

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-

DATE: May 30, 2012
TO: Ann Cole, Commission Clerk – PSC, Office of Commission Clerk
FROM: Toni J. Earnhart, Regulatory Analyst II, Division of Regulatory Analysis *TE*
RE: Docket No. 110259-TX; Performance Communications Inc.

Please add the attached letter, fax receipt confirmation, and certified signature receipt to the docket file.

Please call 413-6532, if you have any questions.

Attachments

RECEIVED-FPSC
12 MAY 31 AM 8:19
COMMISSION
CLERK

03479 MAY 31 2012
FPSC-COMMISSION CLERK

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STATE OF FLORIDA



DIVISION OF REGULATORY ANALYSIS
BETH W. SALAK
DIRECTOR
(850) 413-6600

Public Service Commission

May 9, 2012

Via US Post Certified Mail Tracking No.
7006 2760 0003 8794 0946 and
Facsimile (951-294-5518)

Mr. Todd Rosenschein, Telecommunications Manager
Performance Communications Inc.
41640 Corning Place, Suite 104
Murrieta, CA 92562

Re: Docket No. 110259-TX: Application for certificate to provide local telecommunications service by Performance Communications Inc. (Performance)

Dear Mr. Rosenschein:

I am currently processing Performance's application for authority to operate as a local telecommunications company in Florida. As part of the review, staff has verified that Performance is properly registered with the Florida Secretary of State for authority to operate as a corporation in Florida. Performance's corporate registration bears Document Number P11000067720. The Officer/Director Detail provided on Document Number P11000067720 lists the following officers' names and titles:

Jerrod Menz	President
Mike Stetar	Vice President

In its local telecommunications service application, Performance's response to Question 18 (a), (b), and (c) was incomplete. Question 18 (a), (b), and (c) of the application requests the following be submitted for review:

Question 18.

(a) Managerial capability: resumes of employees/officers of the company that would indicate sufficient managerial experiences of each.

(b) Technical capability: resumes of employees/officers of the company that would indicate sufficient technical experiences or indicate what company has been contracted to conduct technical maintenance.

Mr. Todd Rosenschein

Page 2

May 9, 2012

(c) Financial Capability: applicant's audited financial statements for the most recent three (3) years. If the applicant does not have audited financial statements, it shall so be stated. Unaudited financial statements should be signed by the applicant's chief executive officer and chief financial officer affirming that the financial statements are true and correct and should include:

- 1. the balance sheet,*
- 2. income statement, and*
- 3. statement of retained earnings.*

Note: This documentation may include, but is not limited to, financial statements, a projected profit and loss statement, credit references, credit bureau reports, and descriptions of business relationships with financial institutions.

Staff has been unsuccessful in getting a response from Performance to numerous emails and phone calls requesting the information necessary to complete the application process. Without the necessary information, staff will be required to administratively deny your application to provide local telecommunications services in Florida.

Question 18 (a) and (b) of the application, Managerial and Technical Capability, requires resumes of employees/officers of the company that would indicate sufficient managerial/technical experience. You have provided resumes of key personnel, but have not submitted a resume for Mike Stetar who is listed as the company's vice president.

Question 18 (c) requires that unaudited financial statements be signed by the CEO and CFO attesting it is a true statement. A "generic" financial statement can be filed for public view and a more detailed statement with projected profit statements and a more detailed description of the funding relationships can be filed in a sealed envelope marked "confidential". The information is returned to its source once the docket is closed. Include a cover letter requesting the sealed envelope be treated as "confidential". Redacting is unnecessary as this information is not scanned as part of the public docket.

Please submit the information requested above by May 25, 2012. Be sure to identify Docket No. 110259-TX in your response, and mail it to the attention of Ann Cole, Office of Commission Clerk who will forward it to my attention. The processing of Performance's application will continue upon receipt of the requested information. Should you have any questions, please feel free to contact me at (850) 413-6532.

Sincerely,



Toni Joy Earnhart
Regulatory Analyst
Division of Regulatory Analysis

SENDING CONFIRMATION

DATE : MAY-11-2012 FRI 12:11
NAME :
TEL :

PHONE : 919512945518
PAGES : 0/2
START TIME : MAY-11 12:10
ELAPSED TIME : 00'00"
MODE : ECM
RESULTS : NO ANSWER

FIRST PAGE OF RECENT DOCUMENT FAILED TO SEND FULLY...

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STATE OF FLORIDA



DIVISION OF REGULATORY ANALYSIS
BETH W. SALAK
DIRECTOR
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Public Service Commission

May 9, 2012

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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:

Todd Rosenschein
formance Communication Inc.
40 Corning Place, Suite 104
Marina del Rey, CA 92562

2. Article Number
 (Transfer from service label)

7006 2760 0003 8794 0946

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Chris Jarvis

7/15

C. Signature

X *[Signature]*

- Agent
- Addressee

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail
- Registered Mail
- Insured Mail
- Express Mail
- Return Receipt for Merchandise
- C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

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PSC
2540 Shumard Oaks Blvd.
Tallahassee, FL 32399-0850
Toni J. Earnhart

