

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
ALEC Certificate No. 5276 issued
to TOTALink of Florida, LLC for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 020568-TX

In re: Cancellation by Florida
Public Service Commission of
ALEC Certificate No. 7668 issued
to Evolution Networks South,
Inc. for violation of Rule 25-
4.0161, F.A.C., Regulatory
Assessment Fees;
Telecommunications Companies.

DOCKET NO. 020602-TX
ORDER NO. PSC-02-1699-PAA-TX
ISSUED: December 5, 2002

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING VOLUNTARY CANCELLATION OF
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.

DOCUMENT NUMBER-DATE

13297 DEC-5 2002

FPSC-021699-PAA-TX CLERK

Rule 25-4.0161, Florida Administrative Code, incorporated by Rule 25-24.835, Florida Administrative Code, which implements Section 364.336, Florida Statutes, requires the payment of Regulatory Assessment Fees by January 30 of the subsequent year for telecommunications companies, and provides for penalties and interest as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

Rule 25-24.820(2)(a), (b), (c), and (d), Florida Administrative Code, states:

- (2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request. Cancellation of a certificate shall be ordered subject to the holder providing the required information.
 - (a) A statement of intent and date certain to pay Regulatory Assessment Fee.
 - (b) A statement of why the certificate is proposed to be cancelled.
 - (c) A statement as to how customer deposits and final bills will be handled.
 - (d) Proof of individual customer notice regarding discontinuance of service.

The Division of the Commission Clerk & Administrative Services notified our staff that the companies had not submitted the 2001 Regulatory Assessment Fees, along with statutory penalty and interest charges. Therefore, the companies had failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.835, Florida Administrative Code.

After the dockets were established, the companies, as listed on Attachment A, paid the past due amount, paid the 2002 Regulatory Assessment Fee, and requested voluntary cancellation of their respective certificates in compliance with Rule 25-24.820(2)(a), (b), (c), and (d), Florida Administrative Code, since the companies listed on Attachment A no longer provide or had never begun providing alternative local exchange carrier services in Florida. Pursuant to Section 364.336, Florida Statutes, cancellation of an

entity's certificate does not relieve the obligation to pay Regulatory Assessment Fees, including statutory penalty and interest charges, if the certificate was active during any portion of the calendar year, including the year of cancellation.

Accordingly, we find it appropriate to grant each company a voluntary cancellation of its telecommunications certificate with an effective date as listed on Attachment A. If a company's certificate is cancelled in accordance with this Order, that company as listed on Attachment A shall immediately cease and desist providing alternative local exchange carrier services in Florida.

We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.37, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Alternative Local Exchange Telecommunications certificates listed on Attachment A are hereby canceled, effective on the dates as listed. It is further

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 the Commission Clerk and Administrative Services, 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.

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By ORDER of the Florida Public Service Commission this 5th day
of December, 2002.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

AJT

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.

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.

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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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 26, 2002.

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/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

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ATTACHMENT A

<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES & PERIOD COVERED</u>	<u>CERT. NO.</u>	<u>Effective Date of Cancellation</u>
020568-TX	TOTALink of Florida, LLC \$0 Revenues for Period Ended 12/31/01 and 12/31/02	5276	07/31/02
020602-TX	Evolution Networks South, Inc. \$0 Revenues for Period Ended 12/31/01 and 12/31/02	7668	10/23/02