP + Gen Counsel 8-8-06
(Title) (Date)
 Telephone Number (704) 365-6701 Fax Number (704) 365-6702
 F.E.I. No. _____

UNITED STATES TRUST COMPANY, N.A.
525 NORTH TRYON STREET, SUITE 1900
CHARLOTTE, NC 28202

5409

1-131/0210
2201

CONTERRA ULTRA BROADBAND, LLC
2101 REXFORD ROAD, SUITE 200E
CHARLOTTE, NC 28211
704-365-6701

Aug 8, 2006

PAY TO THE
ORDER OF Florida Public Service Commission

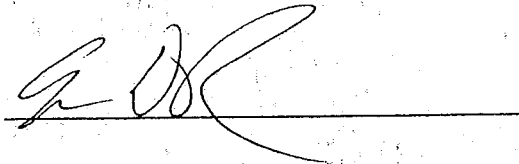
\$*****\$566.00

Memo:

Five Hundred Sixty-Six and 00/100 Dollars

DOLLARS

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850



MEMO _____

REDACTED

Alternative Access Vendor Regulatory Assessment Fee Return

STATUS:

Florida Public Service Commission

(See Filing Instructions on Back of Form)

FOR PSC USE ONLY

- Actual Return
- Estimated Return
- Amended Return

TA 075

Conterra, LLC d/b/a Conterra
Wireless Broadband

Docket No. 060463-TA

Check # _____

\$ _____ 06-03-001
003001

\$ _____ P _____

06-03-001
004011

\$ _____ I _____

Postmark Date _____

Initials of Preparer _____

PERIOD COVERED:

Period ending
June 30, 2006

Please Complete Below If Official Mailing Address Has Changed

Conterra, LLC (Name of Company) 2101 Rexford Rd. (Address) Charlotte, NC (City/State) 28211 (Zip)

d/b/a Conterra Wireless Broadband

LINE NO.	WIDE AREA TOLL SERVICE	FLORIDA GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Special Access Services	\$ _____	\$ _____
2.	Private Line Services	_____	_____
3.	Leased Facilities & Circuits Services	_____	_____
4.	Miscellaneous Services	_____	_____
5.	TOTAL REVENUES		\$ <u>0</u>
6.	LESS: Amounts Paid to Other Telecommunications Companies ⁽¹⁾		_____
7.	NET INTRASTATE OPERATING REVENUE for Regulatory Assessment Fee Calculation (Line 5 less Line 6)		\$ <u>0</u>
8.	Regulatory Assessment Fee Due (Multiply Line 7 by 0.0020)		<u>50.00</u>
9.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)		<u>2.50</u>
10.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)		<u>0.50</u>
11.	Extension Payment Fee (see "4. Extension" on back)		_____
12.	TOTAL AMOUNT DUE (\$50 MINIMUM)		\$ <u>53.00</u> ⁽²⁾

(1) These amounts must be intrastate only and must be verifiable (see "2. Fees" on back).

(2) Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$50 shall be imposed as provided in Section 364.336, Florida Statutes.

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 official duty shall be guilty of a misdemeanor of the second degree.

John Renta
(Signature of Company Official)

Sr VP + Gen Counsel (Title) 8-8-06 (Date)

Marsha Rule
(Preparer of Form - Please Print Name)

Telephone Number 704 365-6701 Fax Number 704 365-6702

F.E.I. No. _____

UNITED STATES TRUST COMPANY, N.A.
525 NORTH TRYON STREET, SUITE 1900
CHARLOTTE, NC 28202

5410

1-131/0210
2201

CONTERRA ULTRA BROADBAND, LLC
2101 REXFORD ROAD, SUITE 200E
CHARLOTTE, NC 28211
704-365-6701

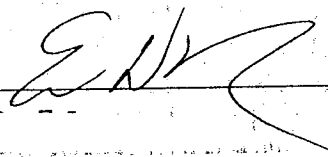
Aug 8, 2006

PAY TO THE ORDER OF Florida Public Service Commission \$*****\$53.00

Memo: Fifty-Three and 00/100 Dollars DOLLARS

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

MEMO _____



REDACTED