

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
Interexchange Telecommunications  
Certificate No. 4001 issued to  
NeTel, Inc. d/b/a Tel3 for  
violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment  
Fees; Telecommunications  
Companies.

DOCKET NO. 991530-TI  
ORDER NO. PSC-00-1204-FOF-TI  
ISSUED: July 3, 2000

The following Commissioners participated in the disposition of  
this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.  
LILA A. JABER

ORDER REJECTING SETTLEMENT OFFER AND RENDERING ORDER NO. PSC-99-  
2441-PAA-TI FINAL

On November 30, 1999, we approved staff's recommendation to  
cancel the interexchange certificate of Netel, Inc. d/b/a Tel3  
(Tel3) for failure to pay RAFs unless Tel3 paid the overdue RAFs  
plus a \$500 fine within a stated time frame. RAFS from 1996 and  
1998 were late. After the recommendation was approved but before  
the associated order was issued, Tel3 paid a portion of the late  
RAFs and indicated in writing that it wanted to settle. On  
December 14, 1999, when the order was issued (Order No. PSC-99-  
2441-PAA-TI), staff was negotiating a settlement with Tel3. Tel3  
did not file an official response to the Commission's Order as  
required by Rule 28-106.201, Florida Administrative Code, and did  
not request a hearing. The order was never consummated so that the  
docket could be left open while negotiations were ongoing. By  
March 24, 2000, Tel3 had completely paid the 1996 and 1998 RAFs and  
associated statutory penalties and interest, and a settlement  
agreement had been reached.

DOCUMENT NUMBER-DATE

08093 JUL-38

FPSC-RECORDS/REPORTING

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In its settlement agreement, Tel3 proposed to pay 1999 RAFs, which were late by this time, statutory penalty and interest charges on April 10, 2000, a \$100 fine, and a proposal to pay future RAFs on time. This docket was left open to receive the RAF payment and fine. The 1999 RAFs remain unpaid as of May 23, 2000, despite repeated calls to the company.

Given that Tel3 has already violated its proposed settlement agreement, we find that proposed settlement shall be denied. Order No. PSC-99-2441-PAA-TI proposing to cancel NeTel, Inc. d/b/a Tel3's IXC certificate and imposing a \$500 fine shall be rendered a Final Order. If the company fails to pay in full the required 1999 regulatory assessment fee, including statutory penalty and interest charges, and the \$500 fine within five business days of the issuance of this Order, Tel3's Certificate No. 4001 shall be canceled in accordance with Order No. PSC-99-2441-PAA-TI. If the fine is paid, it will be remitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the settlement offer proposed by Netel Inc. d/b/a Tel3 is rejected. It is further

ORDERED that Order No. PSC-99-2441-PAA-TI is rendered final by this order. It is further

ORDERED that Netel Inc. d/b/a Tel3 must pay past due regulatory assessment fees for 1999 plus statutory penalty and interest charges to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes and Rule 4.0161, and the \$500 fine, as required in Order No. PSC-99-2441-PAA-TI, within five business days after the issuance of this Order. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that this docket shall be closed five days from the issuance of this order.

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By ORDER of the Florida Public Service Commission this 3rd day  
of July, 2000.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

MKS

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.