

LAW OFFICES
Messer, Caparello & Self
A Professional Association

Post Office Box 1876
Tallahassee, Florida 32302-1876
Internet: www.lawfla.com

ORIGINAL

November 7, 2002

RECEIVED - FPSC
02 NOV - 7 PM 3:10
COMMISSION
CLERK

BY HAND DELIVERY

Ms. Blanca Bayó, Director
The Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 020729-TI

Dear Ms. Bayó:

Enclosed for filing in the captioned docket is the original and fifteen copies of Eureka's Protest of the Proposed Agency Action or Offer of Settlement of Proposed Agency Action.

Also enclosed is the Regulatory Assessment Fee Return for 2001 together with a check in the amount of \$67.50.

Please acknowledge receipt of this letter by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing. If you have any questions, please do not hesitate to contact me.

Sincerely yours,


Norman H. Horton, Jr.

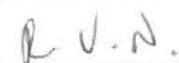
NHH/amb
Enclosure

cc: Charles Kallenbach, Esq.
Ms. Paula Isler
Linda Dodson, Esq.

AUS
CAF
CMP
COM
CTR
ECR
GCL
OPC
MMS
SEC
OTH

11/13/02

DOCUMENT NUMBER - DATE
1226 | NOV - 7 02
FPSC - COMMISSION CLERK

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service)
Commission of IXC Certificate No. 7654)
issued to Eureka Telecom, L.L.C. for)
violation of Rule 25-4.0161, F.A.C.,)
Regulatory Assessment Fees;)
Telecommunications Companies.)
_____)

Docket No.: 020729-TI
Filed: November 7, 2002

PROTEST/OFFER OF SETTLEMENT OF PROPOSED AGENCY ACTION

COMES NOW, Eureka Telecom, L.L.C. (“Eureka”) through its undersigned counsel and submits the Protest to the Proposed Agency Action or in the alternative, an Offer of Settlement and as basis would show:

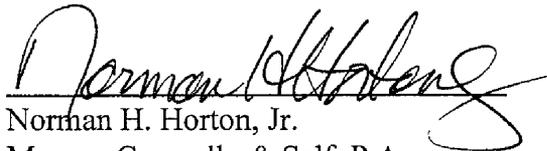
1. Eureka Telecom, L.L.C. holds Certificate No. 7654, authorizing the provision of interexchange services within the state of Florida. On October 21, 2002, the Commission issued its Notice of Proposed Agency Action Order (“PAA”) No. PSC-02-1443-PAA-TI expressing its intent to impose a penalty on Eureka, and several other carriers, for failing to pay the Regulatory Assessment Fee (“RAF”) for 2001.

2. As permitted by Rule 25-22.029 and Order No. PSC-02-1443-PAA, Eureka would request a hearing on the PAA and the action proposed to be taken by the Commission. Alternatively, Eureka offers to pay the outstanding RAF for 2001 plus penalty and interest and a fine of \$100.00 to be paid to the PSC for deposit in the General Revenue Fund. The RAF and return form are being submitted to the PSC with this Protest/Offer of Settlement and the fine, if accepted, will be forwarded within 14 days of acceptance of the amount.

3. Eureka did not receive any revenue from IXC customers during 2001 and does not now have any intrastate revenues. However, Eureka wants to keep its certificate active and submits this Protest/Offer of Settlement as an equitable resolution of the PAA. Eureka has also reviewed its internal procedures and implemented revisions to insure that responses and filings are timely in the future.

4. Eureka requests that the Commission act favorably on this offer and accept it.

Respectfully submitted



Norman H. Horton, Jr.
Messer, Caparello & Self, P.A.
215 S. Monroe Street, Suite 701
P.O. Box 1876
Tallahassee, FL 32302-1876
(850) 222-0720

Attorneys for Eureka Telecom, L.L.C.