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DIVISION OF COMPETITIVE SERVICES
WALTER D'HAESELEER
(850) 413-6600

Public Service Commission

August 23, 2001

Ms. Jacki Apostolakos, President
FAXlink, Inc.
1975 E. Sunrise Blvd., #630
Fort Lauderdale, FL 33304-1453

RE: Docket No. 010608-TC

Dear Ms. Apostolakos:

On April 26, 2001, this docket was established for nonpayment of the 2000 Regulatory Assessment Fee (RAF). I wrote you on May 14th and explained that this docket had been established and included a sheet providing the company with its options on how to resolve this docket. The options sheet explained that just paying the past due amount would not prevent the company's certificate from being cancelled. On May 18th, the Commission received the company's payment for the minimum RAF, but statutory penalty (\$10.00) and interest (\$2.00) charges were not included. This \$12.00 balance needs to be paid.

On May 23, 2001, I had a voice mail message from Jim Davis, which advised that he had mailed the check last week, wanted to keep the certificate active, and requested that I call him or you at 954-229-2055. I returned the call on May 24th, but was unsuccessful in reaching the company (received no answer).

Enclosed is the sheet explaining the company's options for resolving this docket. Therefore, unless the company responds within 15 days from the date of this letter, I will have no choice but to go forward with a recommendation to fine FAXlink \$500 for violation of Rule 25-4.0161, Florida Administrative Code.

If you wish to discuss this or have any questions, please let me know. If you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, and by internet e-mail at pisler@psc.state.fl.us.

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FPSC-COMMISSION CLERK

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Sincerely,

A handwritten signature in cursive script that reads "Paula J. Isler".

Paula J. Isler, Research Assistant
Bureau of Service Quality

cc: Docket No. 010608-TC
Division of Legal Services (K. Peña)

OPTIONS

CANCELLATION OF THE CERTIFICATE

- **Voluntary Cancellation** - In order to be granted a voluntary cancellation, the company must: 1) write a letter requesting cancellation of the certificate and explain why (such as no longer in the payphone business); 2) pay all past due charges in full; and 3) pay the 2001 Regulatory Assessment Fee (RAF) or provide a date certain that it will be paid (such as 30 days from the date of the Commission Order cancelling the certificate).
- **Involuntary Cancellation** - If the company does nothing to resolve this docket, the certificate will be cancelled on the Commission's own motion. All outstanding RAFs, including penalty and interest charges, will be turned over to the Comptroller's Office for collection. In addition, Rule 25-24.511(5), F.A.C., states that "Only one certificate per applicant will be granted. A new certificate will not be granted to any applicant who has previously had a certificate involuntarily cancelled." This means that if the company chooses this option, it could not reapply for a new certificate at a later date.

TO KEEP THE CERTIFICATE ACTIVE

- Pay the past due RAF amount in full, including statutory penalty and interest charges, plus the fine imposed, after the Order is issued and the certificate will remain active. Just paying the past due amount will not prevent your certificate from being cancelled.
- Propose a settlement - All settlements should include the following elements:
 - 1) Docket number;
 - 2) A check for the past due amount in full. It should be noted that just paying the past due amount will not prevent your certificate from being cancelled;
 - 3) A statement that the company has taken steps to prevent future late payments of the regulatory assessment fees and what those steps are;
 - 4) A waiver of objection, which should state: The company agrees to waive any objection to the administrative cancellation of its certificate should it fail to pay in accordance with its settlement offer. If, however, there is a factual dispute as to the manner or level of compliance with any provision in the settlement, Commission staff will bring the matter to the Commission for consideration; and
 - 5) Make a specific monetary settlement. There is normally a \$500 fine for this rule violation. However, the Commission has accepted amounts less than the fine amount in other similar cases.

Any settlement offer/correspondence should be addressed to Ms. Blanca Bayó, Director, Division of the Commission Clerk & Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. The proposed settlement amount should **not** be paid at this time, instead only the past due regulatory assessment fee, plus penalty and interest charges should be paid. The settlement amount, if approved by the Commission, must be paid within 10 business days after the Commission Order is issued.