

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation
of Alternative Local Exchange
Telecommunications Certificate
No. 5150 by US Xchange of
Florida, L.L.C., effective
12/31/98.

DOCKET NO. 990276-TX
ORDER NO. PSC-99-0861-FOF-TX
ISSUED: April 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.

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELING ALTERNATIVE LOCAL EXCHANGE
TELECOMMUNICATIONS CERTIFICATE

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.

US Xchange of Florida, L.L.C. (US Xchange), holder of Alternative Local Exchange Telecommunications Certificate (ALEC) of Public Convenience and Necessity No. 5150, has requested the cancellation of ALEC Certificate No. 5150. US Xchange has complied with the provision of Rule 25-24.820(2), Florida Administrative Code, by providing adequate notice in writing of its request for cancellation of its ALEC certificate and by submitting its regulatory assessment fees for 1997. Accordingly, we find it appropriate to cancel ALEC Certificate No. 5150, effective December 31, 1998.

US Xchange shall return its certificate to this Commission. In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual regulatory assessment fee of \$50

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-0861-FOF-TX
DOCKET NO. 990276-TX
PAGE 2

if the certificate was active during any portion of the calendar year. A Regulatory Assessment Fee Return notice for 1998 has been mailed to US Xchange. Neither the cancellation of its certificate nor the failure to receive a Regulatory Assessment Fee Return notice for the year 1998 shall relieve US Xchange from its obligation to pay regulatory assessment fees for 1998.

Based on the foregoing, it is

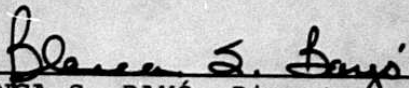
ORDERED by the Florida Public Service Commission that US Xchange of Florida, L.L.C.'s Certificate No. 5150 to provide Alternative Local Exchange Telecommunications services is hereby canceled, effective December 31, 1998. It is further

ORDERED that US Xchange of Florida, L.L.C. shall return its certificate to this Commission and remit regulatory assessment fees for the year 1998. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

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



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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.

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 Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 20, 1999.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water 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 of the effective date 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.