

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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IN RE: PROPOSED AMENDMENT OF RULES 25-24.474(2)(a),(b);
24-514(2)(a),(b); 24-572(2)(a),(b); 24.735(2)(a),(b); AND
24.820(2)(a),(b), F.A.C., RELATING TO CANCELLATION OF
CERTIFICATE AND PAYMENT OF REGULATORY ASSESSMENT FEES

NOTICE OF PROPOSED RULE DEVELOPMENT

TO

ALL INTERESTED PERSONS

ISSUED: April 15, 1999

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated the development of Rules 25-25-24.474(2)(a),(b); 24-514(2)(a),(b); 24-572(2)(a),(b); 24.735(2)(a),(b); and 24.820(2)(a),(b), Florida Administrative Code, to amend provisions relating to cancellation of certificates and payments of regulatory assessment fees.

The attached Notice of Proposed Rule Development will appear in the April 23, 1999, edition of the Florida Administrative Weekly. If timely requested and not deemed unnecessary by the Commission, a rule development workshop will be held at the following time and place:

Florida Public Service Commission
10:30 a.m., Tuesday, May 11, 1999, or as soon thereafter
as the workshop on Rule 25-4.0161, if held, is
concluded
Room 166, Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours prior to the workshop. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD).

DOCUMENT NUMBER-DATE

04786 APR 15 99

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By Direction of the Florida Public Service Commission, this
15th day of April, 1999.



BLANCA S. BAYO, Director
Division of Records & Reporting

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NOTICE OF PROPOSED RULE DEVELOPMENT

FLORIDA PUBLIC SERVICE COMMISSION

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RULE TITLE:	RULE NO.:
Cancellation of a Certificate	25-24.474
Cancellation of a Certificate	25-24.514
Cancellation of a Certificate	25-24.572
Cancellation of a Certificate	25-24.735
Revocation of a Certificate	25-24.820

PURPOSE AND EFFECT: To revise the required information a telecommunication company must submit with its request to cancel its certificate, deleting unnecessary information and adding the requirements that a company submit its current address and pay all delinquent regulatory fees.

SUBJECT AREA TO BE ADDRESSED: Voluntary cancellation of telecommunications company certificates.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.113, 350.127(1), 364.285, 364.335, 364.337, 364.339, 364.345 FS.

166, Tallahassee, FL

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

TIME AND DATE: 10:30 AM, May 11, 1999, or as soon thereafter as the workshop on Rule 25-4.0161, if held, is concluded.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room

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166, Tallahassee, FL

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO CHRISTIANA MOORE, DIVISION OF APPEALS, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1-800-955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Florida Public Service Commission, Division of Telecommunications, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (813) 413-6584.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.474 Cancellation of a Certificate.

(1) The Commission has the authority ~~may~~ on its own motion to cancel a company's certificate for any of the following reasons:

(a) Violation of the terms and conditions under which the authority was originally granted;

(b) Violation of Commission rule or order; or

(c) Violation of Florida Statutes.

(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:

(a) Payment of all delinquent regulatory assessment fees, penalties and interest. Fees due for the period during which the certificate is canceled shall be paid in accordance with Rule 25-4.0161.

~~(a) Statement of intent and date to pay Regulatory Assessment Fee.~~

(b) Its current mailing address.

~~(b) Statement of why the certificate is proposed to be canceled.~~

(c) A statement on treatment of customer deposits and final bills.

(d) Proof of individual customer notice regarding discontinuance of service.

(3) The request for cancellation shall be filed with the Commission's Division of Records and Reporting.

~~(4)-(3)~~ Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

(5) The effective date of the cancellation will be the later of the date requested, the date the request is postmarked, or the date received by the Commission if the request is hand delivered.

Specific Authority: 350.127(2) FS.

Law Implemented: 350.113, 350.127(1), 364.285, 364.337, 364.345 FS.

History--New 02-23-87, Amended 03-13-96, _____.

25-24.514 Cancellation of a Certificate.

(1) The Commission has the authority ~~may to~~ cancel a company's certificate for any of the following reasons:

(a) Violation of the terms and conditions under which the authority was originally granted.

(b) Violation of Commission rules or orders;

(c) Violation of Florida Statutes; or,

(d) Failure to provide service for a period of six (6) months.

(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:

(a) Payment of all delinquent regulatory assessment fees, penalties and interest. Fees due for the period during which the certificate is canceled shall be paid in accordance with Rule 25-4.0161.

(b) Its current mailing address.

~~(a) Statement of intent and date to pay Regulatory Assessment Fee.~~

~~(b) Statement of why the certificate is proposed to be canceled.~~

(3) The request for cancellation shall be filed with the Commission's Division of Records and Reporting.

(4) (3) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

(5) The effective date of the cancellation will be the later of the date requested, the date the request is postmarked, or the date received by the Commission if the request is hand delivered.

Specific Authority: 350.127(2) FS.

Law Implemented: 350.113, 350.127(1), 364.03, 364.285, 364.337,

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364.345 FS.

History--New 01-05-87, Amended.

25-24.572 Cancellation of a Certificate.

(1) The Commission has the authority to ~~may~~ cancel a company's certificate for any of the following reasons:

(a) Violation of the terms and conditions under which the authority was originally granted;

(b) Violation of Commission rules or orders; or

(c) Violation of Florida Statutes

(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 following information:-~~

(a) Payment of all delinquent regulatory assessment fees, penalties and interest. Fees due for the period during which the certificate is canceled shall be paid in accordance with Rule 25-4.0161. Statement of intent and date to pay Regulatory Assessment Fee.

(b) Its current mailing address.

~~(b) Statement of why the certificate is proposed to be canceled.~~

(c) Proof of individual customer notice regarding discontinuance of service.

(d) Statement on treatment of customer deposits and final bills.

(3) The request for cancellation shall be filed with the Commission's Division of Records and Reporting.

(4) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

(5) The effective date of the cancellation will be the later of the date requested, the date the request is postmarked, or the date received by the Commission if the request is hand delivered.

Specific Authority: 350.127(2) FS.

Law Implemented: 350.113, 350.127(1), 364.285, 364.339, 364.345 FS.

History--New 01-28-91, Amended 07-29-97,_____.

25-24.735 Cancellation of a Certificate.

(1) The Commission has the authority to ~~may~~ cancel an Alternative Access Vendor (AAV) service provider's certificate for any of the following reasons:

(a) violation of the terms and conditions under which the authority was originally granted;

(b) violation of Commission rules or orders;

(c) violation of Florida statutes; or

(d) failure to provide service for a period of 6 months.

(2) If a certificated AAV service provider seeks to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following ~~information~~ with its request:

(a) Payment of all delinquent regulatory assessment fees, penalties and interest. Fees due for the period during which the certificate ~~the date the final Regulatory Assessment Fee was paid,~~

is canceled shall be paid in accordance with Rule 25-4.0161.

(b) Its current mailing address.

~~(b) a statement of the reasons for cancellation;~~

(c) A statement on the treatment of customer deposits and final bills; and

(d) A representative copy of a customer notice regarding discontinuance of service.

(3) The request for cancellation shall be filed with the Commission's Division of Records and Reporting.

(4) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

(5) The effective date of the cancellation will be the later of the date requested, the date the request is postmarked, or the date received by the Commission if the request is hand delivered.

Specific Authority: 350.127(2) FS.

Law Implemented: 350.113, 350.127(1), 364.285, 364.337,
364.345 FS.

History--New 01/08/95, Amended _____.

25-24.820 Revocation of a Certificate.

(1)The Commission has the authority ~~may~~ on its own motion, after notice and opportunity for hearing, to 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) Payment of all delinquent regulatory assessment fees, penalties and interest. Fees due for the period during which the certificate is canceled shall be paid in accordance with Rule 25-4.0161. ~~A statement of intent and date certain to pay regulatory assessment fee.~~

(b) Its current mailing address.

~~(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.

(3) The request for cancellation shall be filed with the Commission's Division of Records and Reporting.

(4) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

(5) The effective date of the cancellation will be the later of the date requested, the date the request is postmarked, or the date received by the Commission if the request is hand delivered.

Specific Authority: 350.127(2) FS.

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Law Implemented: 364.335, 364.345 FS.

History--New 12/26/95, Amended.