

REQUEST TO ESTABLISH DOCKET		DOCKET NO. 140099-TX
(Please type or print. File original <i>plus</i> 1 copy with CLK.)		
Date:	5/8/2014	Docket No.: 140099-TX
1. From Staff / Division:	Office Of Telecommunications/Toni Earnhart	
2. OPR:	Toni Earnhart, TEL	
3. OCR:	GCO	
4. Suggested Docket Title:	Compliance investigation of local exchange Certificate No. 5722, issued to Ernest Communications, Inc., for apparent first-time violation of Rule 25-4.0161, FAC., Regulatory Assessment Fees; Telecommunications Companies.	
5. Program/Module/Submodule Assignment:	A18a, A10	
6. Suggested Docket Mail List.		
a. Provide NAMES/ACRONYMS, if registered company.		<input type="checkbox"/> Provided as an Attachment
Company Code, if applicable:	Parties (include address, if different from MCD):	Representatives (name and address):
EX-573 TX 244		
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
Comments:		

COMMISSION CLERK

14 MAY - 8 PM 2:32

RECEIVED-FPSC

Industry	FEID Num	Code	Utility Name	Service	Service	RAF Period Covered	Year	Due Date	RAF Rate	Total Owe	Total Paid	Total Due	RAF Due	RAF Paid	Penalty Due	Penalty Paid	Interest Due	Interest Paid	RAF Owe	Penalty Owe	Interest Owe	Revenue	Latest Status	Status		
T	58-2395113	TX244	Ernest Communications, Inc.	CLX	TX	01/01/2013-12/31/2013	2013	1/30/2014	0.0016	744	0	744	600	0	120	0	24	0	600	120	24	0	Interest & Penalty updated	5/1/2014		
T	58-2395113	TX244	Ernest Communications, Inc.	CLX	TX	01/01/2012-12/31/2012	2012	1/30/2013	0.0016	0	600	600	600	600	0	0	0	0	0	0	0	0	0	Payment Received	1/30/2013	
T	58-2395113	TX244	Ernest Communications, Inc.	CLX	TX	01/01/2011-12/31/2011	2011	1/30/2012	0.0018	0	600	600	600	600	0	0	0	0	0	0	0	0	0	Payment Received	1/31/2012	
T	58-2395113	TX244	Ernest Communications, Inc.	CLX	TX	01/01/2011-06/30/2011	2011	8/1/2011	0.002	0	5481.83	5481.83	5481.83	5481.83	0	0	0	0	0	0	0	0	2740914	RAF account established	8/1/2011	
T	58-2395113	TX244	Ernest Communications, Inc.	CLX	TX	01/01/2010-12/31/2010	2010	1/31/2011	0.002	0	6081.83	5481.83	5481.83	6081.83	0	0	0	0	0	0	0	0	0	2740914	RAF Refund Expired	2/28/2014
T	58-2395113	TX244	Ernest Communications, Inc.	CLX	TX	01/01/2009-12/31/2009	2009	2/1/2010	0.002	0	5153.47	5153.47	5153.47	5153.47	0	0	0	0	0	0	0	0	0	2576732.7	Payment Received	2/1/2010
T	58-2395113	TX244	Ernest Communications, Inc.	CLX	TX	01/01/2008-12/31/2008	2008	1/30/2009	0.002	0	7002.68	7002.68	7002.68	7002.68	0	0	0	0	0	0	0	0	0	3501340.51	Payment Received	2/2/2009
T	58-2395113	TX244	Ernest Communications, Inc.	CLX	TX	01/01/2007-12/31/2007	2007	1/30/2008	0.002	0	1037.32	1037.32	1037.32	1037.32	0	0	0	0	0	0	0	0	0	518659.45	Payment Received	2/5/2008
T	58-2395113	TX244	Ernest Communications, Inc.	CLX	TX	01/01/2006-12/31/2006	2006	1/30/2007	0.002	0	1340.2	1340.2	1340.2	1340.2	0	0	0	0	0	0	0	0	0	670097.62	Payment Received	2/1/2007
T	58-2395113	TX244	Ernest Communications, Inc.	CLX	TX	01/01/2005-12/31/2005	2005	1/30/2006	0.002	0	672.57	672.57	672.57	672.57	0	0	0	0	0	0	0	0	0	336283.38	Payment Received	2/1/2006
T	58-2395113	TX244	Ernest Communications, Inc.	CLX	TX	01/01/2004-12/31/2004	2004	1/31/2005	0.0015	0	1032.99	1032.99	1032.99	1032.99	0	0	0	0	0	0	0	0	0	688662.34	Payment Received	2/1/2005
T	58-2395113	TX244	Ernest Communications, Inc.	CLX	TX	01/01/2003-12/31/2003	2003	1/30/2004	0.0015	0	1089.8	1089.8	1089.8	1089.8	0	0	0	0	0	0	0	0	0	726533.45	Payment Received	2/2/2004
T	58-2395113	TX244	Ernest Communications, Inc.	CLX	TX	01/01/2002-12/31/2002	2002	1/30/2003	0.0015	0	735.29	735.29	693.67	693.67	34.68	34.68	6.94	6.94	0	0	0	0	0	462448.74	Interest due updated	2/13/2003
T	58-2395113	TX244	Ernest Communications, Inc.	CLX	TX	01/01/2001-12/31/2001	2001	1/30/2002	0.0015	0	1194.52	1194.52	918.86	918.86	275.72	275.72	45.94	45.94	0	0	0	0	0	612574.92	Payment Received	6/26/2002
T	58-2395113	TX244	Ernest Communications, Inc.	CLX	TX	01/01/2000-12/31/2000	2000	1/30/2001	0.0015	0	2540.49	2540.49	1939.3	1939.3	484.83	484.83	116.36	116.36	0	0	0	0	0	1292867.53	Payment Received	8/14/2001
T	58-2395113	TX244	Ernest Communications, Inc.	CLX	TX	01/01/1999-12/31/1999	1999	1/31/2000	0.0015	0	68.5	65.5	50	50	12.5	15	3	3	0	0	0	0	0	0	RAF Refund Expired	11/28/2013
T	58-2395113	TX244	Ernest Communications, Inc.	CLX	TX	01/01/1998-12/31/1998	1998	2/1/1999	0.0015	3	50	53	50	50	2.5	0	0.5	0	0	2.5	0.5	0	0	Interest due updated	2/16/1999	

Utility Code: TX244 Utility Name: Ernest Communications, Inc. Active:
 Utility Code To: Utility Code From: Unregulated Operation Date: Certype Type: Class Type: NGRANT created at 1998-11-03 00:00:00 NGRANT modified at 2014-04-30 10:06:43

Total: 25

#	Docket#	Title	DocDate	Status
1	981861-TP	Petition by Sprint-Florida, Incorporated for approval of interconnection and resale agreement with Ernest Communications, Inc.	12/14/1998	Closed
2	981546-TP	Request by BellSouth Telecommunications, Inc. for approval of interconnection, unbundling, and resale agreement with Ernest Communications, Inc. pursuant to Sections 251, 252, and 271 of the Telecommunications Act of 1996.	11/19/1998	Closed
3	981027-TX	Application for certificate to provide alternative local exchange telecommunications service by Ernest Communications, Inc.	08/14/1998	Closed
4	130195-TX	Notice of transfer of assets and customers from Ernest Communications, Inc., to Birch Telecom of the South, Inc. d/b/a Birch Telecom d/b/a Birch Communications.	07/24/2013	Closed
6	090538-TP	Amended Complaint of Qwest Communications Company, LLC against MCI Metro Access Transmission Services (d/b/a Verizon Access Transmission Services), XO Communications Services, Inc., tw telecom of florida, l.p., Granite Telecommunications, LLC, Broadwing Communications, LLC, Access Point, Inc., Birch Communications, Inc., Budget Prepay, Inc., Bullseye Telecom, Inc., DeltaCom, Inc., Ernest Communications, Inc., Flatel, Inc., Navigator Telecommunications, LLC, PaeTec Communications, Inc., STS Telecom, LLC, US LEC of Florida, LLC, Windstream Nuvox, Inc. and John Does 1 through 50, for unlawful discrimination.	12/11/2009	Closed
6	090351-TP	Request for approval of interconnection agreement between Windstream Florida, Inc. and Ernest Communications, Inc.	06/30/2009	Closed
7	080300-TP	Request for approval of Amendment No. 1 to master resale agreement between Embark Florida, Inc. and Ernest Communications, Inc.	06/03/2008	Closed
8	080012-TP	Request for approval of resale agreement between Embark Florida, Inc. and Ernest Communications, Inc.	01/02/2008	Closed
9	070155-TP	Request for approval of interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida d/b/a AT&T Southeast and Ernest Communications, Inc.	03/09/2007	Closed
10	060446-TP	Request for approval of amendment to interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. and Ernest Communications, Inc.	06/08/2006	Closed
11	040941-TP	Request for approval of amendment to interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. and Ernest Communications, Inc.	08/24/2004	Closed
12	030890-TP	Request for approval of interconnection, unbundling, resale, and collocation agreement with Ernest Communications, Inc. by Sprint-Florida, Incorporated.	09/08/2003	Closed
13	030992-TP	Request for approval of amendment to interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. and Ernest Communications, Inc.	01/28/2003	Closed
14	021236-TP	Request for approval of amendment to interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. and Ernest Communications, Inc.	12/11/2002	Closed
15	021082-TP	Request for approval of amendment to interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. and Ernest Communications, Inc.	10/23/2002	Closed
16	020449-TP	Request for approval of amendment to existing interconnection, unbundling, resale, and collocation agreement between BellSouth Telecommunications, Inc. and Ernest Communications, Inc.	05/17/2002	Closed
17	020372-TP	Request by BellSouth Telecommunications, Inc. for approval of interconnection, unbundling, resale, and collocation agreement with Ernest Communications, Inc.	04/23/2002	Closed
18	011592-TP	Petition by Verizon Florida Inc. for approval of interconnection, unbundling, resale, and collocation agreement with Ernest Communications, Inc.	11/19/2001	Closed
19	011515-TP	Request by BellSouth Telecommunications, Inc. for approval of amendment of existing interconnection, unbundling, resale, and collocation agreement with Ernest Communications, Inc.	11/07/2001	Closed
20	011260-TP	Request by BellSouth Telecommunications, Inc. for approval of amendment to negotiated interconnection, unbundling, resale, and collocation agreement with Ernest Communications, Inc.	09/25/2001	Closed
21	011105-TP	Request by BellSouth Telecommunications, Inc. for approval of two amendments to interconnection, unbundling, resale, and collocation agreement with Ernest Communications, Inc.	08/16/2001	Closed
22	010172-TP	Request by BellSouth Telecommunications, Inc. for approval of amendment to existing interconnection, unbundling, resale, and collocation agreement with Ernest Communications, Inc.	02/05/2001	Closed
23	000984-TP	Petition by Sprint-Florida, Incorporated for approval of interconnection, unbundling, and resale agreement with Ernest Communications, Inc.	07/28/2000	Closed
24	000712-TP	Request by BellSouth Telecommunications, Inc. for approval of interconnection, unbundling, resale, and collocation agreement with Ernest Communications, Inc.	06/13/2000	Closed
25	000231-TX	Initiation of show cause proceedings against Ernest Communications, Inc. for apparent violation of Section 364.183(1), F.S. Access to Company Records.	02/22/2000	Closed

Utility Information

This account is Delinquent.

Utility Mailing Name: Ernest Communications, Inc
 Street1: 5275 Triangle Parkway, Suite 150
 State: GA
 Federal Id: 58-2395113 Certificate #: 5722
 Utility Status Code: REGULATED

Complete Name: Ernest Communications, Inc
 Street2:
 Zip: 30092-6511
 Bankruptcy Start Date:
 Utility Status Date: 11/3/1998

Utility Code: TX244 [Docket] [Consumer]
 City: Norcross
 Phone: (850) 784-6783
 Bankruptcy End Date:
 WriteOff Type: BType:

RAF Account Information

Raf Periods: 1/1/2013 - 12/31/2013
 RAF Period Covered: 1/1/2013 - 12/31/2013
 Service: CLX
 Current RAF Status: Interest & Penalty updated by nightly job
 Raf Transactions:
 Operating Revenue: 0.00
 Gross Interstate Revenue: 0.00
 RAF Rate: 0.0016

Correspondence Suspended
 Check Received
 Confidential
 Send Collection
 RAF Form Received
 Amended Return
 RAF Account Satisfied

Show Cause
 Utility Request Close
 Audited
 Collection Withdrawn
 Actual Estimated
 Do not calculate Penalty
 Do not calculate Interest

Collection Date:
 RAF Due Date: 1/30/2014

All Comments:
 Interest and Penalty adjusted by nightly job---DBO---5/1/2014 12:01:32 AM
 Interest and Penalty adjusted by nightly job---DBO---4/1/2014 12:01:33 AM
 Interest and Penalty adjusted by nightly job---DBO---3/2/2014 12:01:33 AM
 Interest and Penalty adjusted by nightly job---DBO---1/31/2014 12:01:33 AM

User Comments:

Estimated Assessments

	Due	Paid	WriteOff	Refund	Expired Refund	Owe
RAF	600.00	0.00				600.00
Penalty	120.00	0.00				120.00
Interest	24.00	0.00				24.00
Extension	0.00	0.00				0.00
Total	744.00	0.00				744.00

- [Print RAF Form](#)
- [Payment Calculator](#)
- [RAF Documents](#)

STATE OF FLORIDA

COMMISSIONERS:
ART GRAHAM, CHAIRMAN
LISA POLAK EDGAR
RONALD A. BRISÉ
EDUARDO E. BALBIS
JULIE IMANUEL BROWN



OFFICE OF THE GENERAL COUNSEL
S. CURTIS KISER
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

February 20, 2014

TX244-13-T-0-D
Ernest Communications, Inc.
5275 Triangle Parkway, Suite 150
Norcross, GA 30092-6511

Dear Certificate Holder:

The Division of Administrative Services has forwarded your account to our office to address the nonpayment of the Regulatory Assessment Fees (RAFs) required by Section 366.14, Florida Statutes, and Rule 25-6.0131, Florida Administrative Code, for the year 2014, which was due January 30, 2014. The RAFs return form was mailed to you on **December 15, 2013**, and to date, Commission records reflect that payment has not been received.

Utilities are charged with knowledge of our rules and statutes. According to Florida Law, you are required to add interest charges at 12% per annum, and a 5% penalty for each 30-day period or fraction thereof, beyond the due date, up to a maximum of 25% in addition to the delinquent amount due. In addition, pursuant to Section 366.095, Florida Statutes, the Commission is authorized to impose upon any entity subject to its jurisdiction a penalty of not more than \$5,000 for each offense, if such entity 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 Chapter 366.

If payment is not postmarked within 15 calendar days of receipt of this notice, as evidenced by the certified mail receipt, Rule 25-4.0161, F.A.C., automatically imposes a penalty of \$500, \$1,000, or \$2,000, in addition to the interest and penalty listed in the preceding paragraph. The penalty is based on the number of prior dockets against a company for violation of the RAF rule. For one prior docket, it automatically will be assessed a \$1,000 penalty and for two, a \$2,000 penalty. For a third docket, staff will submit a recommendation to the Commission seeking cancellation of the company's certificate and removal from the register.

If you wish to request another form, please contact Toni Earnhart at the number below. The payment should be identified with the company code and the company's name. Failure to provide payment within 15 days of this notice will result in the establishment of a docket to address your failure to return the RAFs form and pay RAFs in accordance with Section 366.14, Florida Statutes, and Rule 25-7.0131, Florida Administrative Code. As specified above, pursuant to Section 366.095, Florida Statutes, the Commission may impose a fine for failure to comply. Therefore, it is important that you address this matter now. If you have paid your fees, please provide us with your check number and the date that it was paid.

Should you have any questions concerning this letter please contact Toni Earnhart at (850) 413-6532 or via Internet e-mail at tearnhar@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink that reads "S. Curtis Kiser".

S. Curtis Kiser
Office of the General Counsel

cc: Fiscal Services Section

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-0850

An Affirmative Action / Equal Opportunity Employer

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

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

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:

TX244-13-T-0-D
Ernest Communications, Inc.
5275 Triangle Parkway, Suite 150
Norcross, GA 30092-6511

2. Article Number
(Transfer from service label)

7011 3500 0001 5979 4790

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee

B. Received by (Printed Name)
J Hood

C. Date of Delivery
2-24

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

Toni Earnhart

From: Toni Earnhart
Sent: Tuesday, April 01, 2014 1:37 PM
To: 'ghogan@ernestgroup.com'
Subject: Ernest Communications, Inc.

Importance: High

Mr. Hogan,

I am auditing the 2013 RAF accounts for TELCOM companies at the FLPSC. Ernest Communications hasn't paid its 2013 RAF yet.

I have enclosed the 2012 RAF form filed for your review, the delinquent letter for 2013 and the registered return card signed that it was received and another 2013 RAF form for completion.

Given the date, penalties and interest do apply. If you owe the minimum, there is an additional \$108 in P&I due as of today.

To avoid a rule violation compliance action, please submit the completed form and fees by April 15th.

Also, please review the screen prints below and let me know if there are changes that need to be made.

Contact me with any questions.

<< [image001.png@01CF4DAF.6E739D80](#) >><< [image002.png@01CF4DAF.6E739D80](#) >>

Toni Joy Earnhart, Public Utility Analyst
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
Phone 850-413-6532
Fax 850-413-6533

Ernest Communications out of
business. Sold Assets. No
Funds to pay 2013 RAFs.
Compliance Cancellation.

<<
tx244-12-0-r-0.pdf (60.8KB)
tx244-13-t-0-d-0.pdf (95.1KB)
tx244-13-t-0-d-1.pdf (162.5KB)
Ernest Communications 2013 BLANK RAF FORM.pdf (123.0KB)
image001.png (77.1KB)
image002.png (38.7KB)

(557.2KB)
>>