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FPSC - Records/Reporting

FLORIDA PUBLIC SERVICE COMMISSION  
Capital Circle Office Center • 2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

MEMORANDUM

January 8, 1998

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (BIEGALSKI) (CS) (RW)  
DIVISION OF ADMINISTRATION (LAKE) (L)  
DIVISION OF LEGAL SERVICES (BOWMAN, K. PEÑA) (P) (MS)

RE: DOCKET NO. ~~970980-TI~~ - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4393 ISSUED TO US SOUTH COMMUNICATIONS, INC. D/B/A US SOUTH AND D/B/A INCOMM FOR VIOLATION OF RULE 25-4.0161, FLORIDA ADMINISTRATIVE CODE, REGULATORY ASSESSMENT FEES.

AGENDA: 01/20/98 REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: S:PSC/CMU/WP/970980TI.RCM

CASE BACKGROUND

The above docket was initiated pursuant to a request filed by staff to cancel US South Communications, Inc. d/b/a US SOUTH and d/b/a INCOMM's (INCOMM) certificate of public convenience and necessity, authorizing the provision of interexchange telecommunication service in Florida. The Division of Administration mailed a certified letter to INCOMM informing it that it was delinquent on its regulatory assessment fees for the year 1996. This is a violation of Rule 25-4.0161, Florida Administrative Code. Based on this evidence, staff recommended the cancellation of the certificate unless INCOMM paid a \$500 fine and submitted the delinquent regulatory assessment fees, along with statutory penalties and interest. The Commission approved the recommendation, and Order PSC-97-1121-FOF-TI was issued on September 25, 1997 (Attachment A, Pages 4-9). The delinquent regulatory assessment fees were received by the Division of Administration on October 7, 1997, however, the fine was not

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00412 JAN-8 98

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received by the close of business on October 16, 1997, and INCOMM's certificate was canceled effective, October 17, 1997.

On December 3, 1997, INCOMM contacted staff to inquire about the cancellation of its certificate. INCOMM informed staff they didn't know a fine was imposed and on November 19, 1997, submitted the \$500 fine. On December 23, 1997, staff received a request for emergency reinstatement from INCOMM's legal counsel, Mr. Bruce May. (Attachment B, Pages 10-23).

INCOMM believed it was in compliance upon submittance of the delinquent regulatory assessment fees, along with statutory penalties and interest and overlooked the \$500 fine. Staff is recommending that INCOMM's Interexchange Telecommunications Certificate No. 4393 be reinstated. Although INCOMM did not comply with Order No. PSC-97-1121-FOF-TI before its certificate was canceled, INCOMM has paid the delinquent regulatory assessment fees, along with statutory penalties and interest, and submitted the \$500 fine.

#### STAFF DISCUSSION

ISSUE 1: Should US South Communications, Inc. d/b/a US South and d/b/a INCOMM's Interexchange Telecommunication Certificate No. 4393 be reinstated?

RECOMMENDATION: Yes. INCOMM's Interexchange Telecommunications Certificate No. 4393 should be reinstated.

STAFF ANALYSIS: Technically, INCOMM was not in compliance with Order No. PSC-97-1121-FOF-TI because it had not submitted the \$500 fine. However, upon notification of the cancellation, INCOMM contacted staff to determine the cause of the cancellation. Even though the certificate was canceled, INCOMM submitted the fine in order to be in compliance. Based on the fact that INCOMM has never been delinquent with its regulatory assessment fees in the past, and its effort to comply upon notification of the cancellation, staff believes that INCOMM's Certificate No. 4393 should be reinstated.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If no person whose substantial interests are affected by the Commission's Proposed Agency Action, files a protest within 21 days of the issuance date of the order, this docket should be closed.

STAFF ANALYSIS: This docket should be closed if no person whose substantial interests are affected by the Commission's Proposed Agency Action, files a protest within 21 days of the issuance date of the order.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
Interexchange Telecommunications  
Certificate No. 4393 issued to  
US South Communications, Inc.  
d/b/a US South and d/b/a INCOMM  
for violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment  
Fees.

DOCKET NO. 970980-TI  
ORDER NO. PSC-97-1121-FOF-TI  
ISSUED: September 25, 1997

The following Commissioners participated in the disposition of  
this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
DIANE K. KIESLING  
JOE GARCIA

NOTICE OF PROPOSED AGENCY ACTION ORDER IMPOSING  
FINE AND REQUIRING PAYMENT OF REGULATORY ASSESSMENT  
FEES OR CANCELING INTEREXCHANGE TELECOMMUNICATION  
CERTIFICATE AND DIRECTING CERTIFICATED INTEREXCHANGE  
TELECOMMUNICATIONS PROVIDERS  
TO DISCONTINUE SERVICE

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service  
Commission that the action discussed herein is preliminary in  
nature and will become final unless a person whose interests are  
substantially affected files a petition for a formal proceeding,  
pursuant to Rule 25-22.029, Florida Administrative Code.

US South Communications, Inc. d/b/a US South and d/b/a INCOMM  
(INCOMM or the company), an interexchange telecommunications  
carrier (IXC), currently holds certificate of public convenience  
and necessity number 4393, issued by the Commission on March 22,

DOCUMENT NUMBER-DATE

09814 SEP 25 97

FPSC-RECORDS/REPORTING

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1996, authorizing the provision of interexchange telecommunications service. INCOMM has not paid the regulatory assessment fees required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 1996. The regulatory assessment fee form was mailed to INCOMM in December, 1996, for the period of January 1, 1996, through December 31, 1996. Pursuant to Rule 25-4.0161(2), Florida Administrative Code, the form and applicable fees are due to the Florida Public Service Commission by January 30 of the subsequent year. INCOMM was notified of its delinquency on June 3, 1997. The company has been given adequate opportunity to pay. To date, the Commission's correspondence regarding the regulatory assessment fees has been returned by the post office, and INCOMM has not paid the required fees.

For the reason described above, pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel INCOMM's certificate, unless the company pays a \$500 fine for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, and remits all past due regulatory assessment fees, along with statutory penalties and interest charges, to the Florida Public Service Commission. INCOMM must comply with these requirements within 5 business days from the date this Order becomes final. The fine will be remitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.516, Florida Statutes.

When the appropriate fees, statutory penalties, interest charges, and fine is received, this docket shall be closed. Should INCOMM fail to comply with this Order within 5 business days from the date this Order becomes final, INCOMM shall have its certificate canceled and the docket will be closed. The cancellation of the certificate and the closing of the docket in no way diminishes INCOMM's obligation to pay applicable delinquent regulatory assessment fees, statutory penalties, and interest charges.

Should INCOMM's certificate be canceled, all certificated interexchange carriers in the State of Florida are instructed to discontinue service to INCOMM, pursuant to Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited. Any certificated interexchange carriers providing service to INCOMM must contact the Commission at the conclusion of the response

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period indicated herein in order to determine if INCOMM's certificate has been canceled.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that US South Communications, Inc. d/b/a US South and d/b/a INCOMM must pay the past due regulatory assessment fees, statutory penalties, interest charges, and a \$500 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within 5 business days from the date this Order becomes final. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should US South Communications, Inc. d/b/a US South and d/b/a INCOMM fail to comply with this Order, US South Communications, Inc. d/b/a US South and d/b/a INCOMM's certificate shall be canceled, and the docket shall be closed. It is further

ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes US South Communications, Inc. d/b/a US South and d/b/a INCOMM's obligation to pay applicable delinquent regulatory assessment fees, statutory penalties, and interest charges. It is further

ORDERED that all certificated interexchange telecommunications providers shall discontinue service to US South Communications, Inc. d/b/a US South and d/b/a INCOMM upon verification of the cancellation of the certificate at the conclusion of the response period set forth in this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed upon payment of the fines, and fees or upon cancellation of the certificate.

ATTACHMENT A  
DOCKET NO. 970980-TI  
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By ORDER of the Florida Public Service Commission, this 25th  
day of September, 1997.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

KMP

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 16, 1997.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The

ATTACHMENT A  
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notice of appeal must be in the form specified in Rule 9.900(a),  
Florida Rules of Appellate Procedure.

*Carl Bigalski*

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In Re: Emergency Request for  
Reinstatement of Certificate  
of Public Convenience and Necessity  
No. 4393 Issued to U.S. South  
Communications, Inc. d/b/a  
U.S. South and d/b/a INCOMM

Docket No. 970980-TI  
Filed: December 23, 1997

**EMERGENCY REQUEST FOR REINSTATEMENT OF CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY NO. 4393**

U.S. South Communications, Inc. d/b/a U.S. South d/b/a INCOMM ("U.S. South"), by and through undersigned counsel, hereby requests, on an emergency basis, that the Florida Public Service Commission (the "Commission") reinstate Certificate of Public Convenience and Necessity No. 4393 (the "Certificate"). U.S. South's Certificate was cancelled by the Commission on October 17, 1997 due to U.S. South's alleged failure to pay regulatory assessment fees in the amount of \$67 and a \$500 fine. U.S. South however, paid the \$67 in outstanding regulatory assessment fees prior to the Commission's cancellation of its Certificate. Moreover, although U.S. South inadvertently failed to submit the \$500 fine to the Commission when its \$67 payment for outstanding regulatory assessment fees, U.S. South forwarded a check for \$500 to the Commission immediately upon being notified by Commission staff of the cancellation of its Certificate. For the reasons set forth below, U.S. South respectfully requests that the Commission reinstate its Certificate at the earliest practicable time.

DOCUMENT NUMBER-DATE  
13173 DEC 23 5  
FFSC-RECORDS/REPORTING

**Background**

1. U.S. South is a prepaid debit card provider which is required to be certificated by the Commission to provide interexchange telecommunications services in the State of Florida.

2. On February 29, 1996, the Commission issued proposed agency action Order No. PSC-96-0312-FOF-TI granting U.S. South's application for an interexchange certificate. See In re: Application for certificate to provide interexchange telecommunications service by US South Communications, Inc. d/b/a US South and d/b/a INCOMM, 96 F.P.S.C. 2:804, Docket No. 951242-TI, Order No. PSC-96-0312-FOF-TI (Feb. 29, 1996). Order No. PSC-96-0312-FOF-TI became final on March 22, 1996.<sup>1</sup>

3. U.S. South's regulatory assessment fees for the year ending December 31, 1996 were due to be paid on January 30, 1997. The Commission apparently attempted to mail the regulatory assessment fee form to U.S. South in December of 1996. The

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<sup>1</sup> At the time that U.S. South was certificated, the Commission required prepaid debit card providers to post a \$10,000 surety bond with the Commission as a condition of certification. However, in a subsequent generic proceeding addressing regulation of prepaid debit card providers, the Commission decided not to continue requiring surety bonds as a condition of certification. See In Re: Establishment of appropriate regulatory policy for interexchange companies which issue prepaid debit cards, 96 F.P.S.C. 4:392, 394, Docket No. 960254-TI, Order No. PSC-96-0560-FOF-TI (April 29, 1996). Accordingly, the Commission modified Order No. PSC-96-0312-FOF-TI to delete the requirement that U.S. South acquire a surety bond. See In re: Application for Certificates to Provide Interexchange Telecommunications Services LONG DISTANCE OF MICHIGAN, INC. D/B/A LDMI LONG DISTANCE, AMERICAN INTERNATIONAL TELEPHONE, INC., GEORGIA PUBLIC TELEPHONE COMPANY, INC., SOUTH COMMUNICATIONS, INC. D/B/A US SOUTH AND D/B/A INCOMM, PREFERRED CARRIER SERVICES, INC., 96 F.P.S.C. 7:60, Docket Nos. 950989-TI, 951329-TI, 951444-TI, 951242-TI, 951363-TI, Order No. PSC-96-0854-FOF-TI (July 2, 1996).

Commission also apparently attempted to mail a notice of delinquency to U.S. South on June 3, 1997 because U.S. South had not paid any regulatory assessment fees as of that date. All of the Commission's correspondence to U.S. South regarding regulatory assessment fees, however, was returned by the post office.

4. On July 30, 1997, Commission staff requested that the Commission establish a docket to address the cancellation of U.S. South's Certificate for failure to pay regulatory assessment fees. On September 25, 1997, the Commission issued proposed agency action Order No. PSC-98-1121-FOF-TI which stated that the Commission would cancel U.S. South's Certificate unless U.S. South remitted the outstanding regulatory assessment fees and a \$500 fine to the Commission within five days of the date that the proposed agency action order became final. See In re: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 4393 issued to US South Communications, Inc. d/b/a US South and d/b/a INCOMM for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees, 97 F.P.S.C. 9:263, Docket No. 970980-TI, Order No. PSC-97-1121-FOF-TI (Sept. 25, 1997).

5. U.S. South received a copy of Order No. PSC-97-1121-FOF-TI on September 29, 1997 when it was delivered via certified mail. On October 7, 1997, U.S. South sent the Commission, by express mail, a check for the outstanding \$67.00 in regulatory assessment fees and a completed Interexchange Company Regulatory Assessment Fee Return. Copies of the Federal Express form, the \$67 check and the Interexchange Company Regulatory Assessment Fee Return are attached as Composite

Exhibit "A." Despite U.S. South's payment of its outstanding regulatory assessment fees, the Commission cancelled U.S. South's Certificate when Order No. PSC-97-1121-FOF-TI became final on October 17, 1997.

6. By letter dated November 6, 1997, the Commission's Supervisor of End User Services, sent a letter to U.S. South notifying it that its Certificate and tariff were cancelled as of October 17, 1997. Upon receipt of this letter, U.S. South immediately sent a check to the Commission, via express mail, for the \$500 fine along with a letter explaining that U.S. South's failure to previously remit the \$500 check was simply due to an oversight on the part of U.S. South. Copies of the Federal Express form, the \$500 check, and U.S. South's letter to the Commission are attached as Composite Exhibit "B."

**Request for Reinstatement of Certificate**

7. Under the present facts, reinstatement of U.S. South's Certificate would be consistent with prior Commission decisions, and would advance fundamental concepts of equity. Prior to receiving a copy of Order No. PSC-97-1121-FOF-TI on September 29, 1997, U.S. South had never received notice from the Commission that its regulatory assessment fees for 1996 were past due. After receiving a copy of Order No. PSC-97-1121-FOF-TI, U.S. South promptly paid its outstanding regulatory assessment fees for 1996, which totaled only \$67. However, when paying the \$67 in regulatory assessment fees, U.S. South inadvertently failed to remit payment of the \$500 fine imposed by the Commission. Upon receipt of notice that its Certificate had

been cancelled, U.S. South promptly sent a \$500 check and a letter to the Commission explaining that U.S. South's failure to pay the fine had been due to a mere oversight.

8. U.S. South's failure to pay the \$67 in outstanding regulatory assessment fees prior to the issuance of Order No. PSC-97-1121-FOF-TI was due in part to U.S. South's lack of advance notice that its regulatory assessment fees were past due because the correspondence sent to U.S. South by the Commission was returned by the post office. See In Re: Request For Reinstatement of Pay Telephone Certificate No. 3328 Issued to Pay Phone Systems, 96 F.P.S.C. 7:546, Docket No. 960673-TC, Order No. PSC-96-0942-FOF-TC (July 19, 1996) (reinstating certificate that was cancelled because mail was returned by the post office). Furthermore, U.S. South's actions after receiving a copy of Order No. PSC-97-1121-FOF-TI indicate an intent to comply with the terms and conditions of that order. U.S. South has paid all outstanding regulatory assessment fees owed to the Commission for 1996 and has paid the fine imposed by the Commission. Accordingly, U.S. South respectfully submits that its Certificate should be reinstated. See In Re: Initiation of Show Cause Proceedings against Charles Kaye for violation of Rule 25-4.0161(2), F.A.C., Regulatory Assessment Fee Filing, 93 F.P.S.C. 2:771, Docket No. 920431-TC, Order No. PSC-93-0299-FOF-TC (Feb. 25, 1993) (reinstating certificate where certificated provider paid outstanding regulatory assessment fees and fine after his certificate was cancelled).

**Request for Emergency Treatment**

9. As a prepaid debit card provider, U.S. South has been selling prepaid debit cards in Florida since 1996. U.S. South relies on other interexchange carriers in providing prepaid debit card service to its customers. Order No. PSC-97-11210-FOF-TI directed all certificated interexchange carriers to cease providing service to U.S. South upon cancellation of U.S. South's Certificate. Accordingly, there may be customers who purchased U.S. South prepaid debit cards who can not use those cards due to the cancellation of U.S. South's Certificate. Prompt reinstatement of U.S. South's Certificate will avoid customer harm and confusion that otherwise would result where card owners are prevented from making long distance calls using cards which they have already purchased.

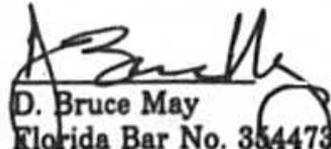
10. As described above, U.S. South has paid all outstanding regulatory assessment fees and fines owed to the Commission to date thereby demonstrating its intent to comply with Order No. PSC-97-11210-FOF-TI. Reinstatement of U.S. South's Certificate on an emergency basis is necessary so that U.S. South can provide service to those customers who have previously purchased U.S. South prepaid debit cards.

WHEREFORE, U.S. South respectfully requests that the Commission:

- a. Process this request for reinstatement on an emergency basis;
- b. Reinstatement Certificate of Public Convenience and Necessity No. 4393; and

- c. Grant such other relief as the Commission deems appropriate.

Respectfully submitted,

  
D. Bruce May  
Florida Bar No. 354473  
**HOLLAND & KNIGHT LLP**  
P.O. Drawer 810  
Tallahassee, FL 32302  
(904) 224-7000

**Attorneys for U.S. South  
Communications, Inc. d/b/a U.S.  
South and d/b/a INCOMM**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Emergency Request for Reinstatement of Certificate of Public Convenience and Necessity No. 4393 has been hand delivered to John Bowman and Kimberley Pena, Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 this 23rd day of December, 1997.

  
D. Bruce May

TAL-122017

FROM HOLLAND & KNIGHT ATLANTA 404-881-0470 (TUE) 12. 9 '97 13:46/ST. 13:45/NO. 3760502223 P 3

**red USA Airbill** 800163312663

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City ATLANTA State GA ZIP 30339  
Year Internal Billing Reference Information 9780

**To** (please print and press hard)  
Recipient's Name CHARLES BOANE - Fiscal  
Company FLORIDA Public Service Commission  
Address 2540 SUMNER OAK Blvd.  
City TALLAHASSEE State FL ZIP 32399-0574

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 Sender's Account  
 Bill to Third Party  
 Credit Card  
 Cash

Total Packages	Total Weight	Total Declared Value	Total Charges
		\$ 00	\$

**Release Signature**

287

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FROM HOLLAND & KNIGHT ATLANTA 404-881-0470 (TUE) 12. 9' 97 13:47/ST. 13:45/NO. 3760502223 P 4

4300

VENDOR ID <b>FLOR-PUC</b>		NUMBER <b>4306</b>	DATE <b>10/06/97</b>		
PAYEE <b>Florida Public Service Comm</b>		MEMO <b>Account # T1450</b>			
INVOICE NO. <b>1996</b>	INVOICE DATE <b>10/06/97</b>	INVOICE AMOUNT <b>67.00</b>	PREVIOUS PAY/CREDIT	DISCOUNT TAKEN	AMOUNT OF PAYMENT <b>67.00</b>
TOTAL					*****\$67.00

**U.S. SOUTH COMMUNICATIONS, INC.**  
200 GALLERIA PARKWAY SUITE 230  
ATLANTA, GEORGIA 30339  
PHONE (770) 512-8831

SUNTRUST BANK, ATLANTA  
ATLANTA, GA

**4306**

4306

PAY **SIXTY-SEVEN DOLLARS**

DATE **10/06/97** AMOUNT \*\*\*\*\*\$67.00

TO THE ORDER OF **Florida Public Service Comm  
2540 Shumard Oak Boulevard  
Tallahassee FL 32399-0850**

*Brenda C. Aggar*

AUTHORIZED SIGNATURE

FROM HOLLAND & KNIGHT ATLANTA 404-881-0470 (TUE) 12 9 '97 13:47/ST 13:45/NO 3760502223 ? 5

INTERCHANGE COMPANY REGULATORY ASSESSMENT FEE RETURN

STATUS:  
 Actual Return  
 Estimated Return  
 PERIOD COVERED:  
 01/01/1996 TO  
 12/31/1996

Florida Public Service Commission  
 One King Boulevard, Suite 1000  
 Tallahassee, Florida 32304  
 US South and d/b/a INCOMM (US South  
 Communications, Inc. d  
 200 Galleria Parkway, Suite 330  
 Atlanta, GA 30339

FOR FIC USE ONLY  
 Check            
 Receipt Date \_\_\_\_\_  
 Initials of Preparer \_\_\_\_\_

(Phone or Company)

(Address)

(City/State)

(Zip)

LINE NO. ACCOUNT CLASSIFICATION

GROSS REVENUES, REVENUES

INITIAL STATE REVENUE

1. Long Distance Services	1,515.59	1,515.59
2. Access Services		
3. Private Line Services		
4. Local Numbers & Cords Services		
5. Interexchange Services	3,378.98	3,378.98
6. TOTAL Telephone Services		4,894.57
7. LINES: Access Fee For Services Provided		581.60
8. Telephone Company (Local Lines)		581.60
9. Regulatory Assessment, No Tax (Section 411(b)(1))		18.50
10. Penalty for Late Payment		4.50
11. Interest for Late Payment		4.50
12. TOTAL AMOUNT DUE		5,523.67

\*Total amount paid by an interexchange communication company to a communication company providing local service for use of the local network shall be calculated from interexchange company for purposes of determining the amount of the regulatory fee assessed the interexchange communication company.  
 AS PROVIDED IN SECTION 363.01, FLORIDA STATUTES, THE MONTHLY ANNUAL FEE IS \$30

( ) Prepaid-Block Order  
 ( ) Alternative-Operator Service  
 ( ) Reseller  
 ( ) Other

CURRENT COMPANY STATUS  
 ( ) Call Agent  
 ( ) Other

BEHIND INFORMATION

Company Name if Billing Agent if other than yourself: CUSSTON DALL DATA SYSTEMS  
 What is the total amount of customer deposits not paid: 1001 S. WILSON'S WAY  
 Answer: \$ 111,111 for 19 1997  
 ( ) YES ( ) NO  
 Do you have telecommunications' facilities? YES  
 If YES, what do you have (check below): NO  
 COMPANY INFORMATION  
 Name: PROSSER, JEFF  
 Address: 465 RIVER ST  
 City: ATLANTA  
 State: GA  
 Zip: 30309

1. On understanding responsibility of the interexchange company, have read the foregoing and declare that to the best of my knowledge and belief, the above information is true and correct.  
 I authorize the person(s) named in Section 363.01, Florida Statutes, whose knowledge under a like obligation to writing with the intent to address public utility to the performance of public utility shall be guilty of a misdemeanor of the second degree.

Signature of Company Official: M. Brack's SMITH  
 Title: VP  
 Telephone Number: 404-584-8531  
 F.A.L. No.: 56-AL0684F

FROM HOLLAND & KNIGHT ATLANTA 404-881-0470 (TUE) 12 9 '97 13:47/ST. 13:45/NO. 3760502223 P 6

FLORIDA PUBLIC SERVICE COMMISSION  
Instructions For Filing Regulatory Assessment Fee Return  
(Investments Company)

1. **WHEN TO FILE:** For companies which owed a total of \$10,000 or more of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

On or before July 30 for the six-month period January 1 through June 30, AND  
On or before January 30 for the six-month period July 1 through December 31.

For companies which owed a total of less than \$10,000 of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

On or before January 30 for the twelve-month period January 1 through December 31.

However, if July 30 or January 30 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee may be filed or postmarked on the next business day, without penalty.

2. **FEES:** Each company shall pay 0.0015% of its gross operating revenues derived from intrastate business, as referenced in Rule 25-4.0161(1), F.A.C. Gross Operating Revenues are defined as the total revenues before expenses. Gross Intrastate Operating Revenues are defined as revenues from calls originating and terminating within Florida. Do not deduct any expenses, taxes, or uncollectibles from these amounts (other than the amounts in Line 7).

3. **FAILURE TO FILE BY DUE DATE:** Failure to file a return by the established due date will result in a penalty being added to the amount of fee due, 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25% (Line 10). In addition, interest shall be added in the amount of 1% for each 30 days or fraction thereof, not to exceed a total of 12% per year (Line 11).

When a company fails to file a Regulatory Assessment Fee Return, the Commission may order the company to pay a penalty and/or cancel the company's certificate. The company will have an opportunity to respond to any proposed Commission action.

4. **EXTENSION:** A utility, for good cause shown in a written request, may be granted an extension up to 30 days. A request should be made by filing the enclosed Request for Extension to File Regulatory Assessment Fee Return form (PSC/ADM-124), two weeks prior to the filing date. If an extension is granted, a charge shall be added to the amount due:

0.75% of the fee to be remitted for an extension of 15 days or less, or  
1.5% of the fee for an extension of 16 to 30 days.

In lieu of paying the charges outlined above, a utility may file a return and remit payment based upon estimated gross operating revenues. If such return is filed by the normal due date, the utility shall be granted a 30-day extension period in which to file and remit the actual fee due without paying the above charges, provided the estimated fee payment remitted is at least 90% of the actual fee due for the period. An automatic 30-day extension to file an actual return may be obtained by checking the "Estimated Return" space in the top left-hand corner on the reverse side.

5. **FEE ADJUSTMENTS:** You will be notified as to the amount and reason for any fee adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment. The company may file a written request for a refund of any overpayments. The request should be directed to Fiscal Services at the below-referenced address.
6. **MAILING INSTRUCTIONS:** Please complete this form, make a copy for your files, and return the original and in the enclosed preaddressed envelope. Use of this envelope should assure a more accurate and expeditious recording of your payment. If you are unable to use the envelope, please address your remittance as follows:

Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0650

ATTENTION: Fiscal Services

7. **ADDITIONAL ASSISTANCE:** If you need additional assistance in preparing your Regulatory Assessment Fee Return, please contact the Division of Auditing and Financial Analysis at (904) 413-6480.

For assistance on telecommunications facilities, please contact the Division of Communications at (904) 413-6556.

Both divisions may be contacted at the above-referenced address, directing correspondence to the attention of the division.

FRANKLAND & KNIGHT ATLANTA 404-881-0470 (TUE) 12: 9 '97 13:48/ST. 13:45/NO. 37616.0000

**DEX USA Airbill** 800163311440

0200 **Sender's Copy**

1877-0699-9

INCORP-US SOUTH

200 GALLERIA PKY SE STE 330

ATLANTA GA 30339

Placer Public Service Commission

250 Shumard Oak Blvd

Atlanta GA 30397-0821

1-800-Go-Public program

The World On Time

002617167 4

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Composite  
Exhibit B



FROM HOLLAND & KNIGHT ATLANTA 404-881-0470 (TUE) 12: 9' 97 13:49/ST. 13:45/NO. 3760502223 P 10



Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Regarding Docket No. 970980-TI and Order No. PSC-  
97-1121-FOF-TI, please find enclosed a check for \$500.00.  
This was just an oversight in our company as we thought  
we had paid the appropriate amount of \$67.00.

Sincerely,  
Elizabeth Seegren  
Regulatory Administrator

cc: Kelly Biegalski