

**REQUEST TO ESTABLISH DOCKET**  
(Please Type)

Date: 8/13/2004

Docket No.:

040856-TX

1. Division Name/Staff Name: Division Of Competitive Markets & Enforcement/Isler

2. OPR: Division Of Competitive Markets & Enforcement

3. OCR: Office Of The General Counsel

4. Suggested Docket Title: Compliance Investigation of Direct Telephone Company, Inc. for Apparent Violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

5. Suggested Docket Mailing List (attach separate sheet if necessary)

A. Provide NAMES OR ACRONYMS ONLY if a regulated company.

B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)

1. Parties and their representatives (if any):


2. Interested persons and their representatives (if any):


6. Check one:

☒ Documentation is attached.

☐ Documentation will be provided with recommendation.

DOCUMENT NUMBER-DATE

08848 AUG 13 8

COMMISSIONERS:  
BRAULIO L. BAEZ, CHAIRMAN  
J. TERRY DEASON  
LILA A. JABER  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON

STATE OF FLORIDA



DIVISION OF COMPETITIVE MARKETS &  
ENFORCEMENT  
BETH W. SALAK  
DIRECTOR  
(850) 413-6600

## Public Service Commission

May 7, 2004

Mr. Tony Thomas, Vice President of Operations  
Direct Telephone Company, Inc. (TX643)  
6300 Richmond, Suite 301  
Houston, TX 77057-5927

Dear Mr. Thomas:

The Regulatory Assessment Fee (RAF) is due by January 30<sup>th</sup> of each year for the preceding calendar year. For certificate holders, the RAF is owed even if a telecommunications company may not have started operations or had any revenues. Since payment has not been made, statutory penalty and interest charges are now applicable.

Our records show that the 2003 RAF return notice was mailed on December 12, 2003, and a delinquent notice was mailed on February 20, 2004. As of this date, our records do not show receipt of the RAF return or payment. A copy of the 2003 RAF return form is enclosed. If full payment, including penalty and interest charges, along with the RAF return form, are not received by May 28, 2004, a docket may be established. Your company may be fined or your certificate cancelled if you do not respond. Please note that once a docket has been established, **just paying the delinquent RAF amount will not prevent your certificate from being cancelled.**

If you wish to cancel your certificate voluntarily and leave in good standing with the Commission, your company should pay the past due amount in full, complete the 2003 RAF return form, either pay the 2004 RAF or provide a date certain it will be paid, and comply with the requirements of Rule 25-24.820, Florida Administrative Code, copy enclosed. Any unpaid RAFs, including penalty and interest charges, are turned over to collections. When returning payment and a copy of the completed 2003 Regulatory Assessment Fee return form, please use the enclosed blue envelope, which will insure prompt processing.

If you have any questions, please contact me at (850) 413-6502, by fax at (850) 413-6503, by e-mail at [pisler@psc.state.fl.us](mailto:pisler@psc.state.fl.us), or by writing to me at the address below.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paula J. Isler".

Paula J. Isler, Research Assistant  
Bureau of Service Quality

Enclosures

# Competitive Local Exchange Company Regulatory Assessment Fee Return

STATUS:

Florida Public Service Commission

(See Filing Instructions on Back of Form)

☐ Actual Return  
☐ Estimated Return  
☐ Amended Return

TX643-03-0-R  
 Direct Telephone Company, Inc.  
 6300 Richmond, Suite 301  
 Houston, TX 77057-5927

PERIOD COVERED:  
 01/01/2003 TO 12/31/2003

CC: P. Isler

Please Complete Below If Official Mailing Address Has Changed

## FOR PSC USE ONLY

Check# \_\_\_\_\_  
 \$ \_\_\_\_\_ 0603006  
 \_\_\_\_\_ 003001  
 \$ \_\_\_\_\_ P  
 \_\_\_\_\_ 0603006  
 \_\_\_\_\_ 004011  
 \$ \_\_\_\_\_ I  
 Postmark Date \_\_\_\_\_  
 Initials of Preparer \_\_\_\_\_

(Name of Company)

(Address)

(City/State)

(Zip)

### LINE NO. ACCOUNT CLASSIFICATION

### FLORIDA

### GROSS OPERATING REVENUE

### INTRASTATE REVENUE

1. Basic Local Services \$ \_\_\_\_\_  
 2. Long Distance Services (IntraLATA only)\*\* \_\_\_\_\_  
 3. Access Services \_\_\_\_\_  
 4. Private Line Services \_\_\_\_\_  
 5. Leased Facilities & Circuits Services \_\_\_\_\_  
 6. Miscellaneous Services \_\_\_\_\_  
 7. TOTAL REVENUES \$ \_\_\_\_\_  
 8. LESS: Amounts Paid to Other Telecommunications Companies\* (see "2. Fees" on back) \_\_\_\_\_  
 9. Net Intrastate Operating Revenue for Regulatory Assessment Fee Calculation (Line 7 less Line 8) \_\_\_\_\_  
 10. Regulatory Assessment Fee Due (Multiply Line 9 by 0.0015) \_\_\_\_\_  
 11. Penalty for Late Payment (see "3. Failure to File by Due Date" on back) \_\_\_\_\_  
 12. Interest for Late Payment (see "3. Failure to File by Due Date" on back) \_\_\_\_\_  
 13. TOTAL AMOUNT DUE \$ \_\_\_\_\_

\* These amounts must be intrastate only and must be verifiable.

\*\* Other long distance revenue must be listed on the Interexchange Regulatory Assessment Fee Return.

AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

### CURRENT COMPANY STATUS

( ) Facilities-Based Provider

( ) Reseller

( ) Other: \_\_\_\_\_

### BILLING INFORMATION

Complete below if billing agent if other than yourself.

(Name)

(Address: City/State/Zip)

( )

(Telephone)

### COMPANY INFORMATION

Do you lease telecommunications' facilities? ( ) YES ( ) NO

If YES, who do you lease these facilities from? Name: \_\_\_\_\_

Address: \_\_\_\_\_

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her duty shall be guilty of a misdemeanor of the second degree.

(Signature of Company Official)

(Title)

(Date)

(Preparer of Form - Please Print Name)

Telephone Number ( ) Fax Number ( )

F.E.I. No. \_\_\_\_\_

## **25-24.820 Revocation of a Certificate.**

(1) The Commission may on its own motion, after notice and opportunity for hearing, revoke a company's certificate for any of the following reasons:

- (a) Violation of a term or condition under which the authority was originally granted;
- (b) Violation of Commission rule or order;
- (c) Violation of Florida Statute; or
- (d) Violation of a price list standard.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request. Cancellation of a certificate shall be ordered subject to the holder providing the required information.

- (a) A statement of intent and date certain to pay regulatory assessment fee.
- (b) A statement of why the certificate is proposed to be canceled.
- (c) A statement as to how customer deposits and final bills will be handled.
- (d) Proof of individual customer notice regarding discontinuance of service.

Specific Authority 350.127(2) FS.

Law Implemented 364.335, 364.345 FS.

History--New 12-27-95.

TX643-03-0-D

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"><li>■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>		<b>A. Received by (Please Print Clearly)</b>	
		<b>B. Date of Delivery</b> 2/23	
		<b>C. Signature</b> X <i>Nanda Kef</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
		<b>D. Is delivery address different from item 1?</b> YES enter delivery address below: <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>1. Article Addressed to:</b> TX643 Direct Telephone Company, Inc. 6300 Richmond, Suite 301 Houston, Texas 77057-5927			
		<b>3. Service Type</b> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
		<b>4. Restricted Delivery? (Extra Fee)</b> <input type="checkbox"/> Yes	
<b>2. Article Number</b> (Transfer from service label)		7002 0860 0001 1761 0483	
PS Form 3811, March 2001		Domestic Return Receipt	
		102595-01-M-1424	

# Competitive Local Exchange Company Regulatory Assessment Fee Return

STATUS:

☒ Actual Return  
☐ Estimated Return  
☐ Amended Return

PERIOD COVERED:  
 01/01/2003 TO 12/31/2003

Florida Public Service Commission

(See Filing Instructions on Back of Form)

TX643-03-0-R  
 Direct Telephone Company, Inc.  
 6300 Richmond, Suite 301  
 Houston, TX 77057-5927  
 01 JAN -5 AM 10:21  
 COMMISSION CLERK  
 ADMINISTRATIVE SERVICES

FOR PSC USE ONLY

Check# \_\_\_\_\_  
 \$ \_\_\_\_\_ 0603006  
 \$ \_\_\_\_\_ 003001  
 \$ \_\_\_\_\_ 0603006  
 \$ \_\_\_\_\_ 004011  
 Postmark Date \_\_\_\_\_  
 Initials of Preparer \_\_\_\_\_

Please Complete Below If Official Mailing Address Has Changed

\_\_\_\_\_  
 (Name of Company) (Address) (City/State) (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	FLORIDA GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Basic Local Services		
2.	Long Distance Services (IntraLATA only) <sup>1+</sup>	NO LOCAL	
3.	Access Services	SERVICE OFFER	THRU
4.	Private Line Services	12-31-2003	
5.	Leased Facilities & Circuits Services		
6.	Miscellaneous Services		
7.	TOTAL REVENUES		\$ 0
8.	LESS: Amounts Paid to Other Telecommunications Companies <sup>+</sup> (see "2. Fees" on back)		
9.	Net Intrastate Operating Revenue for Regulatory Assessment Fee Calculation (Line 7 less Line 8)		
10.	Regulatory Assessment Fee Due (Multiply Line 9 by 0.0015)		
11.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)		
12.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)		
13.	TOTAL AMOUNT DUE		\$ 0

\* These amounts must be intrastate only and must be verifiable.

<sup>1+</sup> Other long distance revenue must be listed on the Interexchange Regulatory Assessment Fee Return.

AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

( ) Facilities-Based Provider  
 CURRENT COMPANY STATUS  
☒ Reseller  
 ( ) Other: \_\_\_\_\_

BILLING INFORMATION  
 Complete below if billing agent is other than yourself.  
 \_\_\_\_\_  
 (Name) (Address: City/State/Zip) ( ) (Telephone)

COMPANY INFORMATION  
 Do you lease telecommunications facilities? ( ) YES ☒ NO  
 If YES, who do you lease these facilities from? Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her duty shall be guilty of a misdemeanor of the second degree.

Robert W. Livingston President 12-24-03  
 (Signature of Company Official) (Title) (Date)  
 Robert W. Livingston  
 (Preparer of Form - Please Print Name)  
 Telephone Number 713-627-9241 Fax Number 713-627-9253  
 F.E.I. No. 76-0688993

# COMPANY IDENTIFICATION

Printed on 04/28/2004 at 13:57:34 by PJI

Complete Name: Direct Telephone Company, Inc.

Mailing Name: Direct Telephone Company, Inc.

Company Code: TX643

FEID Number: 76-0688993

## RAF ACCOUNT FOR THE PERIOD 01/01/2003 THROUGH 12/31/2003

Reg. Date: 05/01/2002 Inactive Date:  
 Service: CLX - Competitive Local Exchange  
 Received: No RAF Form  
 Status: Pending  
 Amended: No Extension: No  
 Frozen: No Comments: No  
 Payment Count: 0 Payments Made to Date  
 Operating Rev: \$0.00 Interstate Rev: \$0.00  
 RAF Rate: Net RAF Due: \$0.00

Assessment	Due	Paid	Owe
RAF	\$0.00	\$0.00	\$0.00
Penalty	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$0.00	\$0.00	\$0.00

Last modification was made on Wednesday, December 3, 2003 at 9:25 AM by David Brown

Period covered: 01/01/2003 through 12/31/2003 RAF rate:  
 Operating rev: \$0.00 Gross intrastate rev: \$0.00  
 Documents: Delinquent letter mailed on 02/19/2004  
 RAF form faxed on 12/29/2003  
 Remarks: Sent to Lea Ballard at (251) 662-1534  
 RAF form mailed on 12/03/2003

## MCD Company Information for TX643

Printed on 08/12/2004 at 09:30:29 by PJI

Company Code: TX643  
Complete Name: Direct Telephone Company, Inc.  
Mailing Name: Direct Telephone Company, Inc.  
Certificate No(s): 8084  
Status: Active  
Regulation Date: 05/01/2002  
**Bankruptcy:** No  
Company Liaison #1: Tony Thomas  
Title: Vice President of Operation  
Mailing Address: 6300 Richmond, Suite 301

Physical Location: Houston, TX 77057-5927  
6300 Richmond, Suite 301

Phone: Houston, TX 77057-5927  
(713) 627-9241 ext 1133  
Fax: (713) 627-9253

### Related Dockets:

020068-TX      **Application for certificate to provide alternative local exchange telecommunications service by Direct Telephone Company, Inc.**

021120-TP      **Request for approval of interconnection, resale, unbundling and collocation agreement between Direct Telephone Company, Inc. and Verizon Florida Inc.**

030120-TP      **Request for approval of resale agreement between BellSouth Telecommunications, Inc. and Direct Telephone Company, Inc.**