

**OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION**

**BEFORE THE
ILLINOIS COMMERCE COMMISSION**

ORIGINAL

ILLINOIS
COMMERCE COMMISSION

MAR 15 9 52 AM '00

**ILLINOIS COMMERCE
COMMISSION
On Its Own Motion**

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CHIEF CLERK'S OFFICE

-VS-

00-0144

**TELCAM, TELECOMMUNICATIONS
COMPANY OF THE AMERICAS, INC.**

Citation for Failure to file Annual Report

**TELCAM, TELECOMMUNICATIONS COMPANY
OF THE AMERICAS, INC.'S MOTION TO DISMISS**

TO THE HONORABLE HEARING EXAMINER:

COMES NOW, TELCAM, Telecommunications Company of The Americas, Inc.'s ("TELCAM") and files this, its Motion to Dismiss, in the above referenced proceeding. TELCAM respectfully urges the Illinois Commerce Commission ("Commission") to refrain from imposing regulatory penalties on TELCAM and in support thereof would show the following:

On January 26, 2000, the Chief Clerk of the Commission issued a Staff Report which states that TELCAM had failed to file its 1998 Annual Report by March 31, 1999, as required by Section 5-109 of the Public Utilities Act and 83 Ill. Adm. Code 210.

Attached to this Motion is a copy of TELCAM's 1998 Annual Report which was sent directly from TELCAM to the Chief Clerk's Office on January 18, 2000, and again on February 17, 2000, which was filed on February 22, 2000.

TELCAM's current owners acquired control of the company in May 1999. Subsequent to the ownership change, the Company was audited and the current management did not acquire control of the previous management's records until December 1999. The Annual Report was submitted to the following month.

TELCAM's new owners have responded promptly since becoming aware of its obligations in Illinois and have taken steps to prevent similar delays in the future. For these reasons, TELCAM respectfully urges the Commission to accept TELCAM's 1998 Annual Report and dismiss this proceeding without imposing regulatory penalties on TELCAM.

CASEY, GENTZ & SIFUENTES, L.L.P.
919 Congress Avenue, Suite 1060
Austin, Texas 78701
(512) 480-9900 (Telephone)
(512) 480-9200 (Fax)

By: 
Miguel A. Huerta
Texas State Bar No. 00787733

ATTORNEYS FOR TELCAM,
TELECOMMUNICATIONS COMPANY OF THE
AMERICAS, INC.'S

CERTIFICATE OF SERVICE

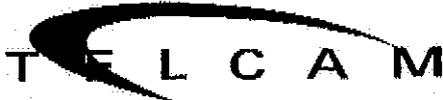
The undersigned attorney certifies that the foregoing Motion *to Dismiss* has been served on the following via facsimile and overnight delivery on this the 14th day of March 2000

Hon. Michael Wallace
Hearings and Orders Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
Via facsimile: 217-524-8928

Conrad Rubinkowski
Office of the General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
Via facsimile: 217-524-8928



Miguel A. Huerta



February 17, 2000

Chief Clerk
Illinois Commerce Commission
527 E. Capitol Ave.
P. O. Box 19280
Springfield, IL 62794-280

Re: Telcam Telecommunications Company of the Americas, Inc.
1998 Annual Report

To Whom It May Concern:

Enclosed please find Telcam's 1998 Annual Report. It was submitted to the Illinois Commerce Commission on January 18, 2000 via certified mail; however, your office has no record of it, so I am submitting a new report with some corrections.

Also, please note for your records that we have a new address as follows:

Telcam, Telecommunications Company of the Americas
1322 Space Park Dr., Suite C101
Houston, TX 77058

Please feel free to contact me at the below listed telephone number or address if you have any questions. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Marisa Hostrawser". The signature is fluid and cursive, with a large loop at the end.

Marisa Hostrawser
Regulatory Department

Enclosures

TELCAM, INC
1322 Space Park Dr. Suite#C101
Houston, TX 77058
PHONE: (281) 333-3223 (877) 483-5226
FAX: (281) 335-7921
www.telcam.com

FORM AR-13

ANNUAL REPORT OF
CERTAIN TELECOMMUNICATIONS CARRIERS

TO THE

ILLINOIS COMMERCE
COMMISSION



Exact Legal Name of Respondent (Company)

Telcam, Telecommunications Company of the Americas, Inc.

Year of Report

December 31, 1998

This state agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined in Section 5-109 of the Public Utilities Act [220 ILCS 5/5-109]. Disclosure of this information is REQUIRED. Failure to provide any information could result in a fine of \$100 per day under Section 5-109 of the Public Utilities Act. This form has been approved by the Forms Management Center.

Printed by authority of the State of Illinois
1,000 copies - December 1997 - 421r
IL524-0781

T - C - R

GENERAL INSTRUCTIONS

1. Telecommunications **carriers not required to** use the uniform **system** of accounts and who do not have alternative annual reporting requirements prescribed by Commission order are required to file this report.
2. This **form** of annual report is to be completed in triplicate: The original and one conformed copy (which may be a carbon copy) of this **report form, properly completed and verified,** is to be filed with the Chief Clerk, **ILLINOIS COMMERCE COMMISSION, 527 East Capitol Avenue, P.O. Box 19280,** Springfield, Illinois **62794-9280,** on or before March 31 of the **year** following the year **for** which the report is made; One copy of such **report is** to be retained by respondent.
3. It is preferred that all data be typed on the form. **All instructions** shall be followed and each question shall be answered fully and accurately. The expression "None" or "Not Applicable" shall be given as the **answer** where **it** truly states the fact.
4. The word 'Respondent', wherever used in this report, **means** the person, corporation, licensee, agency, authority or other legal **entity** or instrumentality in whose behalf the report is made,
5. Financial Information in this **Annual** Report should be reported on an Illinois basis
6. The Reconciliation of Gross Revenue Tax schedule is to reconcile the amounts shown in this Annual Report with the amounts on the Amended Gross Revenue Tax Return.
7. Access lines **are** defined, in context of this report, **as** all **individual** business and residence lines, key trunk lines,, PBX trunk lines, and **centrex** main lines with separate numbers.
8. Local exchange **carriers** are required to provide two copies of the published annual report to shareholders or financial statements prepared in **accordance with generally** accepted accounting principles (**GAAP**).
9. Respondents may prior to filing, petition for proprietary treatment of information **required** by this annual report **Proprietary** treatment is limited to data that is not otherwise publicly available and is effective only after respondent's **petition** is granted. The Commission intends to include proprietary data on an aggregated basis for statistical **reporting** purposes.

Name of Respondent Telcam, Telecommunications Company of the Americas, Inc.	This report is:		Date of Report (Mo, Day, Yr)	Year of Report
	(1) <input checked="" type="checkbox"/> An original	(2) <input type="checkbox"/> A resubmission	12/17/99	Dec. 31, 19 98

RESPONDENT: (Exact Name) Telcam, Telecommunications Company of the Americas, Inc.

Street or Local Address: 1322 Space Park Dr., Suite C101

City: Houston State: TX Zip: 77058

Officer or other person to whom correspondence should be addressed concerning this report:

Exact Name: Greg Hahn Title: CEO

Street or Local Address: 1322 Space Park Dr., Suite C101

City: Houston State: TX Zip: 77058

Telephone: (281) 333-3223
(Area Code) (Number)

To be kept current, Notify the Commission of every change until the report for the following calendar year has been filed.

Please submit the following information for the year ended December 31, 19 98

(1)	Total Communications Plant (If none, enter zero)	\$ <u>125,540</u>
(2)	Total Operating Revenues	\$ <u>4,414,382</u>
(3)	Depreciation and Amortization (If none, enter zero)	\$ <u>107,072</u>
(4)	Total Operating Expenses	\$ <u>4,201,572</u>
(5)	Operating Income (Line 2 minus lines 3 and 4)	\$ <u>212,810</u>

Name of Respondent:
**Telcam Telecommunications Company of
the Americas, Inc.**

This report is:
(1) An original
(2) A resubmission

Date of Report
(Mo., Day, Yr)
12/17/99

Year of Report
Dec. 31, 19 **98**

RECONCILIATION OF GROSS REVENUE TAX

This schedule is to reconcile the amounts shown in the accompanying Annual Report with the amounts shown on the Amended/ Annual Gross Revenue Tax Return:

(a)		As Shown on Annual Report (b)	Page & Line Where Amount At Left Can Be Found in the Annual Report
1	1] a. Actual Gross Operating Revenue as shown in Annual Report	4,414,382	Please see attached.
2	b. Less Interstate Revenue	2,999,792	
3	c. Gross Revenue Applicable to Illinois	1,414,590	
4	DEDUCT:		
5	2] a. Revenue from Sale to Utilities for Resale	0	
6	b. Uncollectible Accounts (if billing basis used)	0	
7	c. Other Deductions (if amounts are included in 1-a. above)	0	
8	Account Description	Account No.	
9			
10			
11			
12			
13			
14			
5	Taxable Illinois Gross Revenue from Annual Report (lines 1-2 thru 14)	1,414,590	
6	Taxable Illinois Gross Revenue from Amended/Annual Gross Revenue Tax Return		
7	DIFFERENCE (line 15 minus line 16,		

If difference calculated on line 17 is a positive amount of \$1,000.00 or more, a revised Amended/Annual Tax Return for the year plus payment of any additional tax due must be promptly remitted to the Illinois Commerce Commission. If the calculated difference is less than \$1,000.00 or a negative amount, no further action is required regarding your tax reconciliation. (The tax owed on \$1,000 at the current tax rate 01.10% is \$1.00. According to the Public Utilities Act a deficiency in taxes paid of less than \$1.00 need not be paid to the Commission.)

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PUBLIC UTILITY FUND
ILLINOIS COMMERCE COMMISSION
ANNUAL GROSS REVENUE RETURN
PURSUANT TO THE "PUBLIC UTILITIES ACT"

Each line shall be completed with typewriter or ink pen.
READ INSTRUCTIONS ON REVERSE SIDE BEFORE FILLING OUT RETURN

Officer or other person correspondence should be addressed concerning this return.

Name Marina McKinney

Tel. No. (781) 333-3223

Period 1/01/88
Through 12/31/88

Telcam, Telecommunications Company of the Americas, Inc.
1322 Space Park Dr., Suite C101
Houston, TX 77058



CHECK HERE IF THIS IS AN ADDRESS CHANGE

FEN 76-0439558

1. a.	ACTUAL Gross Operating Revenue for the calendar year ending December 31, 1988	\$ <u>4,414,382</u>
	Based on: <input type="checkbox"/> Receipts <input checked="" type="checkbox"/> Billing	
b.	Less revenue from interstate service	\$ <u>2,999,792</u>
c.	Gross Revenue applicable to Illinois	\$ <u>1,414,590</u>
2.	Deduct:	
a.	Revenue from sale to utilities or electric coops. for resale	\$ <u>0</u>
b.	Uncollectible accounts (if billing basis used)	\$ <u>0</u>
c.	Other deductions (must be itemized, attach schedule, see instruction)	\$ <u>0</u>
d.	TOTAL DEDUCTIONS	\$ <u>0</u>
3.	Gross Revenue Subject to tax (Line 1c minus Line 2d)	\$ <u>1,414,590</u>
4.	Tax Payable for the Calendar Year ending December 31, 1988 (Line 3 x .001)	\$ <u>1,414.59</u>
5.	Deduct:	
a.	Credit memorandum attached, No. _____	\$ <u>0.00</u>
b.	Total credit memorandums submitted with previously file 1988 returns, if any	\$ <u>0.00</u>
c.	Total payments made with previously filed 1988 returns, if any	<u>0.00</u>
d.	TOTAL CREDITS and PAYMENTS	\$ <u>0.00</u>
6.	Tax unpaid or (overpaid) (Line 4 minus Line 5d)	\$ <u>1,414.59</u>
7.	Payment enclosed	\$ <u>1,414.59</u>
8.	Account Balance (Line 6 minus Line 7)	\$ <u>0.00</u>

OATH

Under penalties of perjury, I state that I have examined this return and, to the best of my knowledge, it is true, correct and complete.

Officer *Greg Hahn*
Greg Hahn, CEO

IMPORTANT

The term Public Utility and Utility as used on this form includes Telecommunications Carriers as under the Public Utilities Act.

To avoid penalties, the original of this RETURN, together with remittance, must be filed with the Fiscal Information Section at the ILLINOIS COMMERCE COMMISSION, 527 East Capitol Avenue, P.O. Box 19280, Springfield, Illinois 62704-9280 on or before the 31st DAY OF JANUARY, FOLLOWING THE END OF THE APPLICABLE YEAR.

Make Check, Draft or Money Order payable to: ILLINOIS COMMERCE COMMISSION - PUBLIC UTILITY FUND

This agency is mandating disclosure of information that is necessary to accomplish the primary purpose as outlined under the Public Utilities Act (220 ILCS 6/2.203). Disclosure of this information is MANDATORY. Failure to provide any information could result in substantial penalties. This form has been approved by Form Management Center.

AGENCY USE ONLY
059-
CC202/02pa2

ACCESS LINES AND TERRITORY SERVED

1. Name the exchanges in Illinois in which the respondent maintained service at the close of the year and give particulars called for.
2. Urban includes the base rate area and rural is beyond the base rate area.
3. Mobile, public or semi-public paystations and FX-in should be included where appropriate.

Line No.	Exchange (a)	Urban		Rural		PBX Trunks (g)	Centrex (h)	Total (h)
		Business (b)	Residences (c)	Business (d)	Residences (e)			
1	N/A							
2								
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26								
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30								
31								
32								
33								
34	Totals							
35	Number of Subscribers							

VERIFICATION

This report shall be verified under oath by the responsible accounting officer.

OATH

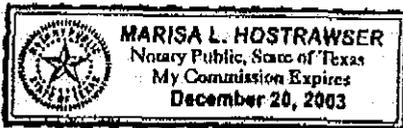
STATE OF TEXAS)
)
)SS
COUNTY OF HARRIS)

GREG HAHN makes oath and says that
(insert here the name of the affiant)
he is CHIEF EXECUTIVE OFFICER (CEO)
(insert here the official title of the affiant)
of TEL CAM TELECOMMUNICATIONS COMPANY OF THE AMERICAS, INC.
(insert here the exact legal title or name of the respondent)

that he has examined the foregoing report; that to the best of his knowledge, information, and belief, all statements of fact contained in the said report are true, and the said report is a correct statement of the business and affairs of the above-named respondent in respect to each and every matter set forth therein during the period from and including January 1, 19 98, to and including December 31, 19 98.

Greg Hahn
(Signature of affiant)

Subscribed and sworn to before me, a notary public in and for the State and County above named, this 17th day of February 2000, 19 . My Commission expires December 20, 2003 19 .



Marisa L. Hostrowser
(Signature of officer authorized to administer oath)