

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Compliance investigation of IXC
Registration No. TJ610, issued to Xynergia,
Inc., for apparent third-time violation of
Section 364.336, F.S., and Rule 25-4.0161,
F.A.C., Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 090267-TI

In re: Compliance investigation of IXC
Registration No. TJ955, issued to D.G.A.
Telecom, Inc., for apparent third-time violation
of Section 364.336, F.S., and Rule 25-4.0161,
F.A.C., Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 090276-TI

In re: Compliance investigation of IXC
Registration No. TJ981, issued to INVOIP
LLC, for apparent third-time violation of
Section 364.336, F.S., and Rule 25-4.0161,
F.A.C., Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 090277-TI
ORDER NO. PSC-09-0366-PAA-TI
ISSUED: May 27, 2009

NOTICE OF PROPOSED AGENCY ACTION ORDER IMPOSING PENALTIES AND
COLLECTION COSTS, AND REQUIRING PAYMENT OF DELINQUENT REGULATORY
ASSESSMENT FEES, OR CANCELING INTRASTATE INTEREXCHANGE
TELECOMMUNICATIONS TARIFF AND REGISTRATION FOR VIOLATION OF
SECTION 364.336, FLORIDA STATUTES, AND RULE 25-4.0161, FLORIDA
ADMINISTRATIVE CODE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Pursuant to Rule 25-4.0161(10), Florida Administrative Code, telecommunications companies that fail to pay the Regulatory Assessment Fee, including any statutory late payment charges, within 15 days after receiving a delinquent notice, shall be automatically penalized \$500 for a first offense, \$1,000 for a second offense, and \$2,000 for a third offense. The penalty amounts include collection costs. If an entity fails to pay the Regulatory Assessment Fee in full, including any statutory late payment charges, along with the penalty amount, that entity's

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intrastate interexchange telecommunications carrier (IXC) tariff and registration shall be cancelled.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee 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. Pursuant to Section 350.113(4), Florida Statutes, the Regulatory Assessment Fee return forms, for the period of January 1 through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due.

The Division of Administrative Services advised that the entities listed below failed to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. In addition, each entity listed below has had two prior dockets for the same rule violation in which each entity proposed a settlement or paid the penalty imposed to resolve its respective dockets. The entities listed below have not paid the fee.

ENTITY'S NAME	CO. CODE	DOCKET NO.
Xynergia, Inc.	TJ610	090267-TI
D.G.A. Telecom, Inc.	TJ955	090276-TI
INVOIP LLC	TJ981	090277-TI

Accordingly, we hereby find it appropriate to cancel each entity's IXC tariff and registration for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless each entity pays a penalty and cost of collection, together totaling \$2,000, and remits any past due Regulatory Assessment Fees, along with any accrued statutory late payment charges, to the Florida Public Service Commission.

If this Order is not protested, each entity's respective IXC tariff and registration shall be cancelled. If an entity pays the penalty and cost of collection, together totaling \$2,000, and remits any past due Regulatory Assessment Fees, along with any accrued statutory late payment charges, prior to the expiration of the Proposed Agency Action Order, then that entity's respective IXC tariff and registration will remain active. If an entity fails to protest the Order or pay the penalty and cost of collection, together totaling \$2,000, and fails to remit any past due Regulatory Assessment Fees, along with any accrued statutory late payment charges, prior to the expiration of the Proposed Agency Action Order, then that entity's respective IXC tariff and registration shall be cancelled administratively, and the collection of any past due Regulatory Assessment Fees shall be referred to the Florida Department of Financial Services for further collection efforts. If an entity's IXC tariff and registration are cancelled in accordance with this Commission's Order, that company shall immediately cease and desist providing intrastate