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Docket # 160117

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Advanced Communications Southeast, Inc.
P. O. Box 98
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Compliance investigation of local exchange Certificate No. 5315, issued to FLATEL, Inc., for apparent second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 160116-TX

In re: Compliance investigation of local exchange Certificate No. 8813, issued to Advanced Communications Southeast, Inc., for apparent second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 160117-TX

In re: Compliance investigation of local exchange Certificate No. 8854, issued to NET TALK.COM, INC., for apparent second-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 160118-TX
ORDER NO. PSC-16-0197-PAA-TX
ISSUED: May 19, 2016

NOTICE OF PROPOSED AGENCY ACTION ORDER IMPOSING PENALTIES AND COLLECTION COSTS, AND REQUIRING PAYMENT OF DELINQUENT REGULATORY ASSESSMENT FEES, OR CANCELLING COMPETITIVE LOCAL EXCHANGE CARRIER CERTIFICATES FOR VIOLATION OF RULE 25-4.0161, 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 (F.A.C.).

Pursuant to Rule 25-4.0161(12), F.A.C., telecommunications companies that fail to pay the Regulatory Assessment Fee (RAF), including statutory late payment charges, within 15 days after receiving a delinquent 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 RAF in full, including any statutory late payment charges, along with the penalty amount, that entity's local exchange certificate shall be cancelled.

Pursuant to Section 364.336, Florida Statutes (F.S.), certificate holders must pay a minimum annual RAF if the certificate was active during any portion of the calendar year. Pursuant to Rule 25-4.0161(3), F.A.C., the appropriate RAF return form and applicable fees are due to the Florida Public Service Commission by January 30th of the subsequent year. Pursuant to Section 350.113(4), F.S., the RAF 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.

The Division of Administrative and Information Technology Services advised that the entities listed below failed to comply with Section 364.336, F.S., and Rule 25-4.0161, F.A.C. In addition, each entity listed below has had one prior docket for the same rule violation in which each entity paid the penalty imposed to resolve its respective dockets. The entities below have not paid the 2015 RAF, statutory late payment charges, nor the \$1,000 penalty and collection costs.

<u>ENTITY'S NAME</u>	<u>CO. CODE</u>	<u>DOCKET NO.</u>
FLATEL, Inc.	TX164	160116-TX
Advanced Communications Southeast, Inc.	TY049	160117-TX
NET TALK.COM, INC.	TY088	160118-TX

Accordingly, we hereby find it appropriate to cancel each entity's local exchange certificate for failure to comply with Section 364.336, F.S., and Rule 25-4.0161, F.A.C., unless each entity pays a penalty and cost of collection, together totaling \$1,000, and remits any past due RAF, along with accrued statutory late payment charges, to the Florida Public Service Commission, prior to issuing a Consummating Order for this Proposed Agency Action Order (Order).

We are vested with jurisdiction over these matters pursuant to Sections 350.113, 364.336, and 364.285, F.S.

If this Order is not protested by an entity, that entity's respective certificate shall be cancelled. If an entity pays the penalty and cost of collection, together totaling \$1,000, and remits any past due RAF, along with any accrued statutory late payment charges, prior to issuing a Consummating Order for this Proposed Agency Action Order, then that entity's respective certificate will remain active.

If an entity fails to protest the Order or pay the penalty and cost of collection, together totaling \$1,000, and fails to remit any past due RAF, along with any accrued statutory late payment charges, prior to issuing a Consummating Order for this Proposed Agency Action Order, then that entity's certificate shall be cancelled administratively, and the collection of any past due RAF shall be referred to the Florida Department of Financial Services for further collection efforts.