

MEMORANDUM

December 14, 1998

RECEIVED FPSC

93 DEC 14 PM 4:07

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *KMP mo3*

RE: DOCKET NO. 981232-TA - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALTERNATIVE ACCESS VENDOR CERTIFICATE NO. 4033 ISSUED TO TWC CABLE PARTNERS FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

98-1702-115

Attached is an ORDER APPROVING SETTLEMENT, to be issued in the above-referenced docket. (Number of pages in order - 3)

KMP/anr
Attachment
cc: Division of Communications
I: 981232.kmp

SP2

1 RAR.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Alternative Access Vendor
Certificate No. 4033 issued to
TWC Cable Partners for violation
of Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 981232-TA
ORDER NO. PSC-98-1702-AS-TA
ISSUED: December 15, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

TWC Cable Partners (TWC Cable) currently holds Certificate of Public Convenience and Necessity No. 4033, issued by the Commission on June 13, 1995, authorizing the provision of alternative access vendor service. The Division of Administration advised our staff by memorandum that TWC Cable 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 1997, nor statutory penalties and interest charges for late RAFs payments for the year 1997.

Under 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. All entities that apply for certification receive a copy of our rules governing alternative access vendor service and an affidavit in which the applicants attest that the rules have been received and understood by the applicant. This affidavit must be attached to the application in order for the

DOCUMENT NUMBER-DATE

14059 DEC 15 98

FILED - PUBLIC SERVICE REPORTING

ORDER NO. PSC-98-1702-AS-TA
DOCKET NO. 981232-TA
PAGE 2

application to be processed. The RAF form was mailed to TWC Cable in December, 1997, for the period of January 1, 1997, through December 31, 1997. Our correspondence regarding the RAFs was signed for and delivered to TWC Cable on December 15, 1997.

After this docket was opened, our staff received a call from Ms. Jill Butler, TWC Cable's liaison. She stated that the company would pay all the past due charges and proposed a settlement offer. TWC Cable paid all the past due statutory penalties and interest charges, and submitted a settlement offer. TWC Cable agreed to pay future regulatory assessment fees in a timely manner and contribute \$500 to the State General Revenue Fund.

In previous cases, we have accepted a \$100 settlement in lieu of the cancellation of the certificate or the full payment of the fine. Since this is the second docket to be opened against TWC Cable for the same rule violation, we believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. TWC Cable must comply with these requirements within five business days from the date this Order becomes final. The contribution will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. Upon remittance of the \$500 contribution, this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that TWC Cable Partners' settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDERED that this docket shall remain open pending receipt of the \$500 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that upon receipt of the \$500 contribution, this docket shall be closed.

ORDER NO. PSC-98-1702-AS-TA
DOCKET NO. 981232-TA
PAGE 3

By ORDER of the Florida Public Service Commission this 15th
day of December, 1998.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

KMP

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 or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.