

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Compliance investigation of CLEC
Certificate No. 8176, issued to Cypress
Communications Operating Company, LLC,
for apparent second-time violation of Rule 25-
4.0161, F.A.C., Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 120098-TX
ORDER NO. PSC-12-0521-PAA-TX
ISSUED: October 2, 2012

NOTICE OF PROPOSED AGENCY ACTION ORDER IMPOSING PENALTIES AND
COLLECTION COSTS, AND REQUIRING PAYMENT OF DELINQUENT REGULATORY
ASSESSMENT FEES, OR CANCELLING CERTIFICATES TO PROVIDE
TELECOMMUNICATIONS SERVICES FOR VIOLATION OF RULE 25-4.0161(12),
FLORIDA ADMINISTRATIVE CODE

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.

Pursuant to Rule 25-4.0161(12), Florida Administrative Code, telecommunications companies that fail to pay the Regulatory Assessment Fees, including statutory late payment charges, by the date stated in the delinquency notice, shall be automatically penalized \$500 for a first offense, \$1,000 for a second offense, and \$2,000 for a third offense. The penalty amounts include collection costs. If an entity fails to pay the Regulatory Assessment Fee in full, including statutory late payment charges, along with the penalty amount, that entity's certificate to provide telecommunications services in Florida shall be cancelled.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee if the certificate was active during any portion of the calendar year. Pursuant to Rule 25-4.0161(3), 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 Regulatory Assessment Fee return 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.

We are vested with jurisdiction over these matters pursuant to Sections 350.113, 364.285, 364.33, 364.335, and 364.336, Florida Statutes and Rule 25-4.0161, Florida Administrative Code.

DOCUMENT NUMBER-DATE

06627 OCT-2 2012

FPSC-COMMISSION CLERK

The Division of Administrative Services advised that the entity listed below failed to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code.

<u>ENTITY'S NAME</u>	<u>CO. CODE</u>	<u>DOCKET NO.</u>
Cypress Communications Operating Company, LLC	TX669	120098-TX

Accordingly, we hereby find it appropriate to cancel Cypress' certificate to provide telecommunications services in Florida for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless Cypress pays a penalty and cost of collection, together totaling \$1000, and remits the past due Regulatory Assessment Fees, along with any accrued statutory late payment charges, to the Florida Public Service Commission.

If this Order is not protested, Cypress' respective certificate to provide telecommunications services shall be cancelled. If Cypress pays the penalty and cost of collection, together totaling \$1000, and remits any past due Regulatory Assessment Fees, along with any accrued statutory late payment charges, prior to the expiration of this Proposed Agency Action Order, then its respective certificate will remain active.

If Cypress fails to protest this Order or pay the penalty and cost of collection, together totaling \$1000, and fails to remit any past due Regulatory Assessment Fees, along with any accrued statutory late payment charges, prior to the expiration of this Proposed Agency Action Order, then its certificate shall be cancelled administratively, and the collection of any past due Regulatory Assessment Fees shall be referred to the Florida Department of Financial Services for further collection efforts.

If Cypress' certificate to provide telecommunications services is cancelled in accordance with this Commission's Order, it shall immediately cease and desist providing telecommunications service in Florida. Cypress' docket shall be closed administratively either upon receipt of the payment of the penalty and cost of collection, together totaling \$1000, and any past due Regulatory Assessment Fees, along with any accrued statutory late payment charges, or upon cancellation of its certificate.

If Cypress' certificate is cancelled in accordance with this Order and it subsequently decides to reapply for a certificate to provide telecommunications services, Cypress shall be required to first pay the penalty and cost of collection, together totaling \$1000 and any outstanding fees, including accrued statutory late payment charges.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Cypress Communications Operating Company, LLC, shall pay a penalty and cost of collection, together totaling \$1000, and any past due Regulatory Assessment Fees, including any statutory late payment charges, to

the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, by the end of the protest period listed in this Order. It is further

ORDERED that the cost of collection will be subtracted from any monies collected as payments (full or partial) of the penalty and cost of collection, and will be deposited, along with the past due Regulatory Assessment Fees, in the Florida Public Service Commission Regulatory Trust Fund, pursuant to Section 350.113, Florida Statutes. The statutory late payment charges and any portion of the penalty exceeding the cost of collection will be remitted to the Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. It is further

ORDERED that if Cypress Communications Operating Company, LLC, fails to comply with this Order, its respective certificate shall be cancelled. It is further

ORDERED that the cancellation of any certificate in no way diminish Cypress Communications Operating Company, LLC's obligations to pay applicable delinquent Regulatory Assessment Fees, and any accrued statutory late payment charges. It is further

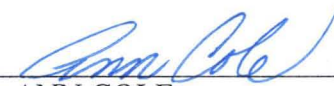
ORDERED that if Cypress Communications Operating Company, LLC, has its respective certificate cancelled, and subsequently decides to reapply for certification as a telecommunications company, Cypress Communications Operating Company, LLC, shall be first required to pay any outstanding penalties and cost of collection and fees, including accrued statutory late payment charges. Any unpaid Regulatory Assessment Fees, and accrued statutory late payment charges, shall be referred to the Florida Department of Financial Services for further collection efforts. It is further

ORDERED that if Cypress Communications Operating Company, LLC's certificate is cancelled in accordance with this Order, that entity shall immediately cease and desist providing competitive local exchange 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 Office of Commission Clerk, 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 administratively upon receipt of the imposed penalty and cost of collection, together totaling \$1000, and any Regulatory Assessment Fees, including statutory late payment charges or upon cancellation of Cypress Communications Operating Company, LLC, certificate to provide telecommunications services.

By ORDER of the Florida Public Service Commission this 2nd day of October, 2012.



ANN COLE
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

PER

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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 23, 2012.

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.