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GOVERNMENTAL CONSULTANTS
JONATHAN M. COSTELLO
MARGARET A. MENDUNI

September 19, 2007

Ms. Anne Cole, Director
Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Betty Easley Conference Center, Room 110
Tallahassee, Florida 32399-0850

HAND DELIVERY

RECEIVED-FPSC
07 SEP 19 PM 4:45
COMMISSION
CLERK

Re: Undocketed
Company Name: GTC, Inc. d/b/a FairPoint Communications
Audit Purpose: Audit the High Cost Support and Low Income USAC Program
Audit Control No.: 07-250-1-1

Dear Ms. Cole:

Enclosed for filing on behalf of GTC, Inc. d/b/a FairPoint Communications ("FairPoint") are sixteen copies of my letter to Michael Cooke, the Commission's General Counsel, on this date concerning the above-referenced undocketed matter.

If you have any questions, please do not hesitate to contact me. Thank you for your assistance with this filing.

CMP 2

COM _____

CTR _____

ECR _____

GCL _____

KAH/rl
Enclosures

OPC _____

cc: Michael Cooke, Esq.

RCA 2

Denise Ann Vandiver

SCR _____

R. Mark Ellmer

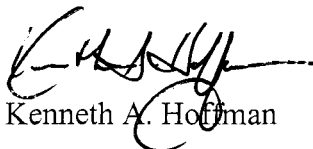
SGA _____

gtcom\colesept.1907ltr

SEC _____

OTH _____

Sincerely,



Kenneth A. Hoffman

DOCUMENT NUMBER-DATE

08561 SEP 19 07

FPSC-COMMISSION CLERK

RUTLELL, ECENIA, PURNELL & HOFFMAN

PROFESSIONAL ASSOCIATION
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September 19, 2007

Michael Cooke, General Counsel
Office of General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

HAND DELIVERY

Re: Undocketed:
Company Name: GTC, Inc. d/b/a FairPoint Communications
Audit Purpose: Audit the High Cost Support and Low Income USAC Program
Audit Control No.: 07-250-1-1

Dear Mr. Cooke:

Our firm represents GTC, Inc. d/b/a FairPoint Communications ("FairPoint"). As you may be aware, the Commission Staff has initiated an audit of FairPoint with respect to the federal Universal Service High Cost Support Program. Enclosed for your convenience are copies of data and document requests that have been served on FairPoint by Staff auditors.

The purpose of this letter is to set forth FairPoint's objection to this audit. FairPoint long ago elected price cap regulation under Chapter 364, Florida Statutes, and is not subject to rate base, rate of return regulation. Section 364.183(1), Florida Statutes, grants the Commission "access to all records of a telecommunications company that are reasonably necessary for the disposition of matters within the commission's jurisdiction." Rule 25-4.0201 entitled Audit Access to Records implements Section 364.183(1) by authorizing access to utility records "for the purposes of management and financial audits."

As mentioned above, FairPoint is a price cap regulated company which means that its rates are not subject to statutory rate base, rate of return regulation or management or financial audits. As such, it is FairPoint's position that the Commission lacks jurisdiction under state law to initiate

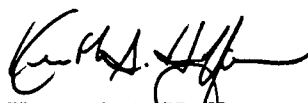
Michael Cooke, Esq.
Page 2
September 19, 2007

an audit of FairPoint's costs, revenues and financial statements, particularly with respect to a federal Universal Fund Service Program which is clearly outside the jurisdiction of the Commission.

FairPoint is mindful that the Federal-State Joint Board on Universal Service has recommended that the Federal Communications Commission ("FCC") encourage states to use the annual Eligible Telecommunications Carrier certification process to ensure that federal universal service support funds are used to provide the supported services and for associated infrastructure costs.¹ FairPoint and the Florida Public Service Commission have been engaged in this certification process for a number of years. We believe, however, that the limited role of the state commission in ensuring that federal universal service monies are properly spent does not and could not give rise to a Commission audit pursuant to existing Commission rules. In addition, and no less important, the data requests directed to FairPoint as part of the subject audit relate to 2005 and 2006 information. The Commission has already certified to the FCC and the Universal Service Administrative Company that the federal high cost funds going to rural carriers in the State of Florida arising from 2005 and 2006 cost data will be used in a manner that complies with Section 254(e) of the Telecommunications Act of 1996. See Order Nos. PSC-06-0557-FOF-TL and PSC-07-0685-FOF-TL. Accordingly, we see no legitimate justification for the Staff audit.

This letter is respectfully submitted to you with a request that we meet to discuss the Commission's position as to whether any statutory basis exists for the Commission to conduct the subject audit. Thank you for your attention to this matter and I look forward to discussing this matter with you in the near future.

Sincerely,



Kenneth A. Hoffman

KAH/rl

Enclosures

cc: Denise Ann Vandiver, Chief, Bureau of Auditing, via hand delivery
The Office of Public Counsel
Mr. R. Mark Ellmer

¹See Federal-State Joint Board on Universal Service, Recommended Decision, CC Docket No. 96-45, FCC 04J-1, pars. 46-48 (2004).

C Carter Murrin

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA



CAPITAL CIRCLE OFFICE CENTER
2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850

407-671-2939
C. Winstem @ PSC, State, FL, US

Public Service Commission

September 7, 2007

2007-2006

Mr. Robert M. Ellmer
GTC, Inc. d/b/a FairPoint Communications
P.O. Box 220
Port St. Joe, FL 32457-0220

Re: Undocketed; Company Name: GTC, Inc. d/b/a FairPoint Communications;
Audit Purpose: Audit the High Cost Support and Low Income USAC Programs
Audit Control No: 07-250-1-1

Dear Mr. Ellmer:

The Florida Public Service Commission will Audit the high cost support and low income USAC Programs, in accordance with Commission audit procedures. Access will be requested to documents and records of the utility and, if necessary, supporting records for affiliate company transactions that affect regulated operations. Staff auditors may also request to review the utility's external audit working papers for the most recent independent audit. Ms. Lynn Deamer, the Tallahassee district office supervisor, will coordinate this audit. Ms. Deamer can be reached at (850) 413-6416. Questions regarding the audit or audit staff should be directed to the district supervisor or myself. My phone number is (850) 413-6487.

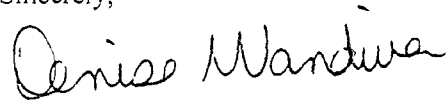
The Audit Access to Records rule for each industry states:

In those instances where the utility disagrees with the auditor's assessment of a reasonable response time to the audit request, the utility shall first attempt to discuss the disagreement with the auditor and reach an acceptable revised date. If agreement cannot be reached, the utility shall discuss the issue with successive levels of supervisors at the Commission until an agreement is reached.

Mr. Robert M. Ellmer
GTC, Inc. d/b/a FairPoint Communications
Page 2

A formal report is expected to be issued for internal Commission use on November 9, 2007. A copy of the final report will be mailed to the company liaison listed in the Commission Mailing Directory.

Sincerely,

A handwritten signature in cursive script that reads "Denise Vandiver".

Denise N. Vandiver, Chief
Bureau of Auditing

DNV/sbj

cc: Division of Regulatory Compliance & Consumer Assistance
(All District Offices, File Folder).
Division of the Commission Clerk and Administrative Services
General Counsel
Office of the Public Counsel

FLORIDA PUBLIC SERVICE COMMISSION
AUDIT DOCUMENT/RECORD REQUEST
NOTICE OF INTENT

TO: Mark Ellmer

UTILITY: GTC, Inc. d/b/a FairPoint
Communications – TL719

AUDIT MANAGER: Charleston Winston

PREPARED BY: Charleston Winston, 407-678-2919,
1430 Tierra Circle, Winter Park, FL 32792
cwinston@psc.state.fl.us

REQUEST NUMBER: 1

DATE OF REQUEST: September 14, 2007

AUDIT PURPOSE: USF Audit Audit Control No. 07-250-1-1

REQUEST THE FOLLOWING ITEM(S) BE PROVIDED BY: September 19, 2007

REFERENCE RULE 25-22.006, F.A.C., THIS REQUEST IS MADE: INCIDENT TO AN INQUIRY
 OUTSIDE OF AN INQUIRY

ITEM DESCRIPTION:

1. Please provide a memo that documents GTC, Inc. High Cost/Low Income data compilation process for 2005 and 2006. This memo should contain the following:
- a. Index of the items provided
 - b. Summary of each item provided
 - c. Documents detailing how your program is administered
 - d. Documents of your internal controls over the program and reporting process
 - e. Documents of your internal controls surrounding the HCL, ICLS, LSS and LTS data reporting
 - f. The person responsible for the management of the program and their contact information
 - g. Other persons involved in the programs and their responsibilities.

TO: AUDIT MANAGER

DATE _____

THE REQUESTED RECORD OR DOCUMENTATION:

- (1) HAS BEEN PROVIDED TODAY
- (2) CANNOT BE PROVIDED BY THE REQUESTED DATE BUT WILL BE MADE AVAILABLE BY: _____
- (3) AND IN MY OPINION, ITEM(S) _____ IS (ARE) PROPRIETARY AND CONFIDENTIAL BUSINESS INFORMATION AS DEFINED IN 364.183, 366.093, OR 367.156, F.S. TO MAINTAIN CONTINUED CONFIDENTIAL HANDLING OF THIS MATERIAL. THE UTILITY OR OTHER PERSON MUST, WITHIN 21 DAYS AFTER THE AUDIT EXIT CONFERENCE, FILE A REQUEST FOR CONFIDENTIAL CLASSIFICATION WITH THE DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES. REFER TO RULE 25-22.006, F.A.C.
- (4) THE ITEM WILL NOT BE PROVIDED. (SEE ATTACHED MEMORANDUM)

(SIGNATURE AND TITLE OF RESPONDENT)

Distribution: Original: Utility (for completion and return to Auditor) Copy: Audit File

**FLORIDA PUBLIC SERVICE COMMISSION
AUDIT DOCUMENT/RECORD REQUEST
NOTICE OF INTENT**

TO: Mark Ellmer

UTILITY: GTC. Inc. d/b/a FairPoint
Communications – TL719

AUDIT MANAGER: Charleston Winston

PREPARED BY: Charleston Winston, 407-678-2919,
1430 Tierra Circle, Winter Park, FL 32792
cwinston@psc.state.fl.us

REQUEST NUMBER: 3

DATE OF REQUEST: September 14, 2007

AUDIT PURPOSE: USF Audit Audit Control No. 07-250-1-1

REQUEST THE FOLLOWING ITEM(S) BE PROVIDED BY: September 19, 2007

REFERENCE RULE 25-22.006, F.A.C., THIS REQUEST IS MADE: INCIDENT TO AN INQUIRY
 OUTSIDE OF AN INQUIRY

ITEM DESCRIPTION:

Please provide an electronic copy of your general ledgers for 2005 and 2006

TO: AUDIT MANAGER

DATE _____

THE REQUESTED RECORD OR DOCUMENTATION:

- (1) HAS BEEN PROVIDED TODAY
- (2) CANNOT BE PROVIDED BY THE REQUESTED DATE BUT WILL BE MADE AVAILABLE BY: _____
- (3) AND IN MY OPINION, ITEM(S) _____ IS (ARE) PROPRIETARY AND CONFIDENTIAL BUSINESS INFORMATION AS DEFINED IN 364.183, 366.093, OR 367.156, F.S. TO MAINTAIN CONTINUED CONFIDENTIAL HANDLING OF THIS MATERIAL. THE UTILITY OR OTHER PERSON MUST, WITHIN 21 DAYS AFTER THE AUDIT EXIT CONFERENCE, FILE A REQUEST FOR CONFIDENTIAL CLASSIFICATION WITH THE DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES. REFER TO RULE 25-22.006, F.A.C.
- (4) THE ITEM WILL NOT BE PROVIDED. (SEE ATTACHED MEMORANDUM)

(SIGNATURE AND TITLE OF RESPONDENT)

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FLORIDA PUBLIC SERVICE COMMISSION
AUDIT DOCUMENT/RECORD REQUEST
NOTICE OF INTENT

TO: Mark Ellmer

UTILITY: GTC. Inc. d/b/a FairPoint
Communications – TL719

AUDIT MANAGER: Charleston Winston

PREPARED BY: Charleston Winston, 407-678-2919,
1430 Tierra Circle, Winter Park, FL 32792
cwinston@psc.state.fl.us

REQUEST NUMBER: 4

DATE OF REQUEST: September 14, 2007

AUDIT PURPOSE: USF Audit Audit Control No. 07-250-1-1

REQUEST THE FOLLOWING ITEM(S) BE PROVIDED BY: September 19, 2007

REFERENCE RULE 25-22.006, F.A.C., THIS REQUEST IS MADE: INCIDENT TO AN INQUIRY
 OUTSIDE OF AN INQUIRY

ITEM DESCRIPTION:

Please provide the following for your Universal Service advertisement Expenses for 2005 and 2006:

- a. Provide a detail of the expenses by category and total for each year in an excel format.
- b. Reconcile the amounts to your general ledgers for each year

TO: AUDIT MANAGER

DATE _____

THE REQUESTED RECORD OR DOCUMENTATION:

- (1) HAS BEEN PROVIDED TODAY
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- (4) THE ITEM WILL NOT BE PROVIDED. (SEE ATTACHED MEMORANDUM)

(SIGNATURE AND TITLE OF RESPONDENT)

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FLORIDA PUBLIC SERVICE COMMISSION
AUDIT DOCUMENT/RECORD REQUEST
NOTICE OF INTENT

TO: Mark Ellmer

UTILITY: GTC. Inc. d/b/a FairPoint
Communications – TL719

AUDIT MANAGER: Charleston Winston

PREPARED BY: Charleston Winston, 407-678-2919,
1430 Tierra Circle, Winter Park, FL 32792
cwinston@psc.state.fl.us

REQUEST NUMBER: 5

DATE OF REQUEST: September 14, 2007

AUDIT PURPOSE: USF Audit Audit Control No. 07-250-1-1

REQUEST THE FOLLOWING ITEM(S) BE PROVIDED BY: September 19, 2007

REFERENCE RULE 25-22.006, F.A.C., THIS REQUEST IS MADE: INCIDENT TO AN INQUIRY
 OUTSIDE OF AN INQUIRY

ITEM DESCRIPTION:

Please provide a copy of your filings listed below for 2005 and 2006.

- a. NECA filing
- b. HCL
- c. ICLS
- d. LSS
- e. LTS

TO: AUDIT MANAGER

DATE _____

THE REQUESTED RECORD OR DOCUMENTATION:

- (1) HAS BEEN PROVIDED TODAY
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- (3) AND IN MY OPINION, ITEM(S) _____ IS (ARE) PROPRIETARY AND CONFIDENTIAL BUSINESS INFORMATION AS DEFINED IN 364.183, 366.093, OR 367.156, F.S. TO MAINTAIN CONTINUED CONFIDENTIAL HANDLING OF THIS MATERIAL. THE UTILITY OR OTHER PERSON MUST, WITHIN 21 DAYS AFTER THE AUDIT EXIT CONFERENCE, FILE A REQUEST FOR CONFIDENTIAL CLASSIFICATION WITH THE DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES. REFER TO RULE 25-22.006, F.A.C.
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(SIGNATURE AND TITLE OF RESPONDENT)

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FLORIDA PUBLIC SERVICE COMMISSION
AUDIT DOCUMENT/RECORD REQUEST
NOTICE OF INTENT

TO: Mark Ellmer

UTILITY: GTC. Inc. d/b/a FairPoint
Communications – TL719

AUDIT MANAGER: Charleston Winston

PREPARED BY: Charleston Winston, 407-678-2919,
1430 Tierra Circle, Winter Park, FL 32792
cwinston@psc.state.fl.us

REQUEST NUMBER: 6

DATE OF REQUEST: September 14, 2007

AUDIT PURPOSE: USF Audit Audit Control No. 07-250-1-1

REQUEST THE FOLLOWING ITEM(S) BE PROVIDED BY: September 19, 2007

REFERENCE RULE 25-22.006, F.A.C., THIS REQUEST IS MADE: INCIDENT TO AN INQUIRY
 OUTSIDE OF AN INQUIRY

ITEM DESCRIPTION:

Please provide a copy of your FPSC filings listed below for 2005 and 2006.

- a. FPSC Annual RAF (Regulatory Assessment Fee Return)
- b. FPSC Schedule 8
- c. FPSC Tariffs

TO: AUDIT MANAGER

DATE _____

THE REQUESTED RECORD OR DOCUMENTATION:

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FLOIDA PUBLIC SERVICE COMMISSION
AUDIT DOCUMENT/RECORD REQUEST
NOTICE OF INTENT

TO: Mark Ellmer UTILITY: GTC. Inc. d/b/a FairPoint Communications – TL719
AUDIT MANAGER: Charleston Winston PREPARED BY: Charleston Winston, 407-678-2919,
1430 Tierra Circle, Winter Park, FL 32792
cwinston@psc.state.fl.us
REQUEST NUMBER: 7 DATE OF REQUEST: September 14, 2007

AUDIT PURPOSE: USF Audit Audit Control No. 07-250-1-1

REQUEST THE FOLLOWING ITEM(S) BE PROVIDED BY: September 19, 2007

REFERENCE RULE 25-22.006, F.A.C., THIS REQUEST IS MADE: INCIDENT TO AN INQUIRY
 OUTSIDE OF AN INQUIRY

ITEM DESCRIPTION:

Please provide a copy of your FCC filings listed below for 2005 and 2006.

- a. FCC Form 477, Local Competition Reporting Form
- b. FCC FORM 497, Low Income Quarterly Report
- c. FCC Form 499-Q, Telecommunications Reporting Worksheet
- d. FCC Form 499-A, Telecommunications Reporting Worksheet
- e. FCC Form 502, Number Utilization Report
- f. FCC Form 507, ICLS Quarterly Line Count Update
- g. FCC Form 508, ICLS Projected Annual Common Line Revenue Requirement
- h. FCC Form 509, ICLS Annual Common Line Actual Cost Data Collection
- i. Interstate Common Line Support Certification Letter
- j. USF Data Collection Form

TO: AUDIT MANAGER

DATE _____

THE REQUESTED RECORD OR DOCUMENTATION:

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FLORIDA PUBLIC SERVICE COMMISSION
AUDIT DOCUMENT/RECORD REQUEST
NOTICE OF INTENT

TO: Mark Ellmer UTILITY: GTC. Inc. d/b/a FairPoint Communications – TL719
AUDIT MANAGER: Charleston Winston PREPARED BY: Charleston Winston, 407-678-2919, 1430 Tierra Circle, Winter Park, FL 32792 cwinston@psc.state.fl.us
REQUEST NUMBER: 8 DATE OF REQUEST: September 14, 2007

AUDIT PURPOSE: USF Audit Audit Control No. 07-250-1-1

REQUEST THE FOLLOWING ITEM(S) BE PROVIDED BY: September 19, 2007

REFERENCE RULE 25-22.006, F.A.C., THIS REQUEST IS MADE: INCIDENT TO AN INQUIRY
 OUTSIDE OF AN INQUIRY

ITEM DESCRIPTION:

Please provide a copy of your tax returns listed below for 2005 and 2006.

- a. Federal Tax Return
- b. State Tax Returns

TO: AUDIT MANAGER

DATE _____

THE REQUESTED RECORD OR DOCUMENTATION:

- (1) HAS BEEN PROVIDED TODAY
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**FLORIDA PUBLIC SERVICE COMMISSION
AUDIT DOCUMENT/RECORD REQUEST
NOTICE OF INTENT**

TO: Mark Ellmer

UTILITY: GTC. Inc. d/b/a FairPoint
Communications – TL719

AUDIT MANAGER: Charleston Winston

PREPARED BY: Charleston Winston, 407-678-2919,
1430 Tierra Circle, Winter Park, FL 32792
cwinston@psc.state.fl.us

REQUEST NUMBER: 9

DATE OF REQUEST: September 14, 2007

AUDIT PURPOSE: USF Audit Audit Control No. 07-250-1-1

REQUEST THE FOLLOWING ITEM(S) BE PROVIDED BY: September 19, 2007

REFERENCE RULE 25-22.006, F.A.C., THIS REQUEST IS MADE: INCIDENT TO AN INQUIRY
 OUTSIDE OF AN INQUIRY

ITEM DESCRIPTION:

Please provide a copy of your USAC filings and correspondence for 2005 and 2006.

- a. Annual Filings
- b. Correspondence with USAC
- c. Submission of line counts as of filing dates
- d. CMT revenue per line per month per study area as of filing dates
- e. UNE zone rates as of filing dates

TO: AUDIT MANAGER

DATE _____

THE REQUESTED RECORD OR DOCUMENTATION:

- (1) HAS BEEN PROVIDED TODAY
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(SIGNATURE AND TITLE OF RESPONDENT)

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