

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
Certificate No. 2494 issued to
Group Long Distance, Inc. for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 981621-TP
ORDER NO. PSC-99-1139-FOF-TI
ISSUED: June 7, 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 VACATING ORDER NO. PSC-99-0230-FOF-TI

BY THE COMMISSION:

Group Long Distance, Inc. (Group Long Distance) currently holds Certificate of Public Convenience and Necessity No. 2494, issued by the Commission on February 12, 1992, authorizing the provision of Interexchange Telecommunications service. The Division of Administration advised our staff by memorandum that Group Long Distance 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 years 1996 and 1997 have not been paid.

DOCUMENT NUMBER-DATE

06942 JUN-7 8

FPSC-RECORDS/REPORTING

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 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 interexchange telecommunications service. All applicants must attest that the 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 RAFs forms, for the period of January 1 through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due. The Commission's correspondence regarding the RAFs was signed for and delivered on December 15, 1998.

On February 9, 1999, Order No. PSC-99-0230-FOF-TI was issued, to impose a \$500 fine for non payment of the fees and accrued statutory penalties and interest charges. Group Long Distance had until March 2, 1999, to protest the order and until March 9, 1999, to pay the fine and the past due RAFs, along with accrued statutory penalties and interest charges, or its certificate would be canceled. Subsequently, the company responded to the Order by letter dated February 15, 1999. In this letter, the company attested that since the company had a credit balance on RAFs payment for the other certificates the company presently holds, it had requested that the credit be applied to its Interexchange Telecommunications Certificate. The company further stated that after contemplating the situation, it had determined that the only way to resolve this situation was to remit the past due fees, statutory penalties, and interest charges, and seek for reimbursement separately. The company enclosed with its letter the 1997 RAF, including statutory penalties and interest charges accrued for both 1996 and 1997.

For the reasons described above, we find that the \$500 fine imposed to Group Long Distance is not appropriate since it appears that the company made a good faith effort to resolve the issues

ORDER NO. PSC-99-1139-FOF-TI
DOCKET NO. 981621-TI
PAGE 3

prior to our opening of this docket. Therefore, we find it appropriate to vacate Order No. PSC-98-0230-FOF-TI for apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-99-0230-FOF-TI is hereby vacated. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 7th day of June, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(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.

ORDER NO. PSC-99-1139-FOF-TI
DOCKET NO. 981621-TI
PAGE 4

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.