

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of IXC
Certificate No. 7979 issued to
TalkNow, Inc. for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 021162-TI
ORDER NO. PSC-03-0502-PAA-TI
ISSUED: April 17, 2003

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING VOLUNTARY CANCELLATION OF
INTEREXCHANGE 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.

TalkNow, Inc. (TalkNow) currently holds Certificate of Public Convenience and Necessity No. 7979, issued by the Commission on December 11, 2001, authorizing the provision of Interexchange Telecommunications service. The Division of the Commission Clerk and Administrative Services advised our staff that TalkNow had not paid the Regulatory Assessment Fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 2001. Also, accrued statutory penalties and interest charges for late RAFs payments for the year

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2001 had not been paid. TalkNow was scheduled to remit its RAFs by December 31, 2001.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAF 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. Pursuant to Section 350.113(4), Florida Statutes, the RAFs 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. All entities that apply for certification receive a copy of our rules governing Interexchange Telecommunications service.

On August 27, 2002 our staff mailed the 2001 Regulatory Assessment Fee (RAF) notice, along with a letter, requesting payment by September 17, 2002. On October 22, 2002, our staff called the company and spoke with Ms. Desiree Neal, who stated she did not receive our letter dated August 27, 2002, and asked that it be faxed to her. The letter and the 2001 RAF notice were faxed the same date. Our staff received a voice mail message from the company on October 22, 2002, advising that the company had been sold back to its original owner. On October 24, 2002, our staff faxed the company a note, which advised that TalkNow, Inc. is responsible for the RAF and either needs to request cancellation of its certificate or request transfer of the certificate by completing an application. Staff requested a response by November 12, 2002. No response was received, by November 15, 2002, therefore, this docket was established.

On December 5, 2002, our staff filed its recommendation to assess a \$500 penalty or cancel the company's certificate for nonpayment of the 2001 RAF. On December 13, 2002, we received payment of the company's 2001 RAF, including statutory penalty and interest charges, a statement that the 2002 RAF would be paid by the due date of January 30, 2003, along with a letter requesting cancellation of its certificate. The company reported no revenues for the period ended December 31, 2001.

At the December 17, 2002, Agenda Conference, the Commission voted to assess a \$500 penalty or cancel the company's certificate.

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On January 3, 2003, our staff wrote us a memo explaining that a Proposed Agency Action Order would not be issued since payment of the 2001 RAF and the request for cancellation of the company's certificate was received prior to the Commission vote. However, this docket was deferred from the February 4, 2003, Agenda Conference because the 2002 RAF had not been received by January 30, 2003.

As of this date, there are no outstanding complaints against this company. In addition, we received the company's payment for the 2002 RAF. The company reported no revenues for the period ended December 31, 2002.

Accordingly, we find it appropriate to cancel Interexchange Telecommunications Certificate No. 7979, effective December 13, 2002. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.335, Florida Statutes.

Based on the foregoing, it is

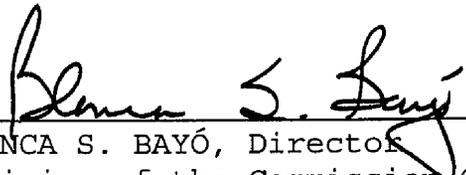
ORDERED by the Florida Public Service Commission that TalkNow, Inc.'s Certificate No. 7979 to provide Interexchange Telecommunications services is hereby canceled, effective December 13, 2002. It is further

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 17th
Day of April, 2003.



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

(S E A L)

LHD

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.

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,

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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 May 8, 2003.

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.