

REQUEST TO ESTABLISH DOCKET

(Please Type)

RECEIVED-FPSC

09 MAR 31 PM 2:33

Date: 3/31/2009

Docket No.: 090160-TP

1. Division Name/Staff Name: Division Of Regulatory Compliance/Isler

COMMISSION
CLERK

2. OPR:

3. OCR: Office Of The General Counsel

4. Suggested Docket Title: Request for cancellation of STS Certificate No. 8657, and for acknowledgment of cancellation of IXC Registration No. TK076 by Four Points Utility Corporation, Inc., effective March 5, 2009.

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):

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

6. Check one:

- Documentation is attached.
- Documentation will be provided with recommendation.

COM	ECR	GCL	OPC	RCP	SSC	SGA	ADM	CLK
								None

DOCUMENT NUMBER-DATE

02839 MAR 31 08

Paula Isler

From: Paula Isler
Sent: Friday, March 27, 2009 8:34 AM
To: 'Terry Blackmon'
Subject: RE: TK076 - Four Points Utility Corporation

Good morning.

No, it has nothing to do with water. The official definition of a shared tenant service provider is "Any certificated telecommunications company that provides service which duplicates or competes with local service provided by an existing local exchange telecommunications company and is furnished through a common switching or billing arrangement to tenants by an entity other than an existing local exchange telecommunications company." In layman's terms, a shared tenant service company provides local telephone service usually to an entire building for all of the tenants in the building(s). The company could either own the building itself or contract with the owner of the building to provide the local service to all tenants in the building.

I have not yet established a docket to cancel Four Points' IXC and STS certificates because I was waiting to find out how much time you needed to pay. Have you decided yet? Would appreciate your letting me know something. Thanks.

Paula Isler
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6502-Phone
(850) 413-6503-Fax
PIsler@psc.state.fl.us

From: Terry Blackmon [mailto:tblackmon@islandhideaway.net]
Sent: Thursday, March 26, 2009 5:32 PM
To: Paula Isler
Subject: RE: TK076 - Four Points Utility Corporation

I am truly sorry for my ignorance but what is a Shared Tenant Service certificate? Does it have anything to do with water?

Terry Blackmon
Operations Manager
(863) 424-0130 Ext 129
(863) 547-1729 (Fax)
tblackmon@islandhideway.net

From: Paula Isler [mailto:PIsler@PSC.STATE.FL.US]
Sent: Thursday, March 26, 2009 4:11 PM
To: Terry Blackmon

3/30/2009

Subject: RE: TK076 - Four Points Utility Corporation

Mr. Blackmon:

One other thing - my e-mail below deals only with the company's IXC registration. If Four Points also wants the Shared Tenant Service certificate (TS212) cancelled, it also owes the 2008 and 2009 RAFs. However, the minimum is \$100 instead of \$700, so that total will be \$212 (\$100 minimum for 2008, \$10 penalty for 2008, \$2 interest for 2008, and \$100 minimum for 2009).

If you want both certificates cancelled, the grand total is \$1,696 (\$1,484 for the IXC and \$212 for the STS).

Paula Isler

From: Paula Isler
Sent: Tuesday, March 24, 2009 3:59 PM
To: 'Terry Blackmon'
Subject: RE: TK076 - Four Points Utility Corporation

Dear Mr. Blackmon:

If the company wishes to leave in good standing and be granted a voluntary cancellation, the 2008 and 2009 Regulatory Assessment Fees, plus late payment charges for 2008, need to be paid. The total due is \$1,484, which comprised of the \$700 minimum for 2008, \$70 penalty for 2008, \$14 interest for 2008, and the \$700 minimum for 2009.

If the company does not pay the 2008 and 2009 Regulatory Assessment Fees, plus late payment charges for 2008, then we would recommend the IXC registration be cancelled on the FPSC's own motion and those unpaid fees (2008 and 2009, including any accrued late payment charges) would be turned over to collections.

The fees would have to be paid before I went forward with the voluntary cancellation. How much time do you need to pay? I could delay for a couple of months if that would help? Please let me know what you're thinking and we'll see if it is possible.

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From: Terry Blackmon [mailto:tblackmon@islandhideaway.net]
Sent: Monday, March 16, 2009 6:04 PM
To: Paula Isler
Cc: david@assuredrecord.com; Ray Kennedy; Adam Teitzman
Subject: RE: TK076 - Four Points Utility Corporation

Ms. Isler

3/30/2009

Thanks for the reply.

The process you are indicating for the recommendation to deny, concerns me.

If we owe the fee, we owe it.

While we asked for written confirmation, our point, basically, was that we did not know formal notification was needed and asked the fee be waved.

As well as a bit of frustration on the process, as we thought it was generally known that we did not provide these services any more.

Granted, ignorance is no excuse, but through ignorance we were not aware that the certificate had to be formally cancelled.

What is the best route? It seems a lot of people, aggravation to the PSC and paper work to go down the indicated route.

What will be turned over to collections, 2008 and 2009?

How much for each or is it the minimum charge per year?

How much time do we have to respond and/or pay before the process begins?

Terry Blackmon

Operations Manager

(863) 424-0130 Ext 129

(863) 547-1729 (Fax)

tblackmon@islandhideway.net

From: Paula Isler [mailto:PIsler@PSC.STATE.FL.US]

Sent: Monday, March 16, 2009 4:38 PM

To: Terry Blackmon

Cc: david@assuredrecord.com; Ray Kennedy; Adam Teitzman

Subject: TK076 - Four Points Utility Corporation

Dear Mr. Blackmon:

The Commission's Fiscal Services provided me a copy of your March 2, 2009, letter requesting cancellation of the company's telecommunications registration and certificate, and a docket will be established. To avoid redundancy, I won't repeat the information I previously provided you in my February 20th and 23rd e-mails. A registration/certificate remains active until cancelled either voluntarily or on the Commission's own motion for violation of rules, statutes, or orders. I am attaching a copy of the cancellation rules for IXCs and STS providers. And, although I provided Mr. Meadows a copy of the Regulatory Assessment Fee (RAF) rule with my February 20th e-mail, I am attaching another copy since you requested the rule reference. You may also want to review the statute, which is 364.336, Florida Statutes.

The penalty and interest charges continue to accrue until the RAF is paid, and to my knowledge, will not be held in abeyance. The automatic \$1,000 fine for the IXC and the \$500 fine for the STS will not, however, be imposed since you have requested cancellation of both.

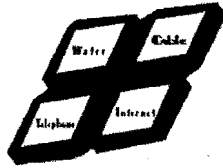
What will happen in this case, is that a recommendation will be filed to deny Four Points' request for voluntary cancellation and instead, staff will recommend that the IXC registration and STS certificate be cancelled on the Commission's own motion and that the unpaid fees be turned over to

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collections. The Commissioners will vote on staff's recommendation and a proposed agency action order will be issued based on the Commissioners' vote (the Commissioners may or may not agree with staff's recommendation). Four Points will have 21 days to formally protest the order by filing a petition for a formal proceeding in the form provided by Rule 28-106.201, Florida Administrative Code.

Let me know if you have any other questions. Or, you may contact my supervisor, Ray Kennedy, at (850) 413-6584 or via e-mail (RKennedy@psc.state.fl.us).

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FourPoints Utility Corp.

Four Points Utility Corp.

DEDICATED TO UNDER PROMISE AND OVER PERFORM

RECEIVED CENTER
09 MAR -5 PM 7:50

March 2, 2009

Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: 2008 Regulatory Assessment Fee
TK076 – Four Points Utility Corporation.

Dear Sir;

We have had some email correspondence with Paula Isner and we appreciate her input and research on this issue.

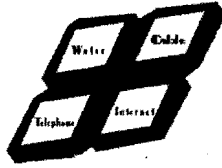
We believe that it is now necessary to address the issue more formally, hence this letter.

It is our understanding that we are required to pay the assessments fees for 2008 and 2009, as we appear to have not formally cancelled the “certificate”, and as such we must pay the minimum charge for each year.

Just to be clear and on the record, Four Points Utilities has not provided telecommunications services to anyone since 2006. We have not been paying State or Local sales taxes for the same period of time and that department is well aware of why. Please cancel our telecommunications certificate. Please also note that we still provide water service to Island Club West.

Now, on to the matter of the notification. We feel it to be punitive, double billing and a bit on the bureaucratic side to assess this charge. We are not trying to be argumentative so before we get off track let us explain ourselves. First we notified the State taxing authorities that we were not collecting State and Local taxes and why, and with conversations with PSC representatives over water issues, we had noted on several occasions that only water service was provided to Island Club West. One assumes Sprint has made the necessary changes and notifications relative to the phone systems and, we trust Brighthouse has done so in respect to the Internet and Cable and, Progress Energy relative to the electricity. One also assumes that all three are paying the proper Regulatory Assessments. So we feel this is punitive due to some form or another not having been completed. As to double billing, again we trust Sprint and Brighthouse are paying the Regulatory Assessment on this property and now you are looking to us to pay again for servicing the same clientele that you have already been paid for. As to the bureaucracy, in view of who was aware and the fact that you were not, we wonder if there is some other agency out there that needs as well to be notified as well.

101 Golden Malay Palm Way, Davenport, FL 33897 (863)424-0130 Ext 129
PWS Id No. 6535704 “Island Club West”



Four Points Utility Corp.

Four Points Utility Corp.
DEDICATED TO UNDER PROMISE AND OVER PERFORM

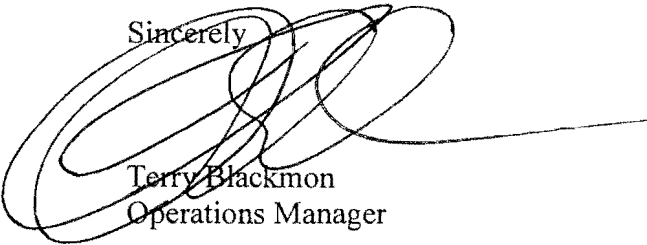
As such we request that you waive this fee for services that we have not provided.

On the assumption that you will not, please provide the statutory or Rule reference that requires us to pay this fee for services not provided by us to the public. Further, as this matter is under discussion we assume penalties will be held in abeyance pending a resolution. Finally, should you not waive the charge, would you be so kind as to outline the formal appeal process or direct us to the documentation outlining how this is done.

Hopefully you will understand that we did not know we had to advise you as well as the others whom we have mentioned above, that we did not fail to notify you out of any careless disregard for the rules and we do not understand why we must pay for providing a service that is clearly provided by others.

Please advise.

Sincerely,



Terry Blackmon
Operations Manager

Paula Isler

From: Paula Isler
Sent: Monday, February 23, 2009 9:03 AM
To: 'Terry Blackmon'; David Meadows
Subject: RE: TK076 - Four Points Utility Corporation
Attachments: raf-tk076-09-0-r.pdf; raf-ts212-09-0-r.pdf; raf-ts212-08-0-r.pdf

Mr. Blackmon:

I checked both of the company's 2007 RAF return forms, which were filed in April 2008, and neither one had correspondence attached requesting cancellation of the telecommunication certificates nor was a note on the form indicating that it was the final returns or was no longer in the telecommunications business. Unfortunately, this is bad news as far as the RAF is concerned.

The RAF is owed (the minimum if a company had no revenues) if a certificate was active for any day during a calendar year. Certificates remain active until a company requests cancellation or until the Commission cancels a certificate on its own motion. This means that Four Points owes the 2008 and 2009 RAFs for both certificates since we were not notified until 2009 to cancel the certificates (we cannot make a cancellation retroactive).

As information, there are two types of cancellation, one is voluntary, which is granted if a company leaves in good standing and does not owe any fees. The other is involuntary, which is when a certificate is cancelled on the Commission's own motion for violation of a rule, order, or statute. Either way, the company needs to write us a letter requesting cancellation of both certificates and include the completed 2008 and 2009 RAF return forms. The letter should also include its intent on payment of the 2008 and 2009 fees. I am attaching the 2009 RAF return forms for both certificates and the 2008 RAF return for the shared tenant service certificate (TS212).

As soon as we receive a letter requesting cancellation of the certificates, a docket will be opened to handle the cancellation request. Please let me know if you have any questions. Thanks.

Paula Isler
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2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
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(850) 413-6503-Fax
PIsler@psc.state.fl.us

From: Terry Blackmon [mailto:tblackmon@islandhideaway.net]
Sent: Friday, February 20, 2009 5:14 PM
To: David Meadows
Cc: Paula Isler
Subject: RE: TK076 - Four Points Utility Corporation

First I heard of this was when I got a copy of the two notices yesterday.

3/5/2009

Both are marked "telecommunications" and we have no revenue in 2008 under telecommunications at Four Points.

I thought I had sorted this out back in March 2008 when I advised the tax people (state and local) that Four Points had no revenue and Four Points had sold the service to Sprint.

I have had several discussions with personnel at the PSC and had discussed the fact that Four Points had not been providing telephone service to Island Club West for some time. I was remiss in not writing the appropriate department to this fact. In all honesty, some one should have done this at the time, not 15 months later.

In fact, the last billing run for Four Points Utilities for telephone service was November 2007.

I will return the Assessment form to the with the appropriate comments in this regard..

Terry Blackmon

Operations Manager

(863) 424-0130 Ext 129

(863) 547-1729 (Fax)

tblackmon@islandhideway.net

From: David Meadows [mailto:david@icrd123.com]
Sent: Friday, February 20, 2009 1:47 PM
To: Terry Blackmon
Subject: FW: TK076 - Four Points Utility Corporation

What gives?

From: Paula Isler [mailto:PIsler@PSC.STATE.FL.US]
Sent: Friday, February 20, 2009 10:28 AM
To: david@assuredrecord.com
Subject: TK076 - Four Points Utility Corporation

Good morning:

This morning (February 20, 2009), the Commission mailed out delinquent notices to those companies that either have not paid the 2008 Regulatory Assessment Fee (RAF) or have not paid the 2008 RAF in full. Our records show that the company has not paid the 2008 RAF. I wanted to give you a heads up because those certificate holders not complying with the delinquent notices will be automatically fined \$500 for a first offense, \$1,000 for a second offense, and \$2,000 for a third offense. A copy of the Regulatory Assessment Fee rule is attached.

If the company owes the minimum and if payment is postmarked between January 31 and March 1, the total due is \$742, which is comprised of the \$700 minimum RAF, \$35 penalty, and \$7 interest. If payment is postmarked between March 2 and March 31, the total due is \$784, which is comprised of the \$700 minimum RAF, \$70 penalty, and \$14 interest. A copy of the 2008 RAF return form is also attached. Please complete it and return it with full payment, including the late payment charges. Just as information, late payment charges (penalty and interest) continue to

3/5/2009

accrue until the RAF is paid.

If your records show that payment was made, let me know right away by providing me with the check number and the date payment was mailed so that I can research this further. Please let me know if you have any questions. Thanks.

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MCD Company Information for TK076

Printed on 03/30/2009 at 16:13:09 by PJI

Company Code: TK076
Complete Name: Four Points Utility Corporation
Mailing Name: Four Points Utility Corporation
Certificate No(s):
Status: Active
Regulation Date: 05/18/2006
Bankruptcy: No
Company Liaison #1: David Meadows
Title: President
Mailing Address: 101 Golden Malay Palm Drive

Physical Location: Davenport, FL 33897-8602
101 Golden Malay Palm Drive

Phone: Davenport, FL 33897-8602
(863) 424-0130 ext 137
Fax: (863) 547-1729

Related Dockets:

060404-TI Acknowledgment of registration as intrastate interexchange telecommunications company, effective May 18, 2006, by Four Points Utility Corporation.

070514-TI Compliance investigation of IXC Registration No. TK076, issued to Four Points Utility Corporation, for apparent first-time violation of Section 364.336, F.S.

MCD Company Information for TS212

Printed on 03/30/2009 at 16:13:09 by PJI

Company Code: TS212
Complete Name: Four Points Utility Corporation
Mailing Name: Four Points Utility Corporation
Certificate No(s): 8657
Status: Active
Regulation Date: 01/09/2007
Bankruptcy: No
Company Liaison #1: David Meadows
Title: President
Mailing Address: 101 Golden Malay Palm Drive

Physical Location: Davenport, FL 33897-8602
101 Golden Malay Palm Drive

Phone: Davenport, FL 33897-8602
(863) 424-0130
Fax: (863) 547-1729

Related Dockets:

060405-TS

Application for certificate to provide shared tenant telecommunications service by Four Points Utility Corporation.