

Ruth Nettles

090026-TX

From: Charlotte Lacey [clacey@telecomcounsel.com]
Sent: Tuesday, January 05, 2010 12:35 PM
To: Filings@psc.state.fl.us
Subject: Everycall Communications, Inc. - Docket No. 090026-TX
Attachments: FL ETC Data Request Responses - 3rd.pdf

Please see the attached.



Charlotte Lacey, Regulatory Specialist
Lance J.M. Steinhart, P.C.
1720 Windward Concourse, Suite 115
Alpharetta, Georgia 30005
www.telecomcounsel.com
(770) 232-9145 (Direct Dial)
(770) 232-9208 (Office Fax)
(678) 775-1195 (Direct Fax)
e-mail: clacey@telecomcounsel.com

This transmission may be: (1) subject to the Attorney-Client Privilege, (2) an Attorney Work Product, or (3) strictly confidential. This email message is for the sole use of the intended recipient. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Thank you for your cooperation.

1/5/2010

DOCUMENT NUMBER-DATE

00065 JAN-5 2010

FPSC-COMMISSION OFFICE

Lance J.M. Steinhart, P.C.
Attorney At Law
1720 Windward Concourse
Suite 115
Alpharetta, Georgia 30005

Also Admitted in New York
and Maryland

Telephone: (770) 232-9200
Facsimile: (770) 232-9208
Email: lsteinhart@telecomcounsel.com

January 5, 2010

VIA ELECTRONIC FILING

Robert J. Casey
Public Utilities Supervisor
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
(850) 413-6974/ Phone

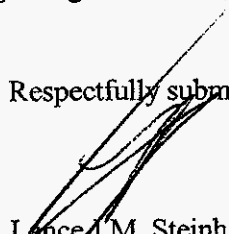
RE: Everycall Communications, Inc.
Docket No. 090026-TX

Dear Mr. Casey:

Pursuant to your letter dated December 1, 2009, enclosed please find additional data request responses for Everycall Communications, Inc.

If you have any questions regarding this matter, please do not hesitate to call me. Thank you for your attention to this matter.

Respectfully submitted,


Lance J.M. Steinhart, Esq.
Attorney for Everycall Communications Inc.

Enclosures
cc: Kyle Coats

DOCUMENT NUMBER-DATE
00065 JAN-5 09
FPSC-COMMISSION CLERK

3rd Data Request for Docket No. 090026-TX

37. In response to data request number 29, Everycall provided a general answer. Please provide details as to how those estimates were calculated. How much is charged for each component, such as labor cost, cost of materials, and time of calls?

RESPONSE:

Everycall will seek reimbursement for toll limitation service from USAC depending on which option a customer chooses. Each customer will have the option of toll block (in which case we'll employ AT&T's toll block and seek reimbursement of that amount); toll control (in which case we'll provide a pre-chosen bundle of minutes to the customer for \$.01/.02 per minute and request reimbursement for toll control charges that are assessed to us from our long distance carrier-they will always be considerably less than the ILEC toll block charges-we are shopping these rates currently); or post-paid long distance (in which case we'll require a deposit form the customer, charge them a per minute rate similar to the ILEC's \$.08/minute rate), and not request reimbursement form USAC.

The ILEC's wholesale rate fro toll block in Florida is:

One time installation charge: \$7.82

Monthly recurring charge: \$4.69

38. In response to data request number 27, Everycall stated that it withdrew its petition for ETC status in North Carolina after it was determined that "it was financially disadvantageous to offer Lifeline service as an ETC vs. a non-ETC." What made it financially disadvantageous? What would be different in Florida?

RESPONSE:

Our initial assumptions were incorrect. Upon retaining the ETC consulting services of CGM, we resubmitted our ETC application in North Carolina, and that application has subsequently been approved.

39. In Florida, the majority of Everycall's customers are resale customers. In other states, how many total resale customers does Everycall serve, and how many UNE customers?

RESPONSE:

1308 UNE customer lines. 31006 Resale customer lines.

40. What is the relationship between Everycall and All American Home Phone, Inc.?

RESPONSE:

Everycall Communications is the name we are incorporated under. All American Home Phone is the trade name we do business as for our pre-paid division.

41. What is the relationship between Everycall and Local USA?

RESPONSE:

Everycall is the name we are incorporated under. Local USA is the trade name we do business as for our post-paid division.

42. What is the relationship between Everycall and Brydels Communications, LLC?

RESPONSE:

AT&T does not allow more than one trade name to be listed in the AT&T phone book customer guide section per CLEC customer. Brydels Communications was formed for the purpose being able to utilize a 2nd trade name. If the commission considers this a barrier to ETC approval for EveryCall Communications, we will withdraw the tariff for Brydels Communications in Florida.

43. Does Everycall currently have a website, and if so, what is the web address?

RESPONSE:

Yes; www.everycall.com. The more appropriate site would be: www.allamericanhomephone.com.

44. List all states Everycall has petitioned for ETC status in to date. Does Everycall have plans to request designation in any other states in the future? List all states Everycall has received ETC status in to date. List all states which Everycall withdrew its ETC petitions to date. List all states Everycall was denied ETC status to date.

RESPONSE:

Louisiana; approved. Mississippi; approved, Alabama; approved. Kentucky; approved. South Carolina; approved. North Carolina, approved. Tennessee; pending approval. Georgia, pending approval. Arkansas; pending approval. Texas, withdrawn.

45. Everycall recently withdrew its application for ETC designation in Tennessee. What was the reason for the withdrawal?

RESPONSE:

Not applicable

46. It has come to staff's attention that Everycall operates under different names in other states. To clarify, what is Everycall's official name; Everycall, All American Home Phone, Inc., Local USA, or Brydels Communications, LLC, or does it vary by state?

RESPONSE:

As noted in responses 40-42, EveryCall Communications Inc. is the name we are incorporated under. All American Home Phone is the trade name our prepaid division does business as. Local USA is the trade name our post-paid division does business as. Brydels Communications, LLC is a separate corporation that does business as Abe's Home Phone Service.

47. In data request number 34, Everycall states that it would prefer to deal with USAC directly. Please explain why. If Everycall prefers to deal with USAC directly, why has it withdrawn its ETC petitions in multiple states?

RESPONSE:

As a non-ETC provider, we provision all orders with AT&T with the ASG usoc codes which identifies the customer to AT&T as a lifeline customer. If AT&T should decide to market its services to Lifeline eligible customers, our customer base would be exposed. Everycall continues to seek ETC designation in each state it desires to service.

48. On the sample invoice provided, it states that the company which is billing customers is All American Home Phone, Inc. Was that a typo? If not, why isn't all American Home Phone, Inc. applying for ETC status instead of Everycall Communications?

RESPONSE:

As noted previously, All American Home Phone is the trade name EveryCall's post-paid division does business as.

49. The UNE agreement attached as Exhibit D, to staff's 1st data request, shows an end date to the contract, of 12/31/08, unless otherwise stated. Was it otherwise stated, or is this contract expired? Has there been a new contract set into motion?

RESPONSE:

Please see attached current contract which expires 12-31-2011.

50. Everycall never disclosed it was doing business in Texas. How long has Everycall been doing business in Texas? Why was Everycall's ETC petition withdrawn in Texas?

RESPONSE:

The Texas PUC deemed our application premature, since we did not have both an interconnection agreement in place, and customers in the State of Texas provisioned through UNE's or facilities. The company intends to refile in the State of Texas when both of these requirements are met. Texas is in a small minority of states, since most states will grant ETC status on the company's commitment to meet those requirements in the future.

51. Has Everycall applied for a service provider identification number (SPIN) from USAC? If so, when? If a spin number was received for any of the following companies listed, please provide the SPIN number: Brydels Communications, Inc., Local USA, All American Home Phones, and Everycall.

RESPONSE:

Everycall Communications has not yet applied for a SPIN number from USAC.

52. In response to data request 30, Everycall provided a list of Lifeline customers it charged local number portability fees to. Is Everycall aware that Lifeline customers cannot be charged local number portability fees and that refunds to those customers charged the fee would have to be completed prior to consideration of Everycall's ETC petition?

RESPONSE:

Yes, we are aware that we cannot charge local number portability fees on Lifeline customers and will make refunds to those customers who were charged the fee. Given that most of these customers are no longer with Everycall, and most refunds for these previous customers will be between \$.35 and \$1.40, how would the commission suggest we make these refunds? We anticipate that a large percentage of these previous customers will no longer reside at the address we serviced. We look forward to the commissions guidance in this matter.