

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-**

COMMISSION  
CLERK

12 MAR - 8 AM 10:42

RECEIVED-FPSC

**DATE:** March 7, 2012

**TO:** Apryl C. Lynn, Director, Division of Administrative Services

**FROM:** Pauline Robinson, Attorney, Office of the General Counsel *PER*

**RE:** Request for Permission from Department of Financial Services to Write-Off the Penalty Imposed on Pelzer Communications Corporation in docket number 110122-TX for apparent for apparent second-time violation of Section 364.336, F.S., and Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

On May 13, 2011, the Commission issued Order No. PSC-11-0221-PAA-TX, whereby it assessed a \$1,000 fine and any past due Regulatory Assessment Fees (RAF Fees) against Pelzer Communications Corporation hereinafter referred to as "utility" for violations of Section 364.3336, Florida Statutes and Rule 25-4.0161, Florida Administrative Code.

In Order No. PSC-11-0221-PAA-TX, the Commission ordered that Pelzer Communications Corporation shall cease and desist providing telecommunication services in Florida. The Commission further ordered that the outstanding penalty and RAF fees be sent to the Department of Financial Services for collection, and that the Division of Administrative Services shall request permission to write-off the uncollectible amount.

The reasonable collection efforts exercised by the PSC staff to collect the outstanding fine consisted of two certified letters requesting payment. Pelzer Communications Corporation failed to remit the penalty levied by Order No. PSC-11-0221-PAA-TX, issued on May 13, 2011.

Therefore, staff requests that the Division 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 and RAF fees.

Attached is a completed DFS Delinquent Accounts Receivable Transmittal Forms.

PER/DMW

cc: David Brown, Division of Administrative Services  
Office of Commission Clerk

DOCUMENT NUMBER-DATE

01358 MAR-8 2012

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 03/06/2012 PAGE 1 OF 1  
CONTACT Karen Belcher, Professional Accountant Supervisor, Division of Administrative Services  
PHONE NUMBER 850-413-6273

FLAIR ACCOUNT CODE FLAIR ACCOUNT CODES: 61 50 2 573003 61020300 00 000100  
61 74 1 000331 61020300 00 001200

1. 110122-TX Pelzer Communications Corporation

Agency Reference #	Last Name	First	M	Social Security #	DFS use only
P.O. Box 8085, Silver Spring, MD 20907-8085					
Last Known Address (Include Zip)					
(301) 570-4440		\$600.00		\$1,180.00	\$1,780.00
Home Telephone Work Phone		Principal Amount		Penalty/Interest Amount	Total
§ F.S.364.285		May 13, 2011			
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					

2.

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					

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\*\*

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Compliance investigation of CLEC Certificate No. 8393, issued to Home Town Telephone, LLC, for apparent second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 110121-TX  
May 13, 2011

In re: Compliance investigation of CLEC Certificate No. 8537, issued to Pelzer Communications Corporation, for apparent second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 110122-TX

In re: Compliance investigation of CLEC Certificate No. 5296, issued to ElectroNet Intermedia Consulting, Inc., for apparent second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 110123-TX  
ORDER NO. PSC-11-0221-PAA-TX  
ISSUED: May 13, 2011

NOTICE OF PROPOSED AGENCY ACTION ORDER IMPOSING PENALTIES AND COLLECTION COSTS, AND REQUIRING PAYMENT OF DELINQUENT REGULATORY ASSESSMENT FEES, OR CANCELLING COMPETITIVE LOCAL EXCHANGE CARRIER CERTIFICATES FOR VIOLATION OF RULE 25-4.0161, FLORIDA ADMINISTRATIVE CODE

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.

Pursuant to Rule 25-4.0161(10-11), Florida Administrative Code, telecommunications companies that fail to pay the Regulatory Assessment Fee, including statutory late payment charges, within 15 days after receiving a delinquent notice, shall be automatically penalized \$500 for a first offense, \$1,000 for a second offense, and \$2,000 for a third offense. The penalty amounts include collection costs. If an entity fails to pay the Regulatory Assessment Fee in full, including any statutory late payment charges, along with the penalty amount, that entity's Competitive Local Exchange Carrier (CLEC) certificate shall be cancelled.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee if the certificate 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 the Florida Public Service Commission by January 30 of the subsequent year. Pursuant to Section 350.113(4), Florida Statutes, the Regulatory Assessment Fee return forms, for the period of January 1 through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due.

The Division of Administrative Services advised that the entities listed below failed to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. In addition, each entity listed below has had a prior docket for the same rule violation in which each entity paid the penalty imposed to resolve its respective docket. Each entity has not paid the 2010 Regulatory Assessment Fee.

<u>ENTITY'S NAME</u>	<u>CO. CODE</u>	<u>DOCKET NO.</u>
Home Town Telephone, LLC	TX740	110121-TX
Pelzer Communications Corporation	TX814	110122-TX
ElectroNet Intermedia Consulting, Inc.	TX160	110123-TX

Accordingly, we hereby find it appropriate to cancel each entity's CLEC certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless each entity pays a penalty and cost of collection, together totaling \$1,000, and remits any past due Regulatory Assessment Fees, along with accrued statutory late payment charges, to the Florida Public Service Commission.

If this Order is not protested, each entity's respective CLEC certificate shall be cancelled. If an entity pays the penalty and cost of collection, together totaling \$1,000, and remits any past due Regulatory Assessment Fees, along with any accrued statutory late payment charges, prior to the expiration of the Proposed Agency Action Order, then that entity's respective CLEC certificate will remain active. If an entity fails to protest the Order or pay the penalty and cost of collection, together totaling \$1,000, and fails to remit any past due Regulatory Assessment Fees, along with any accrued statutory late payment charges, prior to the expiration of the Proposed Agency Action Order, then that entity's CLEC certificate shall be cancelled administratively, and the collection of any past due Regulatory Assessment Fees shall be referred to the Florida Department of Financial Services for further collection efforts.

If an entity's CLEC certificate is cancelled in accordance with this Commission's Order, that company shall immediately cease and desist providing competitive local exchange service in Florida. Each entity's docket shall be closed administratively either upon receipt of the payment of the penalty and cost of collection, together totaling \$1,000, and any past due Regulatory

Assessment Fees, along with any accrued statutory late payment charges from each entity, or upon cancellation of that entity's CLEC certificate. If an entity's CLEC certificate is cancelled in accordance with this Order and it subsequently decides to reapply as a telecommunications company, that entity shall be required to first pay the penalty and cost of collection, together totaling \$1,000 and any outstanding fees, including accrued statutory late payment charges.

We are vested with jurisdiction over these matters pursuant to Sections 350.113, 364.336, 364.337, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each of the entities listed herein shall pay a penalty and cost of collection, together totaling \$1,000, and any past due Regulatory Assessment Fees, including any statutory late payment charges, to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, by the end of the protest period. The cost of collection will be subtracted from any monies collected as payments (full or partial) of the penalty and cost of collection, and will be deposited, along with the past due Regulatory Assessment Fees, in the Florida Public Service Commission's Regulatory Trust Fund, pursuant to Section 350.113, Florida Statutes. The statutory late payment charges and any portion of the penalty exceeding the cost of collection will be remitted to the Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. It is further

ORDERED that should any of the entities fail to comply with this Order, that entity's respective certificate shall be cancelled. It is further

ORDERED that the cancellation of the certificates in no way diminish the entities' obligations to pay applicable delinquent Regulatory Assessment Fees, and any accrued statutory late payment charges. If any company listed in this Order has its respective certificate cancelled, and subsequently decides to reapply for certification as a telecommunications company, that company shall be required to first pay any outstanding penalties and cost of collection and fees, including accrued statutory late payment charges. Any unpaid Regulatory Assessment Fees, and accrued statutory late payment charges, shall be referred to the Florida Department of Financial Services for further collection efforts. It is further

ORDERED that if an entity's certificate is cancelled in accordance with this Order, that entity shall immediately cease and desist providing competitive local exchange telecommunications service in Florida. It is further

ORDERED that any protest to the action proposed herein shall specify the entity or entities to which it applies. It is further

ORDERED that if a protest to this Order is filed, the protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. 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 Office of Commission Clerk, 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 in the event this Order becomes final, these dockets shall be closed upon receipt of the imposed penalty and cost of collection, together totaling \$1,000, and any Regulatory Assessment Fees, including statutory late payment charges, from each entity or upon cancellation of that entity's CLEC certificate.

By ORDER of the Florida Public Service Commission this 13th day of May, 2011.

/s/ Ann Cole

ANN COLE  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

( S E A L )

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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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 3, 2011.

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 FLORIDA PUBLIC SERVICE COMMISSION

In re: Compliance investigation of CLEC Certificate No. 8393, issued to Home Town Telephone, LLC, for apparent second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 110121-TX

In re: Compliance investigation of CLEC Certificate No. 8537, issued to Pelzer Communications Corporation, for apparent second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 110122-TX

In re: Compliance investigation of CLEC Certificate No. 5296, issued to ElectroNet Intermedia Consulting, Inc., for apparent second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 110123-TX  
ORDER NO. PSC-11-0247-CO-TX  
ISSUED: June 8, 2011

CONSUMMATING ORDER

BY THE COMMISSION:

By Order No. PSC-11-0221-PAA-TX, issued May 13, 2011, 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 dockets. It is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-11-0221-PAA-TX has become effective and final. It is further

ORDERED that these dockets shall be closed upon receipt of the imposed penalty and cost of collection, together totaling \$1,000, and any Regulatory Assessment Fees, including statutory late payment charges, from each entity or upon cancellation of that entity's CLEC certificate.



By ORDER of the Florida Public Service Commission this 8th day of June, 2011.

/s/ Ann Cole

ANN COLE

Commission Clerk

Florida Public Service Commission

2540 Shumard Oak Boulevard

Tallahassee, Florida 32399

(850) 413-6770

[www.floridapsc.com](http://www.floridapsc.com)

( S E A L )

PERE

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 Office of Commission Clerk 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.