

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
ALEC Certificate No. 7922 issued
to NTERA, Inc. for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 020634-TX
ORDER NO. PSC-02-1701-AS-TX
ISSUED: December 5, 2002

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

NTERA, Inc. (NTERA) currently holds Certificate of Public
Convenience and Necessity No. 7922, issued by the Commission on
October 19, 2001, authorizing the provision of alternative local
exchange telecommunications service. On December 12, 2001, NTERA
was mailed the 2001 Regulatory Assessment Fee (RAF) Return Notice
and payment was due by January 30, 2002. On February 21, 2002, the
Office of the General Counsel mailed a delinquent notice, via
certified mail, for the 2001 RAF.

Rule 25-4.0161, Florida Administrative Code, incorporated by
Rule 25-24.835, Florida Administrative Code, which implements
Section 364.336, Florida Statutes, requires the payment of
Regulatory Assessment Fees by January 30 of the subsequent year for
telecommunications companies, and provides for penalties and
interest as outlined in Section 350.113, Florida Statutes, for any
delinquent amounts.

DOCUMENT NUMBER-DATE

13299 DEC-58

FPSC-COMMISSION CLERK

ORDER NO. PSC-02-1701-AS-TX
DOCKET NO. 020634-TX
PAGE 2

After this docket was established, NTERA contacted the Commission and subsequently paid the past due amount, including statutory penalty and interest charges, and proposed settlement. NTERA offered to pay a \$100 contribution and proposed to pay future RAFs on a timely basis. This settlement amount is consistent with amounts accepted for recent, similar violations. Pursuant to Section 364.336, Florida Statutes, cancellation of an entity's certificate does not relieve the obligation to pay Regulatory Assessment Fees, including statutory penalty and interest charges, if the certificate was active during any portion of the calendar year, including the year of cancellation.

Accordingly, we hereby accept the settlement offer. NTERA must comply with these requirements within 14 days from the date of issuance of this Order. The contribution should be identified with the docket number and the company name. Upon timely receipt, the contribution will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If NTERA fails to pay in accordance with the terms of the Commission Order, that company's respective certificate should be cancelled administratively. Upon remittance of the \$100 contribution or cancellation of the certificate, this docket shall be closed. If NTERA's certificate is canceled in accordance with this Order, NTERA shall immediately cease and desist providing alternative local exchange carrier services in Florida.

We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.337, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that NTERA, Inc.'s settlement proposal set forth in the body of this Order is hereby approved. It is further

ORDER that the settlement amount must be received within 14 days of the issuance of this Order. It is further

ORDERED that this docket shall remain open pending timely receipt of the \$100 contribution. The contribution will be

ORDER NO. PSC-02-1701-AS-TX
DOCKET NO. 020634-TX
PAGE 3

transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that if NTERA, Inc. fails to comply with this Order, its certificate will be canceled administratively. It is further

ORDERED that if NTERA, Inc.'s certificate is canceled in accordance with this Order, NTERA, Inc. shall immediately cease and desist providing alternative local exchange telecommunications services in Florida. It is further

ORDERED that upon receipt of the \$100 contribution or cancellation of the certificate this docket shall be closed.

By ORDER of the Florida Public Service Commission this 5th day of December, 2002.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

AJT

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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and Administrative Services 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.