

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 5717 issued to Public Telephone Network, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480(2)(a) and (b), F.A.C., Records & Reports; Rules Incorporated.

DOCKET NO. 991849-TI
ORDER NO. PSC-00-0849-AS-TI
ISSUED: April 28, 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 APPROVING SETTLEMENT

BY THE COMMISSION:

Public Telephone Network, Inc. (Public Telephone Network) obtained Certificate No. 5717 on November 3, 1998, to provide Interexchange Telecommunications service. Public Telephone Network had not paid the 1998 Regulatory Assessment Fees (RAFs). Also, accrued statutory penalties and interest charges for late RAFs payments for the year 1998 had not been paid. RAFs are required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code.

All entities that apply for certification receive a copy of our rules governing Interexchange Telecommunications service. All applicants must attest that these rules have been received and understood by the applicant and an affidavit must be attached to the application in order for the application to be processed.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAF of \$50 if the certificate was active during any portion of the calendar year. The RAFs form was

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-00-0849-AS-TI
DOCKET NO. 991849-TI
PAGE 2

mailed to Public Telephone Network for the period of January 1, 1998, through December 31, 1998 on December 10, 1998. 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. However, pursuant to Section 350.113(4), Florida Statutes, the Commission shall provide at least a 45 days notice of the date the payment is due prior to the due date. Public Telephone Network was scheduled to remit its RAFs by February 1, 1999. As of March 17, 1999, Public Telephone Network had not paid the required fees.

Further, the Commission's correspondence regarding the RAFs was returned by the United States Postal Service. The return of these materials indicated that Public Telephone Network may have violated Rule 25-24.480, Florida Administrative Code, which requires the reporting to the Commission of an address change and/or a change in the name, title, or telephone number of the individual responsible for Commission contacts, within ten (10) days of its effectiveness.

After the docket was opened, but prior to our staff filing a recommendation, Public Telephone Network, paid the 1998 and 1999 past due amounts in full, including statutory penalties and interest charges, offered to contribute \$200 to the State General Revenue Fund, proposed to pay future RAFs on a timely basis, and proposed to notify this Commission within 10 days of a change of address and telephone number.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. Public Telephone Network must comply with these requirements within ten business days from the date this Order becomes final. 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 Public Telephone Network fails to comply with this Order, its certificate will be canceled administratively. Upon remittance of the \$200 contribution or cancellation of the certificate, this docket shall be closed.

ORDER NO. PSC-00-0849-AS-TI
DOCKET NO. 991849-TI
PAGE 3

Based on the foregoing, it is

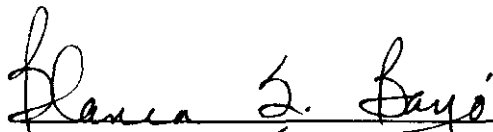
ORDERED by the Florida Public Service Commission that Public Telephone Network, Inc.'s settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDERED that this docket shall remain open pending receipt of the \$200 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

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

ORDERED that upon receipt of the \$200 contribution or cancellation of the certificate this docket shall be closed.

By ORDER of the Florida Public Service Commission this 28th day of April, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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ORDER NO. PSC-00-0849-AS-TI
DOCKET NO. 991849-TI
PAGE 4

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.