

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-**

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**DATE:** March 19, 2012  
**TO:** Ann Cole, Commission Clerk, Office of Commission Clerk  
**FROM:** Judy G. Harlow, Senior Analyst, Division of Regulatory Analysis  
**RE:** Docket No. 110303-OT

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COMMISSION  
CLERK

Please enter the following responses to staff survey regarding Rule 25-4.0161, F.A.C., in the docket file for Docket No 110303-OT. The responses were mailed or e-mailed directly to me.

1. IntelePeer, Inc. (1 page)
2. Hypercube Telecom, LLC (1 page)
3. GTC, Inc. d/b/a FairPoint Communications (5 pages)

DOCUMENT NUMBER-DATE  
01630 MAR 19 2012  
FPSC-COMMISSION CLERK

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March 13, 2012

DIVISION OF  
REGULATORY COMPLIANCE

Judy Harlow  
c/o Ann Cole  
Commission Clerk  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

**Re: IntelePeer, Inc. (TY008)  
Industry survey for legislative review of agency rules in effect on or before  
November 16, 2010, Docket No. 110303-OT**

Dear Ms. Harlow:

On behalf of our client, IntelePeer, Inc. (TY008), and consistent with the requirements of the Industry survey for legislative review of agency rules in effect on or before November 16, 2010, Docket No. 110303-OT, this letter will serve as notice that IntelePeer, Inc. does not currently provide retail telecommunications services in the state of Florida.

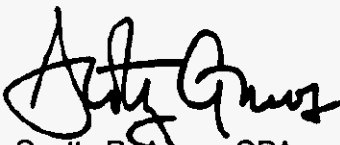
Based on the nature of the service provided, transactional costs to IntelePeer resulting from compliance with Rule 25-4.0161, F.A.C. are minimal and not separately tracked by the Company. Similarly, due to the wholesale nature of the services provided, we are not in the position to estimate the likely impact on small counties and cities, businesses or other entities located in Florida. IntelePeer does not currently pass the charge on to its wholesale customers, nor does it have plans to do so directly or indirectly in the immediate future.

We request that you accept this written response in full satisfaction of IntelePeer's filing obligation as referenced above.

Please do not hesitate to call me at 318-429-7552 or John Dietzel at 318-429-7580 should you have any questions or need additional information.

Very Truly Yours,

**RBM LLP**



Scotty R. Amos, CPA  
Authorized Compliance Agent

cc: Kristin Manwarren - Corporate Counsel, Legal & Regulatory Compliance for IntelePeer, Inc.



624 Travis Street, Suite 800  
 Shreveport, LA 71101  
 www.RBM.com

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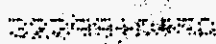
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Judy Harlow  
 c/o Ann Cole, Commission Clerk  
 Office of Commission Clerk  
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 2540 Shumard Oak Boulevard  
 Tallahassee, FL 32399-0850



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March 13, 2012

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DIVISION OF  
REGULATORY COMPLIANCE

Judy Harlow  
c/o Ann Cole  
Commission Clerk  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

**Re: Hypercube Telecom, LLC (TX590)  
Industry survey for legislative review of agency rules in effect on or before November 16,  
2010, Docket No. 110303-OT**

Dear Ms. Harlow:

On behalf of our client, Hypercube Telecom, LLC (TX590), and consistent with the requirements of the Industry survey for legislative review of agency rules in effect on or before November 16, 2010, Docket No. 110303-OT, this letter will serve as notice that Hypercube Telecom, LLC does not currently provide retail telecommunications services in the state of Florida.

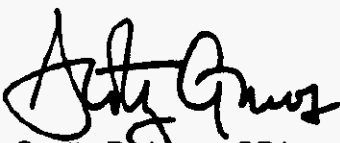
Based on the nature of the service provided, transactional costs to Hypercube resulting from compliance with Rule 25-4.0161, F.A.C. are minimal and not separately tracked by the Company. Similarly, due to the wholesale nature of the services provided, we are not in the position to estimate the likely impact on small counties and cities, businesses or other entities located in Florida. Hypercube does not currently pass the charge on to its wholesale customers, nor does it have plans to do so directly or indirectly in the immediate future.

We request that you accept this written response in full satisfaction of Hypercube's filing obligation as referenced above.

Please do not hesitate to call me at 318-429-7552 or John Dietzel at 318-429-7580 should you have any questions or need additional information.

Very Truly Yours,

**RBM LLP**



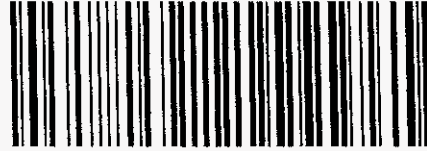
Scotty R. Amos, CPA  
Authorized Compliance Agent

cc: Karen Turner - Manager, Regulatory Compliance for Hypercube Telecom, LLC



624 Travis Street, Suite 800  
Shreveport, LA 71101  
www.RBM.com

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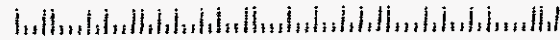
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Judy Harlow  
c/o Ann Cole, Commission Clerk  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

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## Judy Harlow

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**From:** Ellmer, Mark (Port St Joe, FL) [MEllmer@fairpoint.com]  
**Sent:** Monday, March 19, 2012 12:45 PM  
**To:** Judy Harlow  
**Subject:** RAF rule data request - GTC, Inc Response  
**Attachments:** GTC Inc d\_b\_a Fairpoint Communications data request - raf rule - all telecom.doc

Ms Harlow,

Please find attached the response for GTC, Inc d/b/a FairPoint Communications to the above data request. If you have any questions please contact me.

**R. Mark Ellmer - Director - Support Revenues**

FairPoint Communications | 502 Cecil G. Costin Blvd, Port St. Joe, FL 32456 | mellmer@fairpoint.com  
[www.FairPoint.com](http://www.FairPoint.com) | 601.397.6083 office | 850.227.6870 cell | 850.229.5141 fax

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**Rule 25-4.0161, F.A.C. – Survey Questions**

The following survey questions apply to **Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies**. For responding to these questions, please refer to Subsection 120.541(2), F.S., and Subparagraph 120.745(1)(b)2, F.S. “Transactional costs” are defined in Subparagraph 120.541(2)(d), F.S., as:

...direct costs that are readily ascertainable based upon standard business practices, including filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used or procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring and reporting, and any other costs necessary to comply with the rule.

The company’s response data to these survey questions should be provided for the entire rule, unless the response data is available by rule section, in which case we request the response data be provided by rule section. Please present data in annualized format, if possible, and all cost or benefit dollar estimates should be stated in nominal terms.

1. What are the estimated transactional costs resulting from the Company’s compliance of Rule 25-4.0161, F.A.C., for the five year period beginning July 1, 2011? **Response: Impact is estimated to be immaterial**

a. What are your actual transactional costs resulting from your Company’s compliance with Rule 25-4.0161, F.A.C., for the period July 1, 2011 through December 31, 2011? **Response: N/A**

2. What is your estimate of the likely impact, stated in terms of costs and/or benefits, on small businesses (as defined by Section 288.703, F.S.) located in the Company’s service territory, resulting from the compliance of Rule 25-4.0161, F.A.C., for the five year period beginning July 1, 2011? **Response: See Response to #1 above.**

3. What is your estimate of the likely impact, stated in terms of costs and/or benefits, on small counties and small cities (as defined in Section 120.52, F.S.) located in the Company’s service territory, resulting from the compliance of 25-4.0161, F.A.C., for the five year period beginning July 1, 2011? **Response: See Response to #1 above.**

4. What is your estimate of the likely impact, stated in terms of costs and/or benefits, on entities located in the Company’s service territory other than those specifically identified in Questions 2 and 3, resulting from the compliance of 25-4.0161, F.A.C., for the five year period beginning July 1, 2011? **Response: See Response to #1 above.**

5. What expected impact do you believe Rule 25-4.0161, F.A.C., will have on economic growth, private sector job creation or employment, and private sector investment for the five year period July 1, 2011 in the Company’s service territory? **Response: See Response to #1 above.**

6. What expected impact do you believe Rule 25-4.0161, F.A.C., will have on business competitiveness, including the ability of persons doing business in the Company's service territory to compete with persons doing business in states other than Florida or other domestic markets, productivity, and innovation, for the five year period July 1, 2011? **Response: See Response to #1 above.**
7. What are the benefits to your Company associated with Rule 25-4.0161, F.A.C.? **Response: See Response to #1 above.**
8. Since the December 4, 2011 rule change has your Company revised customer rates in order to comply with Rule 25-4.0161, F.A.C.? If so, please explain any rate changes that were made. **Response: No**
9. If the Company did revise customer rates after the rule change, what were the specific costs associated with processing and implementing these rate changes? **Response: N/A**
10. Does the Company anticipate having to revise customer rates in the future in order to comply with Rule 25-4.0161, F.A.C.? If so, please explain any anticipated rate changes for the five year period beginning July 1, 2011. **Response: No**
11. If the company anticipates revising customer rates in order to comply with Rule 25-4.0161, F.A.C., what costs does the company expect to incur to process and implement the rate changes for the five year period beginning July 1, 2011? **Response: N/A**



**25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.**

(1) For the purposes of this rule and except for pay telephone service providers, all incumbent local exchange companies, shared tenant service providers, alternative access vendors, and competitive local exchange companies that hold an active certificate of public convenience and necessity that was obtained prior to July 1, 2011, and all telecommunications companies that hold an active certificate of authority obtained after July 1, 2011, are defined as local telephone service providers. Companies classified as pay telephone service providers are those companies that hold an active pay telephone certificate of public convenience and necessity that was obtained prior to July 1, 2011, and those companies that hold an active pay telephone certificate of authority obtained after July 1, 2011.

(2)(a) For the interim period January 1, 2011 through December 31, 2011, as applicable and as provided in Sections 350.113 and 364.336, F.S., each company shall remit a fee based upon its gross operating revenue as provided below. Each company that has paid by August 15, 2011, regulatory assessment fees for the period January 1, 2011 through June 30, 2011, shall pay a regulatory assessment fee in the amount of 0.0016 of its gross operating revenues derived from intrastate business during the period July 1, 2011 through December 31, 2011. Each company that has not paid any regulatory assessment fees for the period January 1, 2011 through December 31, 2011, shall pay a regulatory assessment fee in the amount of 0.0018 of its gross operating revenues derived from intrastate business. The minimum regulatory assessment fees provided in paragraph (2)(b) shall apply and shall be filed in accordance with the schedules provided in subsections (3) and (4). For the purpose of determining this fee, each telecommunications company shall deduct from gross operating revenues any amount paid to another telecommunications company for the use of any telecommunications network to provide service to its customers.

(b) Effective January 1, 2012, as applicable and as provided in Sections 350.113 and 364.336, F.S., each company shall remit a fee based upon its gross operating revenue as provided below. This fee shall be referred to as a regulatory assessment fee, and each company shall pay a regulatory assessment fee in the amount of 0.0016 of its gross operating revenues derived from intrastate business. For the purpose of determining this fee, each telecommunications company shall deduct from gross operating revenues any amount paid to another telecommunications company for the use of any telecommunications network to provide service to its customers. Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee shall be imposed as follows:

1. Local Telephone Service Provider – \$600; and
2. Pay Telephone Service Provider – \$100.

(3) Telecommunications companies that owed gross regulatory assessment fees of \$10,000 or more for the preceding calendar year shall pay the fee and remit the appropriate form twice a year. The regulatory assessment fee and appropriate form shall be filed no later than July 30 for the preceding period of January 1 through June 30, and no later than January 30 of the following year for the period of July 1 through December 31. Telecommunications companies that owed gross regulatory assessment fees of less than \$10,000 for the preceding calendar year shall pay the fee and remit the appropriate form once a year. The regulatory assessment fee and appropriate form shall be filed no later than January 30 of the subsequent year for the current calendar year operations.

(4) If the due date falls on a Saturday, Sunday, or legal holiday, the due date is extended to the next business day. If the fees are sent by registered mail, the date of the registration is the United States Postal Service's postmark date. If the fees are sent by certified mail and the receipt is postmarked by a postal employee, the date on the receipt is the United States Postal Service's postmark date. The postmarked certified mail receipt is evidence that the fees were delivered. Regulatory assessment fees are considered paid on the date they are postmarked by the United States Postal Service or received and logged in by the Commission's Division of Administration Services in Tallahassee. Fees are considered timely paid if properly addressed, with sufficient postage, and postmarked no later than the due date.

(5) Commission Form PSC/RAD 159 (12/11), entitled "Local Telephone Service Provider Regulatory Assessment Fee Return," is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-00761>; Form PSC/RAD 160 (12/11), entitled "Interim Local Telephone Service Provider Regulatory Assessment Fee Return," is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-00762>; Form PSC/RAD 26 (12/11), entitled "Pay Telephone Service Provider Regulatory Assessment Fee Return," is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-00760>; and Form PSC/RAD 161(12/11), entitled "Interim Pay Telephone Service Provider Regulatory Assessment Fee Return," is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-00763>. These forms are incorporated into this rule by reference and may also be obtained from the Commission's Division of Administrative Services. The failure of a telecommunications

company to receive a return form shall not excuse the company from its obligation to timely remit the regulatory assessment fees.

(6) Each telecommunications company shall have up to and including the due date in which to submit the applicable form and:

- (a) Remit the total amount of its fee, or
- (b) Remit an amount which the company estimates is its full fee.

(7) Where the company remits less than its full fee, the remainder of the full fee shall be due on or before the 30th day from the due date and shall, where the amount remitted was less than 90 percent of the total regulatory assessment fee, include interest as provided by paragraph (9)(b) of this rule.

(8) A company may request either a 15-day or a 30-day extension of its due date for payment of regulatory assessment fees or for filing its return form by submitting to the Division of Administrative Services Commission Form PSC/ADM 124 (12/11) entitled "Regulatory Assessment Fee Extension Request," which is incorporated into this rule by reference and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-00764>. This form may also be obtained from the Commission's Division of Administrative Services.

(a) The request for extension must be received by the Division of Administrative Services at least two weeks before the due date.

(b) The request for extension will not be granted if the company has any unpaid regulatory assessment fees, penalties, or interest due from a prior period.

(c) Where a telecommunications company receives an extension of its due date pursuant to this rule, the telecommunications company shall remit a charge as set out in Section 350.113(5), F.S., in addition to the regulatory assessment fees.

(9) The delinquency of any amount due to the Commission from the telecommunications company pursuant to the provisions of Section 350.113, F.S., and this rule, begins with the first calendar day after any date established as the due date either by operation of this rule or by an extension pursuant to this rule.

- (a) A penalty, as set out in Section 350.113, F.S., shall apply to any such delinquent amounts.
- (b) Interest at the rate of 12 percent per annum shall apply to any such delinquent amounts.

(10) The Division of Administrative Services shall send by certified mail a regulatory assessment fee delinquency notice to any company that fails to file a regulatory assessment fee return and that fails to pay the regulatory assessment fee by the date specified in subsection (3), unless the company has met the requirements of subsections (7) and (8).

(11) If a company fails to pay the regulatory assessment fee within 20 days after receiving a delinquency notice, the Division of Administrative Services, in cooperation with the Division of Regulatory Analysis and the Office of General Counsel, will establish a docket and administratively issue a Notice of Proposed Agency Action Order Imposing Penalties and Collection Costs, and Requiring Payment of Delinquent Regulatory Assessment Fees, or Cancelling Certificates for Violation of Rule 25-4.0161, F.A.C., and Section 364.336, F.S. The company must pay the past due regulatory assessment fees, the penalty and interest for late payment as provided in Section 350.113, F.S., and as stated in subsection (9) above, and must also pay the applicable penalty stated in subsection (12) for failure to file the regulatory assessment fee return.

(12) Pursuant to Section 364.285, F.S., the Commission has the authority to impose a penalty or cancel a certificate if a company refuses to comply with Commission rules, orders, or Florida Statutes. The penalty, which will include collection costs, for failure to file the regulatory assessment fee return by the date stated in the delinquency notice shall be as follows:

- (a) First violation – \$500;
- (b) Second violation – \$1,000;
- (c) Third violation – \$2,000.

Failure of the company to pay the full amount due and stated in the Notice of Proposed Agency Action will result in the cancellation of the company's certificate.

(13) For a company's fourth failure to pay the regulatory assessment fee after being sent a delinquency notice, Commission staff shall file a recommendation to the Commission for further action.

(14) A company that reapplies for a Certificate of Authority must pay all prior unpaid regulatory assessment fees, plus the penalty and interest defined in subsection (9), and any prior unpaid penalty assessed in accordance with subsection (11).