



Public Service Commission ORIGINAL
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TALLAHASSEE, FLORIDA 32399-0850

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

DATE: July 16, 2007
TO: Ann Cole, Commission Clerk – PSC, Office of Commission Clerk
FROM: Toni J. McCoy, Regulatory Analyst II, Division of Competitive Markets & Enforcement *JM*
RE: Docket No. 070409-TX; Email Correspondence related to CLEC Application

Please add the attached emails and replacement CLEC Application pages 5 and 6 to the docket file.

The emails discuss the CLEC Application and requests replacement CLEC Application pages 5 and 6 with additional details for Commission staff.

Call 413-6532, if you have any questions.

RECEIVED-FPSC
07 JUL 16 PM 3:45
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FPSC-COMMISSION CLERK

Toni McCoy

From: paul@myflatphone.com
Sent: Friday, July 13, 2007 9:07 PM
To: Toni McCoy
Subject: FlatPhone application page 5,6
Attachments: FLATPHONE 5,6.pdf

Si attachment thank you

16. List the states in which the applicant:

(a) has operated as a Competitive Local Exchange Telecommunications Company.

Florida

(b) has applications pending to be certificated as a Competitive Local Exchange Telecommunications Company.

Florida

(c) is certificated to operate as a Competitive Local Exchange Telecommunications Company.

Florida

(d) has been denied authority to operate as a Competitive Local Exchange Telecommunications Company and the circumstances involved.

n/a

(e) has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved.

Yes, in Docket No. 060462

FlatPhone, Inc., Certificate No. 8569 was Cancelled in Compliance Investigation of CLEC Certificate Holders for Apparent

First-time Violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. The Company has Paid in Full the Fine, the RAP due and P&I and is now Reapplying for Telecom Certification.

(f) has been involved in civil court proceedings with an interexchange carrier, local exchange company or other telecommunications entity, and the circumstances involved.

n/a

17. Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

(a) adjudged bankrupt, mentally incompetent (and not had his or her competency restored), or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, provide explanation.

No

(b) granted or denied a competitive local exchange certificate in the State of Florida (this includes active and canceled competitive local exchange certificates). If yes, provide explanation and list the certificate holder and certificate number.

FlatPhone, Inc., was Granted Certificate No. 8569 which was canceled in Docket No. 060462, Compliance Investigation of CLEC certificate holders for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

(c) an officer, director, partner or stockholder in any other Florida certificated or registered telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

No

18. Submit the following:

(a) Managerial capability: resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.

(b) Technical capability: resumes of employees/officers of the company that would indicate sufficient technical experiences or indicate what company has been contracted to conduct technical maintenance.

(c) Financial Capability: applicant's audited financial statements for the most recent three (3) years. If the applicant does not have audited financial statements, it shall so be stated. Unaudited financial statements should be signed by the applicant's chief executive officer and chief financial officer affirming that the financial statements are true and correct and should include:

1. the balance sheet,
2. income statement, and
3. statement of retained earnings.

Note: This documentation may include, but is not limited to, financial statements, a projected profit and loss statement, credit references, credit bureau reports, and descriptions of business relationships with financial institutions.

Toni McCoy

From: Toni McCoy
Sent: Friday, July 13, 2007 3:27 PM
To: 'paul@myflatphone.com'
Cc: ojo@mindspring.com
Subject: RE: Flatphone application for certification and reinstatement
Importance: High

Paul,

Please copy your legal counsel on this email and have them contact me Monday or Tuesday with the necessary edits and to review the Price List for edits as well.

I have the CLEC application and everything is in order enough to add your docket to the July 31st Agenda. The filing date is July 19 so we have a few days to get this additional information taken care of.

I do need 2 edits made to the CLEC application and those pages need to be emailed to me at your first opportunity.

Page 5, Question 16. (e) has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved.

n/a should be deleted

add:

Yes, in Docket No. 060462

FlatPhone, Inc., Certificate No. 8569 was cancelled in Compliance investigation of CLEC certificate holders for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. The company has paid in full the Fine, the RAF due and P&I and is now reapplying for telecom certification.

Page 6, Question. 17. (b) granted or denied a competitive local exchange certificate in the State of Florida, this includes active and canceled competitive local exchange certificates. If yes, provide explanation and list the certificate holder and certificate number.

FlatPhone, Inc., was granted Certificate No. 8569 which was canceled in Docket No. 060462, Compliance investigation of CLEC certificate holders for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

The Price List is still under review, but I do see some edits will need to be made. Those edits will not prohibit the item from going to Agenda, but will need to be made prior to the issuance of the CLEC certification Consummating Orders.

Toni Joy McCoy
Regulatory Analyst
Florida Public Service Commission
Bureau of Market Development
TMCCOY@PSC.STATE.FL.US
850/413-6532 Direct Line

7/13/2007

850/413-6533 Fax Line

From: paul@myflatphone.com [mailto:paul@myflatphone.com]
Sent: Wednesday, July 11, 2007 11:38 PM
To: Toni McCoy
Cc: ojo@mindspring.com
Subject: Re: Flatphone application for certification and reinstatement

Attached please find our application for certification as an approved CLEC;

We recently learned that our former certification was terminated due to non-payment of regulatory assessments. We immediately contacted PSC to convey the events that led to our inadvertent and unintentional failure to pay the required fees. Further, we were unaware of the termination action of March, 2006.

However, we tender our application for re-certification and required fees in our efforts to become fully regulation compliant. We thank you in advance for your attention and prompt assistance with this matter. I am available to answer any questions.

**Paul Desir
954 667 5335**

7/13/2007