

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
ALEC Certificate No. 4763 issued  
to Siemens Business  
Communications Systems, Inc. for  
violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment  
Fees; Telecommunications  
Companies.

DOCKET NO. 981951-TX  
ORDER NO. PSC-99-0937-FOF-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.

ORDER CANCELING ALTERNATIVE LOCAL EXCHANGE  
TELECOMMUNICATIONS CERTIFICATE

BY THE COMMISSION:

Siemens Business Communications Systems, Inc. (Siemens) currently holds Certificate of Public Convenience and Necessity No. 4763, issued by the Commission on December 12, 1996, authorizing the provision of Alternative Local Exchange Telecommunications service (ALEC). The Division of Administration advised our staff by memorandum that Siemens 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. Also, accrued statutory penalties and interest charges for late RAFs payments for the year 1997 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

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FPSC-RECORDS/REPORTING

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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 Local Exchange Telecommunications (ALEC) service. All applicants must 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. The United States Postal Service neither returned the receipt, nor correspondence regarding the RAFs was not.

After the case was docketed, but prior to a recommendation being filed, Ms. Linda Watkins, a representative of Siemens, contacted our staff. She advised that the company would pay its past due charges and requested voluntary cancellation of the certificate. The Division of Administration's records show that the company has paid the past due amount in full, including the 1998 RAFs. Siemens has complied with the provision of Rule 25-24.820(2), Florida Administrative Code, by providing adequate notice in writing of his request for cancellation of his ALEC certificate and by submitting its regulatory assessment fees for the years 1997, and 1998. Accordingly, we find it appropriate to cancel ALEC Certificate No. 4763, effective December 31, 1998. Siemens shall return his certificate to this Commission.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Siemens Business Communications Systems, Inc.' Certificate No. 4763 to provide Alternative Local Exchange Telecommunications services is hereby canceled, effective December 31, 1998. It is further

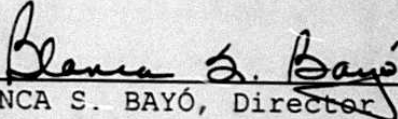
ORDERED that Siemens Business Communications Systems, Inc. shall return his certificate. It is further

ORDERED that this Docket is closed.



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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.

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.