

REQUEST TO ESTABLISH DOCKET

(Please type or print. File original *plus* 1 copy with CLK.)

Date:	12/1/2009	Docket No.:	090519-T1
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1. From Staff / Division:	Rad/Curry
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2. OPR:	Curry
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3. OCR:	GCL
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4. Suggested Docket Title:	<u>Compliance investigation of Communicate Technological Systems, LLC for apparent violation of Rule 25-24.470, F.A.C.</u>
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5. Program/Module/Submodule Assignment:	B10a
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6. Suggested Docket Mail List.

a. Provide NAMES/ACRONYMS, if registered company.	<input type="checkbox"/> Provided as an Attachment
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Company Code, if applicable:	Parties (include address, if different from MCD):	Representatives (name and address):
	2646 South Loop West, STE 600 Houston, TX 77054	Arthur Jones 2646 South Loop West, STE 600 Houston, TX 77054

b. Provide COMPLETE NAME AND ADDRESS for all others. (match representatives to companies)

Company Code, if applicable:	Interested persons, if any, (include address, if different from MCD):	Representatives (name and address):

7. Check one:	<input checked="" type="checkbox"/> Supporting Documentation Attached	<input type="checkbox"/> To be provided with Recommendation
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Comments:

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



DIVISION OF REGULATORY COMPLIANCE
BETH W. SALAK
DIRECTOR
(850) 413-6600

Public Service Commission

September 18, 2009

Mr. Arthur W. Jones
Communicate Technological Systems, LLC
2646 South Loop West, Suite 600
Houston, TX 77054

CERTIFIED MAIL
7006 2760 0003 8794 1202

Re: Second Notice

Dear Mr. Jones:

The purpose of this letter is to provide Communicate Technological Systems, LLC (CTS) another opportunity to respond to staff regarding the company's apparent violation of Rule 25-24.470, Florida Administrative Code, Registration Required. In a letter dated August 4, 2009, staff notified CTS of its requirement to register and file a tariff with the Commission. However, CTS never responded to staff's letter.

I have attached a copy of the letter that was sent to the company. After you have reviewed the letter, please submit a response by **October 5, 2009**. Please note that if CTS fails to respond it may be subject to penalties as prescribed by Section 364.285, Florida Statutes.

If you have any questions or concerns, you may contact me at (850)413-6662.

Sincerely,

A handwritten signature in cursive script that reads "Kiwanis L. Curry".

Kiwanis L. Curry
Division of Regulatory Compliance

Enclosure

DOCUMENT NUMBER - DATE

1681 DEC-18

FPSC-COMMISSION CLERK

STATE OF FLORIDA

COMMISSIONERS:
MATTHEW M. CARTER II, CHAIRMAN
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP



DIVISION OF REGULATORY COMPLIANCE
BETH W. SALAK
DIRECTOR
(850) 413-6600

Public Service Commission

August 4, 2009

Mr. Arthur W. Jones
Communicate Technological Systems, LLC
2646 South Loop West, Suite 600
Houston, TX 77054

Dear Mr. Jones:

In April 2009 the Commission received a customer complaint regarding unauthorized long distance charges. The charges were billed on behalf of Communicate Technological Systems, LLC (CTS). After receiving the complaint, CTS was notified and the complaint was resolved. Staff also determined that CTS was providing intrastate interexchange telecommunications services in Florida and had not registered as an interexchange telecommunications company (IXC) or filed a tariff with the Commission.

By Order No. PSC-05-1258-PAA-TI; issued December 27, 2005, the Commission ordered the cancellation of CTS's IXC registration and tariff for the company's failure to comply with Section 364.336, Florida Statutes, unless the company paid a \$500 penalty, and any past due Regulatory Assessment Fees (RAF), along with any accrued statutory late payment charges. CTS did not comply with the Commission's orders. As a result, the company's IXC registration and tariff were cancelled effective December 31, 2005. Therefore, CTS is not authorized to provide IXC services in Florida.

Rule 25-24.470, Florida Administrative Code, Registration Required, states in part:

No person shall provide intrastate interexchange telephone service without first filing an initial tariff containing the rates, terms, and conditions of service and providing the company's current contact information with the Division of the Commission Clerk and Administrative Services.

If CTS chooses to continue providing IXC services in Florida, the company will need to pay its 2004 RAF as well the penalty and any accrued statutory late payment charges. The company will also need to register and file a tariff with the Commission. You may obtain an IXC Registration form online at www.psc.state.fl.us. You will need to contact staff directly to find out the total amount due. Please contact staff regarding the company's past due RAF, and submit the completed IXC registration form and tariff by **August 19, 2009**.

If CTS continues to provide services and fails to comply with these requirements the company may be subject to additional penalties as prescribed by Section 364.285, F.S., which states:

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: contact@psc.state.fl.us

DATE
11681 DEC -10
FPSC-COMMISSION CLERK

Mr. Arthur W. Jones

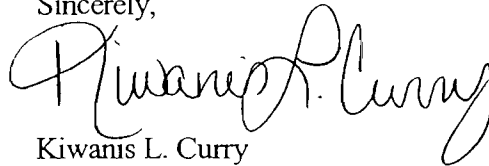
Page 2

August 4, 2009

The commission shall have the power to impose upon any entity subject to its jurisdiction under this chapter which is found to have refused to comply with or to have willfully violated any lawful rule or order of the commission or any provision of this chapter a penalty for each offense of not more than \$25,000, which penalty shall be fixed, imposed, and collected by the commission; or the commission may, for any such violation, amend, suspend, or revoke any certificate issued by it. Each day that such refusal or violation continues constitutes a separate offense.

I have enclosed a copy of the company's response to the customer's complaint for your convenience. If you have any questions or concerns, you may contact me at (850)413-6662.

Sincerely,

A handwritten signature in black ink, appearing to read "Kiwanis L. Curry". The signature is written in a cursive style with a large initial "K".

Kiwanis L. Curry
Division of Regulatory Compliance

Enclosure



TO: Adolf Rodriguez, BSG

RE: Patricia Terry - 9042411589

CTS investigated the circumstances concerning Mrs. Terry's complaint and concluded that it satisfied the complaint to the best of its ability.

In this situation, a request for CTS service was confirmed by a signed LOA (letter of agency). A copy of the LOA is attached. CTS records indicate that the Complainant's service was switched shortly thereafter in conformance with company procedures and policy.

Upon receipt of this complaint, we further investigated this matter. Our records show that CTS was not made aware of any problems with the account until Mrs. Terry contacted CTS on April 17, 2009. In fact, Mrs. Terry's telephone call was the first contact of any kind concerning a discrepancy of service.

CTS response to this complaint was to close the account and to credit the account per the telephone conversation with Mrs. Terry. These actions were done prior to receiving any email communications from Mr. Rodriguez, USBI representative. Although, as evidenced by the signed LOA, CTS did not change Complainant's service without authorization. We are very concerned about customer relations. Therefore, in the best interest of the customer, we issued and processed a credit of \$23.88. We found in our research that additional credits were also previously issued by USBI (\$23.88) and ATT (\$18.31). The total amount of all the credits is \$66.07. Based on the information we had available at the time and review of the new information, we believe the account was processed properly. Therefore, we request that USBI assist CTS in requesting the Commission close its case file in this matter.

Mark Hendy, Mgr
Communicate Technological Systems, LLC
May 11, 2009

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Mr. Arthur W. Jones
Communicate Telenological
Systems, LLC
2646 South Loop West Suite 600
Houston, TX 77054**

2. Article Number
(Transfer from service label)

7006 2760 0003 8794 1202

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

COMPLETE THIS SECTION ON DELIVERY

- A. Received by (Please Print Clearly) B. Date of Delivery
Melissandra Hernandez *4/15/09*
- C. Signature Agent Addressee
[Signature]
- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes