

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Alternative Local Exchange
Telecommunications Certificate
No. 5227 issued to Everglades
National Communication Network,
Inc. for violation of Rule 25-
4.0161, F.A.C., Regulatory
Assessment Fees;
Telecommunications Companies.

DOCKET NO. 981971-TX
ORDER NO. PSC-99-1043-AS-TX
ISSUED: May 21, 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:

Everglades National Communication Network, Inc. (Everglades National Communication Network) currently holds Certificate of Public Convenience and Necessity No. 5227, issued by the Commission on September 12, 1997, authorizing the provision of alternative local exchange telecommunications service. The Division of Administration advised our staff by memorandum that Everglades National Communication Network 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 RAF 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 active during any portion of the calendar year. Pursuant to Rule

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FPSC-RECORDS/REPORTING

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 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 RAF form was mailed to Everglades National Communication Network for the period of January 1, 1997, through December 31, 1997. Our correspondence regarding the RAFs was signed for and delivered to Everglades National Communication Network on December 15, 1997.

This item was deferred from the March 30, 1999 Agenda Conference at the company's request. Mr. Timothy A. Nemeckay, President of Everglades National Communication Network, contacted our staff and advised that the company would pay all the past due charges and would propose a settlement offer. Everglades National Communication Network paid all the past due RAFs, along with statutory penalties and interest charges, and submitted a settlement offer. Everglades National Communication Network agreed to pay future regulatory assessment fees in a timely manner and contribute \$100 to the State General Revenue Fund.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. Everglades National Communication Network must comply with these requirements within five business days from the date this Order becomes final. The 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. If Everglades National Communication Network fails to pay in accordance with the terms of its settlement offer, Everglades National Communication Network's certificate shall be canceled administratively with an effective date of December 31, 1998. Upon remittance of the \$100 contribution or cancellation of the certificate, this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Everglades National Communication Network, Inc.'s settlement proposal summarized in the body of this Order is hereby approved. It is further

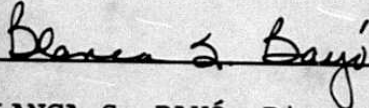
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ORDERED that this docket shall remain open pending receipt of the \$100 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that if Everglades National Communication Network, Inc. fails to pay in accordance with the terms of the settlement proposal summarized in the body of this Order, Everglades National Communication Network, Inc.'s Certificate No. 5227 shall be canceled administratively with an effective date of December 31, 1998. It is further

ORDERED that upon receipt of the \$100 contribution or the cancellation of the certificate, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 21st day of May, 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. .

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.