

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of Pay
Telephone Certificate No. 5598
issued to Intelcom, Inc. for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 991256-TC
ORDER NO. PSC-00-1206-FOF-TC
ISSUED: July 5, 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 RENDERING ORDER NO. PSC-99-2387-PAA-TC
FINAL AND CLOSING DOCKET

BY THE COMMISSION:

Intelcom, Inc. (Intelcom) currently holds Certificate of
Public Convenience and Necessity No. 5598, issued by the Commission
on March 21, 1998, authorizing the provision of Pay Telephone
service (PATS).

The Division of Administration advised our staff by memorandum
that Intelcom had not paid the Regulatory Assessment Fees (RAFs)
required by Section 364.336, Florida Statutes, and Rule 25-4.0161,
Florida Administrative Code, for the year 1998. Also, accrued
statutory penalties and interest charges for late RAFs payments for
the year 1998 had not been paid. 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. 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 PATS 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.

DOCUMENT NUMBER-DATE

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Pursuant to Section 350.113(4), Florida Statutes, the RAFs 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. Intelcom has been given adequate opportunity to pay.

Therefore, by Order No. PSC-99-2387-PAA-TC issued on December 7, 1999, we imposed a \$500 fine and required Intelcom to provide the information required by Rule 25-24.520, Florida Administrative Code. Failure to comply or protest the Order would result in the cancellation of its certificate. Intelcom was required to respond to the Order by December 28, 1999. On December 28, 1999, the Commission received a letter from Intelcom, which advised it would pay the past due amount, would propose a settlement, and had taken steps to prevent future late payments of the RAFs. Therefore, Order No. PSC-99-2387-PAA-TC was not consummated and the docket was left open to receive the RAF payment and settlement offer.

On January 24, 2000, our staff faxed Intelcom a note and reminded Intelcom, Inc. that the 1998 RAF had not been paid and that a settlement offer had not been received. Intelcom paid the minimum RAF fee for 1998 and 1999 on February 7, 2000. However, no settlement offer was forthcoming from Intelcom.

On March 16, 2000, our staff mailed Intelcom a certified letter and requested a response by April 3, 2000. In the letter, staff informed Intelcom that failure to respond would be considered by this Commission to be a withdrawal of the offer of settlement and the docket would be closed. On May 4, the USPS returned staff's March 16 letter stamped "unclaimed." The envelope indicates that the USPS attempted delivery on three separate occasions. As of the date of the vote, Intelcom has not followed through on its December 28, 1999 commitment that a settlement offer would be filed, nor have the past due penalty and interest charges for 1998 and 1999 been paid.

We note that Intelcom did not file a response to the Commission's Proposed Agency Action Order as required by Rule 28-106.201, Florida Administrative Code, as set forth in Rule 25-22.029(3), Florida Administrative Code, and did not request a hearing. Therefore, for the reasons described above, we find it appropriate to render Order No. PSC-99-2387-PAA-TC a Final Order. If Intelcom fails to pay in full the required fine within five business days of the issuance of this Order, Intelcom, Inc.'s Certificate No. 5598 shall be canceled in accordance with Order No.

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PSC-99-2387-PAA-TC. If the fine is paid, it shall be remitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. Whether or not Intelcom, Inc. pays the required fine, this docket shall be closed upon expiration of the five business days as no further action by the Commission is required.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-99-2387-PAA-TC is hereby rendered final and effective as of the date of issuance of this Order. It is further

ORDERED that Intelcom, Inc. must pay a \$500 fine, as required by Order No. PSC-99-2387-PAA-TC, within five business days of 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 should Intelcom, Inc. fail to comply with this Order, Intelcom, Inc.'s Certificate No. 5598 shall be canceled administratively, and this Docket shall be closed. It is further

ORDERED that this docket shall be closed five business days from the issuance date of this Order.

By ORDER of the Florida Public Service Commission this 5th 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)

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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.