

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
Alternative Local Exchange  
Telecommunications Certificate  
No. 7237 issued to Florida Phone  
Service, Inc. for violation of  
Rule 25-4.0161, F.A.C.,  
Regulatory Assessment Fees;  
Telecommunications Companies.

DOCKET NO. 001492-TX  
ORDER NO. PSC-01-0643-PAA-TX  
ISSUED: March 15, 2001

The following Commissioners participated in the disposition of  
this matter:

E. LEON JACOBS, JR., Chairman  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI

NOTICE OF PROPOSED AGENCY ACTION  
ORDER IMPOSING FINE AND REQUIRING PAYMENT OF DELINQUENT  
REGULATORY ASSESSMENT FEES, OR CANCELING ALTERNATIVE LOCAL  
EXCHANGE TELECOMMUNICATIONS CERTIFICATE

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.

Florida Phone Service, Inc. (Florida Phone Service) currently  
holds Certificate of Public Convenience and Necessity No. 7237,  
issued by the Commission on December 2, 1999, authorizing the  
provision of Alternative Local Exchange Telecommunications services  
(ALEC). The Division of Administration advised our staff by  
memorandum that Florida Phone Service had not paid the Regulatory

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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Assessment Fees (RAFTs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the years 1999. Also, accrued statutory penalties and interest charges for late RAFTs payments for the years 1999 had not been paid.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAFTs 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 ALEC service.

Pursuant to Section 350.113(4), Florida Statutes, the RAFTs 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 Florida Phone Service's president, Mr. Aous Uweyda, contacted our staff and requested that his options be sent to him, along with the 1999 RAFTs return. This information was faxed to him on January 11, 2001. On January 26, 2001, the Commission received the Florida Phone Service's payment for the 1999 RAFT, including statutory penalty and interest charges, however, the company did not include a settlement proposal or request for cancellation of its certificate. In addition, the 2000 RAFT is now past due and the Commission has not received the company's payment for the 2000 fee.

For the reason described above, pursuant to Rule 25-24.820(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Florida Phone Service's certificate for failure to pay RAFTs pursuant to Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless Florida Phone Service pays a \$500 fine and remits all past due RAFTs, along with accrued statutory penalties and interest charges, to the Florida Public Service Commission. Florida Phone Service must comply with these requirements within five business days after the date of issuance of the Consummating Order. The payment should be identified with the docket number and the Florida Phone Service, Inc.. The fine will be remitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285 (1), Florida Statutes.

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When the appropriate fees, statutory penalties, interest charges, and fine are received, this Docket shall be closed. Should Florida Phone Service fail to comply with this Order within five business days after the date of issuance of the Consummating Order, Florida Phone Service shall have its certificate canceled, effective on the date of issuance of the Consummating Order, the collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts, and the Docket shall be closed. The cancellation of the certificate and the closing of the Docket in no way diminishes Florida Phone Service's obligation to pay applicable delinquent RAFs, and accrued statutory penalties and interest charges. The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.337, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Florida Phone Service, Inc. must pay the past due Regulatory Assessment Fees, statutory penalties, interest charges, and a \$500 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within five business days after the date of issuance of the Consummating Order. The fine will be transmitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that pursuant to Rule 25-24.820(1)(b), Florida Administrative Code, should Florida Phone Service, Inc. fail to comply with this Order, Florida Phone Service, Inc.'s Certificate No. 7237 shall be canceled, effective on the date of issuance of the Consummating Order, the collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts, and the Docket shall be closed. It is further

ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes Florida Phone Service, Inc.'s obligation to pay applicable delinquent Regulatory Assessment Fees, and accrued statutory penalties and interest charges. It is further

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ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed upon payment of the fine, and fees, or upon cancellation of the certificate.

By ORDER of the Florida Public Service Commission this 15th day of March, 2001.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

KMP

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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

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Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 5, 2001.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.