

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
ALEC Certificate No. 4829 issued  
to Jetcom, Inc. for violation of  
Rule 25-4.0161, F.A.C.,  
Regulatory Assessment Fees;  
Telecommunications Companies.

DOCKET NO. 981953-TX  
ORDER NO. PSC-99-0935-PAA-TX  
ISSUED: May 11, 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 IMPOSING FINES, REQUIRING PAYMENT OF REGULATORY ASSESSMENT  
FEES AND REQUIRING INFORMATION IN ACCORDANCE WITH RULE  
25-22.005(7), FLORIDA ADMINISTRATIVE CODE, OR 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.

Jetcom, Inc. (Jetcom) obtained Certificate No. 4829 on April  
2, 1997. Jetcom has not paid the regulatory assessment fees (RAF)  
required by Section 364.336, Florida Statutes, and Rule 25-4.0161,  
Florida Administrative Code, for the year 1997. Also, accrued  
statutory penalties and interest charges have not been paid.  
Pursuant to Section 364.336, Florida Statutes, certificate holders  
must pay a minimum annual RAF of \$50 if the certificate was active

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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 local exchange telecommunications service. All applicants attest that these rules have been received and understood by the applicant and an affidavit must be attached to the application in order for the application to be processed.

Pursuant to Section 350.113(4), Florida Statutes, the RAF forms, for the period of January 1, through December 31, are mailed to the entities at least 45 days prior to the date that payment of the fee is due. Jetcom has been given adequate opportunity to pay. The Commission's correspondence regarding the regulatory assessment fees was returned by the United States Postal Service. To date, Jetcom has not paid the required fees.

The return of these materials indicates that Jetcom may have violated Rule 25-22.005(7), Florida Administrative Code. Rule 25-22.005(7), Florida Administrative Code, states:

(7) Change of Name, Address, Telephone. Each person included in the main noticing address file or in any docket noticing address file shall, in writing, notify the Division (and any parties of record in a docketed matter) of any change in name, address or telephone number. Any notice, order or other document served on the name and address on file prior to the date of receipt of such written notification shall be considered properly served.

Jetcom has not provided the information required by Rule 25-22.005(7), Florida Administrative Code, nor has it requested cancellation of its certificate in compliance with Rule 25-22.005(7), Florida Administrative Code.

For the reasons described above, pursuant to Rule 25-24.820(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Jetcom's certificate, effective December 31, 1998, for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless Jetcom pays a \$500 fine and remits all past due regulatory assessment fees, along with statutory penalties and interest charges, to the Florida Public Service Commission. We also find it appropriate to cancel

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Jetcom's certificate, effective December 31, 1998, for failure to comply with Rule 25-22.005(7), Florida Administrative Code, unless Jetcom pays a \$500 fine and provides the information required by Rule 25-22.005(7), Florida Administrative Code, to the Florida Public Service Commission. Jetcom must comply with these requirements within five business days from the date this Order becomes final. The two fines, totaling \$1,000, will be remitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.516, Florida Statutes.

As the appropriate fees, statutory penalties, interest charges, required information, and fines are received, this Docket shall be closed. Should Jetcom fail to comply with this Order within five business days from the date this Order becomes final, Jetcom shall have its certificate canceled and the Docket shall be closed. The cancellation of the certificate and the closing of the Docket in no way diminishes Jetcom's obligation to pay applicable delinquent RAFs, statutory penalties, and interest charges, for 1997 and 1998.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Jetcom, Inc. must pay the past due regulatory assessment fees, statutory penalties, interest charges, and a \$500 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within five business days from the date this Order becomes final. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that Jetcom, Inc. must provide the correct mailing address, liaison information, and other information in accordance with Rule 25-22.005(7), Florida Administrative Code, and pay a \$500 fine to the Florida Public Service Commission for failure to comply with Rule 25-22.005(7), Florida Administrative Code, within five business days from the date this Order becomes final. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should Jetcom, Inc. fail to comply with this Order, Jetcom, Inc.'s Certificate No. 4829 shall be canceled, and this Docket shall be closed. It is further

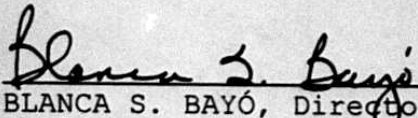
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ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes Jetcom, Inc.'s obligation to pay applicable delinquent regulatory assessment fees, statutory penalties, and interest charges for 1997 and 1998. It is 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 upon payment of the fines, and fees, or upon cancellation of the certificate.

By ORDER of the Florida Public Service Commission this 11th day of May, 1999.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

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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 June 1, 1999.

In the absence of such a petition, this order shall become final and effective upon the issuance of a consummating order.

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.