

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Cancellation of tariff and removal from register by Florida Public Service Commission of IXC Registration No. TJ658 issued to Communitel International, LLC for violation of Section 364.336, Florida Statutes.

DOCKET NO. 030821-TI
ORDER NO. PSC-04-0272-PAA-TI
ISSUED: March 10, 2004

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING VOLUNTARY CANCELLATION OF
INTEREXCHANGE TELECOMMUNICATIONS
TARIFF REMOVAL FROM THE REGISTER

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.

Communitel International, LLC (Communitel) currently holds Registration of Public Convenience and Necessity No. TJ658, issued by the Commission on June 27, 2002, authorizing the provision of Interexchange Telecommunications service. The Division of the Commission Clerk and Administrative Services advised our staff that Communitel 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(s) 2002. Also, accrued statutory penalties and interest charges for late RAFs payments for the year(s) 2002 had not been paid. Communitel was scheduled to remit its RAFs by January 30, 2003.

Pursuant to Section 364.336, Florida Statutes, Registration holders must pay a minimum annual RAF of \$50 if the Registration 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

DOCUMENT NUMBER-DATE
03351 MAR 10 04
FPSC-COMMISSION CLERK

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.

The Division of the Commission Clerk & Administrative Services notified Commission staff that the company had not submitted the 2002 Regulatory Assessment Fees, along with statutory late payment charges. Therefore, it appeared the company had failed to comply with Section 364.336, Florida Statutes, and had not requested cancellation of its tariff or removal from the register in compliance with Section 364.02, Florida Statutes.

Our staff attempted to collect the RAFs prior to establishing a docket, but without success. After the docket was established but prior to a recommendation being filed, the company paid the past due amount in full, including statutory late payment charges, paid the 2003 RAF, and requested removal from the register of its IXC Registration No. TJ658 and cancellation of its tariff.

Accordingly, we hereby grant Communitel International, LLC's a request for voluntary removal from the registry of IXC Registration No. TJ658 and cancel its tariff with an effective date of September 30, 2003. The company shall immediately cease and desist providing intrastate interexchange service in Florida. 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 Communitel International, LLC's Registration No. TJ658 to provide Interexchange Telecommunications services is hereby canceled, effective September 30, 2003. It is further

ORDERED that Communitel, Inc. shall immediately cease and desist providing Interexchange Telecommunications Service in Florida. 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.

ORDER NO. PSC-04-0272-PAA-TI
DOCKET NO. 030821-TI
PAGE 3

By ORDER of the Florida Public Service Commission this 10th day of March, 2004.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(SEAL)

VSM

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, 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 March 31, 2004.

ORDER NO. PSC-04-0272-PAA-TI
DOCKET NO. 030821-TI
PAGE 4

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.