

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
Alternative Access Vendor  
Certificate No. 4035 issued to  
Paramount Wireless  
Communications Corporation of  
Florida for violation of Rule  
25-4.0161, F.A.C., Regulatory  
Assessment Fees.

DOCKET NO. 971252-TA  
ORDER NO. PSC-97-1428-FOF-TA  
ISSUED: November 14, 1997

The following Commissioners participated in the disposition of  
this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
DIANE K. KIESLING  
JOE GARCIA

NOTICE OF PROPOSED AGENCY ACTION ORDER IMPOSING  
FINE OR CANCELING ALTERNATIVE ACCESS VENDOR CERTIFICATE  
AND DIRECTING CERTIFICATED LOCAL EXCHANGE  
COMPANIES TO DISCONTINUE SERVICE

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.

Paramount Wireless Communications Corporation of Florida  
(Paramount) currently holds Certificate of Public Convenience and  
Necessity Number 4035, issued by the Commission on June 13, 1995,  
authorizing the provision of alternative access vendor (AAV)  
service. This docket was opened to cancel Paramount Wireless  
Communications Corporation of Florida's certificate, unless  
Paramount paid its delinquent 1996 regulatory assessment fee, which  
was due by January 30, 1997, along with statutory penalties, and a  
\$500 fine for failure to comply with Section 364.336, Florida  
Statutes, and Rule 25-4.0161, Florida Administrative Code. On  
October 16, 1997, Paramount paid its 1996 regulatory assessment

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fee, along with the statutory penalties and interest charges. We find it appropriate, nevertheless, to levy the fine in the amount of \$500.

Pursuant to Rule 25-24.735(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Paramount's certificate, unless Paramount pays the fine in the amount of \$500 for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, to the Florida Public Service Commission. Paramount must comply with this requirement within five business days from the date this Order becomes final. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.516, Florida Statutes.

When the fine is received, this docket shall be closed. Should Paramount fail to comply with this Order within five business days from the date this Order becomes final, Paramount shall have its certificate canceled and the docket will be closed.

Should Paramount's certificate be canceled, all certificated local exchange companies are instructed to discontinue service to Paramount, pursuant to Rule 25-24.510, Florida Administrative Code, Certificate of Public Convenience and Necessity Required. Any certificated local exchange company providing service to Paramount must contact the Commission at the conclusion of the response period indicated herein in order to determine if Paramount's certificate has been canceled.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Paramount Wireless Communications Corporation of Florida shall pay 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 from the date this Order becomes final. The fine shall be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should Paramount Wireless Communications Corporation of Florida fail to comply with this Order, Paramount Wireless Communications Corporation of Florida's certificate shall be canceled, and the docket shall be closed. It is further

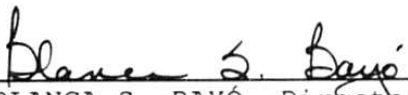
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ORDERED that all certificated local exchange companies shall discontinue service to Paramount Wireless Communications Corporation of Florida upon verification of the cancellation of the certificate at the conclusion of the response period set forth in this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, 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 or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed upon payment of the fine.

By ORDER of the Florida Public Service Commission, this 14th day of November, 1997.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( 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.

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 and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), 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 December 5, 1997.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water 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.

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This filing must be completed within thirty (30) days of the effective date 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.