State of Florida



ORIGINAL Jublic Service Commission -M-E-M-O-R-A-N-D-U-M-

DATE: September 3, 2002

Blanca Bayó, Director, Division of The Commission Clerk and Administrative Services TO:

FROM: Dale Buys, Division of Competitive Services and Enforcement

Docket No. 020667-TI - Compliance Investigation of AmericanFone, LLC for apparent RE:

violation of Rule 25-24.470, F.A.C., Certificate of Public Convenience and Necessity

Required, and Rule 25-4.043, F.A.C., Response to Commission Staff Inquiries.

Attached is the settlement proposal from Kelley, Drye & Warren, LLP on behalf of its client, AmericanFone, LLC, dated August 29, 2002, to be filed in the above referenced docket. Please note the change in contact information on page two for FreedomStarr Communications, Inc. (company code TJ345). AmericanFone, LLC is the parent company of FreedomStarr Communications, Inc.

DRB/ Attachment

cc: Wayne Knight (Office of General Counsel)

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DOCUMENT NUMBER-DATE 09279 SEP-38

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

TYSONS CORNER

NEW YORK, NY

LOS ANGELES, CA

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES
BANGKOK, THAILAND
JAKARTA, INDONESIA
MANILA, THE PHILIPPINES

MUMBAI, INDIA

8000 TOWERS CRESCENT DRIVE

SUITE 1200

VIENNA, VIRGINIA 22182

(703) 918-2300

August 29, 2002

FACSIMILE
(703) 918-2450
www.kelleydrye.com

EMATE: TConnection kelleydrye.com

DG 30 AM II: 10 DIVISIONOF FTITIVE SERVICES

VIA FEDERAL EXPRESS

Wayne Knight, Esq.
Staff Attorney
Florida Public Service Commission
c/o Division of Records and Reporting
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 020667-TI - Settlement Proposal

Dear Mr. Knight:

On behalf of our client, AmericanFone, LLC ("AmericanFone" or "Company"), we offer a good faith settlement in the above-referenced docket. This settlement offer replaces our previously-filed offer in its entirety.

AmericanFone proposes to settle the alleged violation of Rule 25-4.043, Florida Administrative Code, by (1) providing a statement of the actions AmericanFone has taken to remedy the problems causing its failure to respond to staff inquiries; (2) a statement that the Company will comply with all Commission rules in the future; (3) a statement that the Company has established procedures and processes to handle all Florida customer complaints in accordance with Commission rules; and (4) offering to make a voluntary contribution to the State of Florida General Revenue Fund.

The Company proposes to settle the alleged violation of Rule 25-24.470, Florida Administrative Code, by (1) demonstrating that the Company has properly registered the names under which it will do business in Florida and (2) providing to the Commission a statement clarifying the names in which the Company will provide and bill for its services in Florida. The Company further proposes that it make a voluntary contribution to the State of Florida General Revenue Fund to settle the alleged violation of Rule 25-4.110(14), Florida Administrative Code.

Wayne Knight, Esq. August 29, 2002 Page Two

AmericanFone, LLC is not the operating entity, but is the parent company of FreedomStarr Communications, Inc., a certified provider of resold interexchange telecommunications services in the State of Florida. FreedomStarr Communications, Inc. will provide and bill for its services in Florida under the following fictitious names: (1) Planet Earth Communications; (2) iphonebill.com; (3) USPhone; and (4) AmericanFone. Attachment 1 to this letter contains the letter registering FreedomStarr's fictitious names with the Public Service Commission as well as copies of the registration forms for the fictitious names filed with the Florida Department of State.

Without conceding that any grounds exist to justify the imposition of a penalty, and as part of its settlement offer for the alleged violation of Rules 25-4.043 and 25-4.110(14), Florida Administrative Code, the Company proposes a voluntary contribution of \$2,500.00 each (for a total contribution of \$5,000.00) to the State of Florida General Revenue Fund for costs associated with its investigation. Upon notification by the Commission that this offer has been accepted, the Company will forward its payment to the Commission.

The Company regrets any inconvenience its previous processes may have caused the Commission. It has now appointed specific personnel to respond to customer and governmental agency inquiries. Further, the Company has implemented specific internal processes to meet state and federal regulatory requirements. The Company is confident that the processes currently being implemented will prevent any confusion in the future. The Company remains fully committed to future compliance with all Commission rules and regulations.

Commission inquiries may be directed to:

FreedomStarr Communications, Inc.
Matthew Hoffman
8730 Sunset Blvd.
Suite 700
Los Angeles, CA 90069
Telephone (310) 734-3441
Fax (310) 289-9046
matthew@americanfone.com

Wayne Knight, Esq. August 29, 2002 Page Three

Thank you for your consideration. Please do not hesitate to contact me with questions or comments.

Sincerely,

Tamara E. Connor

cc: Dale R. Buys, Division of Competitive Markets and Enforcement Matthew Hoffman

Attachment 1

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

TYSONS CORNER

NEW YORK, NY

8000 TOWERS CRESCENT DRIVE

VIENNA, VIRGINIA 22182

WASHINGTON, DC

SUITE 1200 LOS ANGELES, CA

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

(703) 918-2300

HONG KONG

AFFILIATE OFFICES BANGKOK, THAILAND JAKARTA, INDONESIA

BRUSSELS, BELGIUM

MANILA, THE PHILIPPINES MUMBAI, INDIA TOKYO, JAPAN

August 28, 2002

FACSIMILE

(703) 918-2450

www.kelleydrye.com WRITER'S DIRECT LINE (703) 918-2311

WRITER'S E-MAIL tconnor@kelleydrye.com

VIA FEDERAL EXPRESS

Ms. Blanca S. Bayó, Director Division of Records and Reporting Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

FreedomStarr Communications, Inc. Fictitious Name Registration

Dear Ms. Bayó:

In compliance with Commission rules, please be advised that FreedomStarr Communications, Inc., a competitive telecommunications provider certified to provide resold interexchange services in Florida, intends to use the following fictitious names in the course of its business, throughout Florida: (1) USPhone; (2) iphonebill.com; (3) AmericanFone; and (4) Planet Earth Communications. The fictitious names have been registered with the Florida Department of State, as evidenced by the Applications for Registration, appended to this letter as Attachment A.

Please date-stamp the additional copy of this filing and return it to the undersigned in the enclosed self-addressed, stamped envelope.

Please do not hesitate to call me if you have any questions.

Respectfully submitted

Tamara E. Connor

Enclosures

Wayne Knight, Esq., Staff Attorney cc:

Dale R. Buys, Division of Competitive Markets and Enforcement

Attachment A



August 22, 2002

AMERICANFONE 7985 SANTA MONICA BLVD., #7 LOS ANGELES, CA 90046

Subject: **AMERICANFONE**

REGISTRATION NUMBER: G02234900051

This will acknowledge the filing of the above fictitious name registration which was registered on August 22, 2002. This registration gives no rights to ownership of the name.

Each fictitious name registration must be renewed every five years between January 1 and December 31 of the expiration year to maintain registration. Three months prior to the expiration date a statement of renewal will be mailed.

IT IS THE RESPONSIBILITY OF THE BUSINESS TO NOTIFY THIS OFFICE IN WRITING IF THEIR MAILING ADDRESS CHANGES. Whenever corresponding please provide assigned Registration Number.

Should you have any questions regarding this matter you may contact our office at (850) 488-9000.

Reinstatement Section
Division of Corporations

Letter No. 302A00049470

APPLICATION FOR REGISTRATION OF FICTITIOUS NAME Note: Acknowledgements/certificates will be sent to the address in Section 1 only. AmericanFone 1. Fictitious Name to be Registered (see instructions if name includes "Corp" or "inc") 7985 Santa Monica Boulevard, #7 Section 1 Malling Address of Business Los Angeles 90046 CA City State Zip Code Multiple 3. Florida County of principal place of business: (see instructions if more than one county) 4. FE! Number: 33-0739161

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Mark the applicable boxes

☐ Certificate of Status — \$10

☐ Certified Copy — \$30



FLORIDA DEPARTMENT OF STATE Jim Smith Secretary of State

August 22, 2002

IPHONEBILL.COM 7985 SANTA MONICA BLVD., #7 LOS ANGELES, CA 90046

Subject: IPHONEBILL.COM

REGISTRATION NUMBER: G02234900054

This will acknowledge the filing of the above fictitious name registration which was registered on August 22, 2002. This registration gives no rights to ownership of the name.

Each fictitious name registration must be renewed every five years between January 1 and December 31 of the expiration year to maintain registration. Three months prior to the expiration date a statement of renewal will be mailed.

IT IS THE RESPONSIBILITY OF THE BUSINESS TO NOTIFY THIS OFFICE IN WRITING IF THEIR MAILING ADDRESS CHANGES. Whenever corresponding please provide assigned Registration Number.

Should you have any questions regarding this matter you may contact our office at (850) 488-9000.

Reinstatement Section
Division of Corporations

Letter No. 502A00049472

APPLICATION FOR REGISTRATION OF FICTITIOUS NAME

1.	iphonebill.com		
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	City	State	Zıp Code
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	Address			-	Address		
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	Entity Name 7985 Santa Monica E	3oulevar	d, #7	_	Entity Name		
	Address Los Angeles	CA	90046	•	Address		
	City	State	Zip Code	7	City	State	Zip Code
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Mark the applicable boxes

☐ Certificate of Status — \$10 ☐ Certified Copy — \$30



FLORIDA DEPARTMENT OF STATE Jim Smith Secretary of State

August 22, 2002

USPHONE 7985 SANTA MONICA BLVD., #7 LOS ANGELES, CA 90046

Subject: **USPHONE**

REGISTRATION NUMBER: G02234900052

This will acknowledge the filing of the above fictitious name registration which was registered on August 22, 2002. This registration gives no rights to ownership of the name.

Each fictitious name registration must be renewed every five years between January 1 and December 31 of the expiration year to maintain registration. Three months prior to the expiration date a statement of renewal will be mailed.

IT IS THE RESPONSIBILITY OF THE BUSINESS TO NOTIFY THIS OFFICE IN WRITING IF THEIR MAILING ADDRESS CHANGES. Whenever corresponding please provide assigned Registration Number.

Should you have any questions regarding this matter you may contact our office at (850) 488-9000.

Reinstatement Section
Division of Corporations

Letter No. 202A00049471

APPLICATION FOR REGISTRATION OF FICTITIOUS NAME

Note: Acknowledgements/certificates will be sent to the address in Section 1 only.

١.				
	Fictitious Name to be Regis	itered (see instruction	ns If name in	cludes "Corp" or "inc"
	7985 Santa Monica	Boulevard, #7	•	
	Malling Address of Business			****
	Los Angeles	CA	900	46
	City	State		Zip Code
3. F	lorida County of princ	inal place of bu	ısiness:	Multiple
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LORETARY OF STATE
MALLAHASSEE, FLORIDA

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Mark the applicable boxes

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☐ Certified Copy — \$30



FLORIDA DEPARTMENT OF STATE Jim Smith Secretary of State

August 22, 2002

PLANET EARTH COMMUNICATIONS 7985 SANTA MONICA BLVD., #7 LOS ANGELES, CA 90046

Subject: PLANET EARTH COMMUNICATIONS

REGISTRATION NUMBER: G02234900049

This will acknowledge the filing of the above fictitious name registration which was registered on August 22, 2002. This registration gives no rights to ownership of the name.

Each fictitious name registration must be renewed every five years between January 1 and December 31 of the expiration year to maintain registration. Three months prior to the expiration date a statement of renewal will be mailed.

IT IS THE RESPONSIBILITY OF THE BUSINESS TO NOTIFY THIS OFFICE IN WRITING IF THEIR MAILING ADDRESS CHANGES. Whenever corresponding please provide assigned Registration Number.

Should you have any questions regarding this matter you may contact our office at (850) 488-9000.

Reinstatement Section Division of Corporations

Letter No. 502A00049467

APPLICATION FOR REGISTRATION OF FICTITIOUS NAME

Note: Acknowledgements/certificates will be sent to the address in Section 1 only.

1.	Fictitious Name to be Regist	·	ame includes "Corp" or "inc"
	7985 Santa Monica	Boulevard, #7	
	Mailing Address of Business Los Angeles	CA	90046
	City	State	Zip Code
3. F	lorida County of princip	pal place of busine	ss: Multiple
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ALCRATARY OF STATE
ALLAHASSEE, FLORIDA

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Address	· 			Address			
City	State	Zip Code		City	***************************************	State	Zip Code
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1. Freedor	nStarr Communicat	ions, Inc.	2.				
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Mark the applicable boxes

☐ Certificate of Status — \$10

☐ Certified Copy — \$30