

State of Florida



ORIGINAL

Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

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02 SEP - 3 PM 2:02  
COMMISSION CLERK

**DATE:** September 3, 2002  
**TO:** Blanca Bayó, Director, Division of The Commission Clerk and Administrative Services  
**FROM:** Dale Buys, Division of Competitive Services and Enforcement  
**RE:** Docket No. 020667-TI - Compliance Investigation of AmericanFone, LLC for apparent 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)

- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- SEC \_\_\_\_\_
- OTH \_\_\_\_\_

*Handwritten:* Done 9/04/02

DOCUMENT NUMBER-DATE  
09279 SEP-3 02  
COMMISSION CLERK

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

TYSONS CORNER

8000 TOWERS CRESCENT DRIVE

SUITE 1200

VIENNA, VIRGINIA 22182

(703) 918-2300

FACSIMILE

(703) 918-2450

www.kelleydrye.com

DIRECT LINE: (703) 918-2311  
EMAIL: TConn@kelleydrye.com

2002 AUG 30 AM 11:10  
DIVISION OF  
COMPETITIVE SERVICES

2002 AUG 30 AM 11:10

NEW YORK, NY  
WASHINGTON, DC  
LOS ANGELES, CA  
CHICAGO, IL  
STAMFORD, CT  
PARSIPPANY, NJ

BRUSSELS, BELGIUM  
HONG KONG

AFFILIATE OFFICES  
BANGKOK, THAILAND  
JAKARTA, INDONESIA  
MANILA, THE PHILIPPINES  
MUMBAI, INDIA  
TOKYO, JAPAN

August 29, 2002

**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](mailto: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,

A handwritten signature in black ink, appearing to read 'T Connor', with a long, sweeping flourish extending to the right.

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

8000 TOWERS CRESCENT DRIVE

SUITE 1200

VIENNA, VIRGINIA 22182

(703) 918-2300

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www.kelleydrye.com

WRITER'S DIRECT LINE

(703) 918-2311

WRITER'S E-MAIL

tconnor@kelleydrye.com

August 28, 2002

NEW YORK, NY

WASHINGTON, DC

LOS ANGELES, CA

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

BRUSSELS, BELGIUM

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AFFILIATE OFFICES

BANGKOK, THAILAND

JAKARTA, INDONESIA

MANILA, THE PHILIPPINES

MUMBAI, INDIA

TOKYO, JAPAN

**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

Re: 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

cc: Wayne Knight, Esq., Staff Attorney  
Dale R. Buys, Division of Competitive Markets and Enforcement

**Attachment A**



FLORIDA DEPARTMENT OF STATE

Jim Smith  
Secretary of State

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

Account number: 072100000032 Account charged: 50.00



**APPLICATION FOR REGISTRATION OF FICTITIOUS NAME**

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

**FILED**  
 02 AUG 22 PM 1:44  
 SECRETARY OF STATE  
 TALLAHASSEE, FLORIDA

Section 1

1. AmericanFone  
 Fictitious Name to be Registered (see instructions if name includes "Corp" or "Inc")  
7985 Santa Monica Boulevard, #7

---

Mailing Address of Business  
Los Angeles CA 90046  
 City State Zip Code

3. Florida County of principal place of business: Multiple  
 (see instructions if more than one county)

4. FEI Number: 33-0739161

This space for office use only

Section 2

**A. Owner(s) of Fictitious Name If Individual(s): (Use an attachment if necessary):**

1. Last First M.I. Address City State Zip Code

2. Last First M.I. Address City State Zip Code

**B. Owner(s) of Fictitious Name If other than an individual: (Use attachment if necessary):**

1. FreedomStarr Communications, Inc.  
 Entity Name  
7985 Santa Monica Boulevard, #7  
 Address  
Los Angeles CA 90046  
 City State Zip Code  
 Florida Registration Number F99000004982  
 FEI Number: 33-0739161  
 Applied for  Not Applicable

2. Entity Name Address City State Zip Code Florida Registration Number FEI Number:  Applied for  Not Applicable

Section 3

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. In accordance with Section 865.09, F.S., I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required)

[Signature] Aug. 22, 2002  
 Signature of Owner Date

Signature of Owner Date

Phone Number: \_\_\_\_\_ Phone Number: \_\_\_\_\_

CR4E001B (1/02)

Section 4

**FOR CANCELLATION COMPLETE SECTION 4 ONLY:  
 FOR FICTITIOUS NAME OR OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:**

I (we) the undersigned, hereby cancel the fictitious name \_\_\_\_\_  
 \_\_\_\_\_, which was registered on \_\_\_\_\_ and was assigned  
 registration number \_\_\_\_\_

Signature of Owner Date Signature of Owner Date

Mark the applicable boxes  Certificate of Status — \$10  Certified Copy — \$30  
**FILING FEE: \$50**



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

Account number: 072100000032 Account charged: 50.00

**APPLICATION FOR REGISTRATION OF FICTITIOUS NAME**

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

**FILED**  
 02 AUG 22 PM 1:47  
 SECRETARY OF STATE  
 TALLAHASSEE, FLORIDA

Section 1

1. iphonebill.com  
 Fictitious Name to be Registered (see instructions if name includes "Corp" or "Inc")  
7985 Santa Monica Boulevard, #7

---

Mailing Address of Business  
Los Angeles CA 90046  
 City State Zip Code

3. Florida County of principal place of business: Multiple  
 (see instructions if more than one county)

4. FEI Number: 33-0739161

This space for office use only

Section 2

**A. Owner(s) of Fictitious Name If Individual(s): (Use an attachment if necessary):**

1. Last \_\_\_\_\_ First \_\_\_\_\_ M.I. \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

2. Last \_\_\_\_\_ First \_\_\_\_\_ M.I. \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

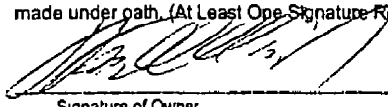
**B. Owner(s) of Fictitious Name If other than an individual: (Use attachment if necessary):**

1. FreedomStarr Communications, Inc.  
 Entity Name  
7985 Santa Monica Boulevard, #7  
 Address  
Los Angeles CA 90046  
 City State Zip Code  
 Florida Registration Number F9900000 4982  
 FEI Number: 33-0739161  
 Applied for  Not Applicable

2. \_\_\_\_\_  
 Entity Name  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Florida Registration Number \_\_\_\_\_  
 FEI Number: \_\_\_\_\_  
 Applied for  Not Applicable

Section 3

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. In accordance with Section 865.09, F.S., I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required)

 Aug 20, 2002  
 Signature of Owner Date

Phone Number: \_\_\_\_\_

Section 4

**FOR CANCELLATION COMPLETE SECTION 4 ONLY:  
 FOR FICTITIOUS NAME OR OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:**

I (we) the undersigned, hereby cancel the fictitious name \_\_\_\_\_  
 \_\_\_\_\_, which was registered on \_\_\_\_\_ and was assigned  
 registration number \_\_\_\_\_

\_\_\_\_\_  
 Signature of Owner Date

Mark the applicable boxes  Certificate of Status — \$10  Certified Copy — \$30  
**FILING FEE: \$50**

CR4E001B (1/02)



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

Account number: 072100000032 Account charged: 50.00

**APPLICATION FOR REGISTRATION OF FICTITIOUS NAME**

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

**FILED**  
 02 AUG 22 PM 1:46  
 SECRETARY OF STATE  
 TALLAHASSEE, FLORIDA

Section 1

1. **USPhone**  
 Fictitious Name to be Registered (see instructions if name includes "Corp" or "inc")  
7985 Santa Monica Boulevard, #7

---

Mailing Address of Business  
Los Angeles CA 90046  
 City State Zip Code

3. Florida County of principal place of business: Multiple  
 (see instructions if more than one county)

4. FEI Number: 33-0739161

This space for office use only

Section 2

**A. Owner(s) of Fictitious Name If Individual(s): (Use an attachment if necessary):**

1. Last First M.I. Address City State Zip Code

2. Last First M.I. Address City State Zip Code

**B. Owner(s) of Fictitious Name If other than an individual: (Use attachment if necessary):**

1. **FreedomStarr Communications, Inc.**  
 Entity Name  
7985 Santa Monica Boulevard, #7  
 Address  
Los Angeles CA 90046  
 City State Zip Code  
 Florida Registration Number F9900000 4982  
 FEI Number: 33-0739161  
 Applied for  Not Applicable

2. Entity Name Address City State Zip Code Florida Registration Number FEI Number:  Applied for  Not Applicable

Section 3

I (we) the undersigned, being the sole (all the) party(ies) owning interest in the above fictitious name, certify that the information indicated on this form is true and accurate. In accordance with Section 865.09, F.S., I (we) understand that the signature(s) below shall have the same legal effect as if made under oath. (At Least One Signature Required)

[Signature] Aug 20, 2002  
 Signature of Owner Date

Phone Number: \_\_\_\_\_

CR4E001B (1/02)

Section 4

**FOR CANCELLATION COMPLETE SECTION 4 ONLY:  
 FOR FICTITIOUS NAME OR OWNERSHIP CHANGE COMPLETE SECTIONS 1 THROUGH 4:**

I (we) the undersigned, hereby cancel the fictitious name \_\_\_\_\_, which was registered on \_\_\_\_\_ and was assigned registration number \_\_\_\_\_

Signature of Owner Date Signature of Owner Date

Mark the applicable boxes  Certificate of Status — \$10  Certified Copy — \$30  
**FILING FEE: \$50**



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

Account number: 072100000032 Account charged: 50.00

**APPLICATION FOR REGISTRATION OF FICTITIOUS NAME**

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

**FILED**  
02 AUG 22 PM 1:41  
SECRETARY OF STATE  
TALLAHASSEE, FLORIDA

Section 1

1. Planet Earth Communications  
 Fictitious Name to be Registered (see instructions if name includes "Corp" or "Inc")  
7985 Santa Monica Boulevard, #7

---

Mailing Address of Business  
Los Angeles CA 90046  
 City State Zip Code

3. Florida County of principal place of business: Multiple  
 \_\_\_\_\_  
 (see instructions if more than one county)

4. FEI Number: 33-0739161

This space for office use only

Section 2

**A. Owner(s) of Fictitious Name If Individual(s): (Use an attachment if necessary):**

1. Last \_\_\_\_\_ First \_\_\_\_\_ M.I. \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

2. Last \_\_\_\_\_ First \_\_\_\_\_ M.I. \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

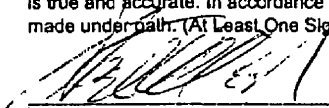
**B. Owner(s) of Fictitious Name If other than an individual: (Use attachment if necessary):**

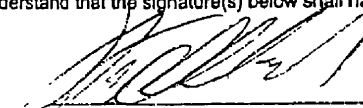
1. FreedomStarr Communications, Inc.  
 Entity Name  
7985 Santa Monica Boulevard, #7  
 Address  
Los Angeles CA 90046  
 City State Zip Code  
 Florida Registration Number F99000004982  
 FEI Number: 33-0739161  
 Applied for  Not Applicable

2. \_\_\_\_\_  
 Entity Name  
 Address \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_  
 Florida Registration Number \_\_\_\_\_  
 FEI Number: \_\_\_\_\_  
 Applied for  Not Applicable

Section 3

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 Aug 20, 2002  
 Signature of Owner Date

 \_\_\_\_\_  
 Signature of Owner Date

Phone Number: \_\_\_\_\_ Phone Number: \_\_\_\_\_

CR4E001B (1/02)

Section 4

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I (we) the undersigned, hereby cancel the fictitious name \_\_\_\_\_  
 \_\_\_\_\_, which was registered on \_\_\_\_\_ and was assigned  
 registration number \_\_\_\_\_

\_\_\_\_\_  
 Signature of Owner Date

\_\_\_\_\_  
 Signature of Owner Date

Mark the applicable boxes  Certificate of Status — \$10  Certified Copy — \$30  
**FILING FEE: \$50**