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In re: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 4780 issued to George A. Fredericks Telecommunications, Inc. d/b/a GAF Telecommunications for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), Records & Reports; Rules Incorporated.

DOCKET NO. 981793-TI

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
Certificate No. 4781 issued to
Global Access Communications,
Inc. for violation of Rules 254.0161, F.A.C., Regulatory
Assessment Fees;
Telecommunications Companies,
and 25-24.480(2)(a) and (b),
Records & Reports; Rules
Incorporated.

DOCKET NO. 981794-TI ORDER NO. PSC-99-0321-FOF-TI ISSUED: February 18, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman J. TERRY DEASON SUSAN F. CLARK JULIA L. JOHNSON E. LEON JACOBS, JR.

ORDER IMPOSING FINES, REQUIRING PAYMENT OF REGULATORY ASSESSMENT FEES AND REQUIRING INFORMATION IN ACCORDANCE WITH RULE 25-24.520.

FLORIDA ADMINISTRATIVE CODE, OR CANCELING INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATES

## 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.

The entities listed below have not paid the regulatory assessment fees required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year(s) specified below, along with statutory penalties and interest charges. Under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual regulatory assessment fee of \$50 if the certificate was active during any portion of the calendar year. 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. All entities that apply for certification receive a copy of our rules governing interexchange telecommunications service and an affidavit in which the applicants attest that the rules have been received and understood by the applicant. This affidavit must be attached to the application in order for the application to be processed.

Pursuant to Section 350.113(4), Florida Statutes, the regulatory assessment fee forms, for the period of January 1, through December 31, are mailed to the entities at least 45 days prior to the date that payment of the fee is due. The entities have been given adequate opportunity to pay. The Commission's correspondence regarding the regulatory assessment fees was returned by the United States Postal Service. To date, the entities have not paid the required fees.

The return of these materials indicates that each entity may have violated Rule 25-24.480(1)(a), Florida Administrative Code, which requires the reporting to the Commission of an address change within ten (10) days of its effectiveness. Accordingly, Commission staff attempted to reach the contact person of each entity by telephone. This effort was unsuccessful, indicating that each entity may have also violated Rule 25-24.480(1)(b), Florida Administrative Code, which requires the reporting to the Commission of a change in the name, title, or telephone number of the individual responsible for Commission contacts.

As the appropriate fees, statutory penalties, interest charges, required information, and fines are received, each Docket shall be closed. Should any of the entities fail to comply with this Order within five business days from the date this Order becomes final, the entity shall have its certificate canceled and the Docket shall be closed. The cancellation of the certificate and the closing of the Docket in no way diminishes any of the entity's obligation to pay applicable delinquent regulatory assessment fees, statutory penalties, and interest charges.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each of the entities listed herein 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 five business days from the date this Order becomes final. The fines will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that each of the entities listed herein must provide the correct mailing address, liaison information, and other information in accordance with Rule 25-24.480, Florida Administrative Code, and pay a \$500 fine to the Florida Public Service Commission for failure to comply with Rule 25-24.480, Florida Administrative Code, within five 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 any of the entities fail to comply with this Order, that entity's certificate shall be canceled, with an effective date of December 31, 1998, and the respective Docket shall be closed. It is further

ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes any of the entities' obligation to pay applicable delinquent regulatory assessment fees, statutory penalties, and interest charges. It is further

ORDERED that any protest to the action proposed herein shall specify the entity or entities to which it applies. It is further

ORDERED that, if a protest to this Order is filed, the protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed 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 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassea, 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, these Dockets shall be closed upon payment of the fines, and fees, or upon cancellation of the certificates.

By ORDER of the Florida Public Service Commission this 18th day of February, 1999.

BLANCA S. BAYÓ, Director Division of Records and Reporting

Kay Flynn, Chief Bureau of Records

(SEAL)

JAM