

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
Interexchange Telecommunications  
Certificate No. 3961 issued to  
Buehner-Fry, Inc. d/b/a Resort  
Operator Services and d/b/a  
Directdial USA for violation of  
Rule 25-4.0161, F.A.C.,  
Regulatory Assessment Fees;  
Telecommunications Companies.

DOCKET NO. 981738-TI  
ORDER NO. PSC-99-0929-AS-TI  
ISSUED: May 10, 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:

Buehner-Fry, Inc. d/b/a Resort Operator and d/b/a Directdial USA (Directdial USA) currently holds Certificate of Public Convenience and Necessity No. 3961, issued by the Commission on January 4, 1995, authorizing the provision of interexchange telecommunications service. The Division of Administration advised our staff by memorandum that Directdial USA had neither paid the 1997 regulatory assessment fees (RAFs), nor statutory penalties and interest charges for late RAFs payments for the years 1995 and 1997. RAFs are required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code.

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

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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 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 form was mailed to Directdial USA for the period of January 1, 1997, through December 31, 1997. Our correspondence regarding the RAFs was signed for and delivered on December 15, 1997.

This item was deferred from the February 16, 1999 Agenda Conference at the company's request. The company's attorney, Ms. Susan Davis Morley, contacted staff and advised that the company's records showed that the company had mailed the 1997 RAFs form and check on January 30, 1998. Directdial USA promptly paid all the past due RAFs, statutory penalties and interest charges after it had received confirmation that we had not received its 1997 RAFs. In addition, Ms. Morley authored a letter, dated March 19, 1999, assuring us that, in the future, Dialdirect USA will take additional steps to confirm the Commission's receipt of similar returns and reporting.

Based on the foregoing, we believe that Directdial USA did attempt to comply with Commission rules by paying the regulatory assessment fees by January 30, 1998. Although, we did not receive Directdial USA's check and 1997 RAF form, we believe it would serve no purpose under the circumstances to fine Directdial USA. Accordingly, we hereby accept the terms of Directdial USA's settlement agreement.

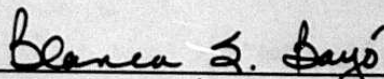
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Buehner-Fry, Inc. d/b/a Resort Operator and d/b/a Directdial USA's settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDERED that this docket is closed.

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By ORDER of the Florida Public Service Commission this 10th  
day of May, 1999.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( 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.