

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
Interexchange Telecommunications  
Certificate No. 3562 issued to  
Rapid Link USA, Inc. for  
violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment  
Fees; Telecommunications  
Companies.

DOCKET NO. 981687-TI  
ORDER NO. PSC-99-0574-AS-TI  
ISSUED: March 29, 1999

The following Commissioners participated in the disposition of  
this matter:

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

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

Rapid Link USA, Inc. (Rapid Link) currently holds IXC Certificate of Public Convenience and Necessity No. 3562, issued by the Commission on July 6, 1994, authorizing the provision of interexchange telecommunications service. The Division of Administration advised our staff by memorandum that Rapid Link 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 years 1994 through 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 interexchange

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telecommunications certification receive a copy of our rules governing interexchange telecommunications 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 application to be processed. The RAF notice was mailed by certified mail to Rapid Link for the period of January 1, 1997 through December 31, 1997. We did not receive a returned or unopened envelope from the United States Postal Service.

After this docket was opened, our staff received a call from Mr. Timothy Wise, Rapid Link's representative. He stated that the company wanted to keep the certificate, would pay all the past due charges, and make a settlement offer. Rapid Link has since paid the past due RAFs plus statutory penalties and interest charges, and submitted a settlement offer (Attachment A). In the offer, Rapid Link agreed to pay future regulatory assessment fees in a timely manner and to contribute \$100 to the State General Revenue Fund.

We believe that the terms of the settlement offer represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. Rapid Link must comply with these requirements within five business days from the date this Order becomes final. The \$100 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 contribution, this docket shall be closed.

Based on the foregoing, it is


ORDERED by the Florida Public Service Commission that Rapid Link USA, Inc.'s settlement offer dated February 22, 1999, is hereby approved. It is further

ORDERED that this docket shall remain open pending receipt of the \$100 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 \$100 contribution, this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 29th  
day of March, 1999.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

JAM

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.

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ATTACHMENT A



DOCKET NO. 981687-TI TA 30319  
DATE: MARCH 1999  
ATTACHMENT A

February 22, 1999

RECEIVED

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**VIA FACSIMILE AND FEDEX**

Ms. Paula Isler,  
**FLORIDA PUBLIC SERVICE COMMISSION**  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399-0850

Attention: Fiscal Services

Dear Paula:

I am writing to request that you recommend that Rapid Link USA, Inc. continue its certification in the State of Florida. Rapid Link has made payment of all past due amounts and will pay all future amounts related to its certification in a timely manner. Rapid Link is also willing to make a settlement payment in the amount of \$100.00 to avoid decertification.

I would appreciate your recommendation of continued certification for Rapid Link. Of course, if you have any further questions or need additional information, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy D. Wise", is written over a large, stylized circular flourish.

Timothy D. Wise

TDW/ta

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