

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 4690 issued to Interactive Services Network, Inc. d/b/a ISN Communications for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 981785-TI
ORDER NO. PSC-99-1136-AS-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 APPROVING SETTLEMENT

BY THE COMMISSION:

Interactive Services Network, Inc. d/b/a ISN Communications (ISN Communications) currently holds Certificate of Public Convenience and Necessity No. 4690, issued by the Commission on August 29, 1996, authorizing the provision of Interexchange Telecommunications services. The Division of Administration advised our staff by memorandum that ISN Communications had not paid the regulatory assessment fees (RAFs) for the year 1997. Also, accrued statutory penalties and interest charges for late RAF payments for the years 1996 and 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 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

DOCUMENT NUMBER-DATE

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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 RAF 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 RAF form was mailed to ISN Communications 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.

On March 1, 1999, Order No. PSC-99-0422-FOF-TI was issued, to impose a \$500 fine and to require payment of the past due fees and fine by March 29, 1999 or cancel ISN Communications's certificate. Ms. Sandy Spellman, a representative of ISN, called our staff and advised that the company would pay all the past due charges and that it would propose a settlement offer. ISN Communications paid all the past due 1997 and 1998 RAFs, along with accrued statutory penalties and interest charges for 1997 and 1998; and submitted a settlement offer. ISN Communications 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. ISN Communications must comply with these requirements within ten 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 the company fails to pay in accordance with the terms of its settlement offer, the company's certificate should be canceled administratively with an effective date of December 31, 1998. Upon remittance of the \$100 contribution, or the cancellation of the certificate, this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Interactive Services Network, Inc. d/b/a ISN Communications' settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDER NO. PSC-99-1136-AS-TI
DOCKET NO. 981785-TI
PAGE 3

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 Interactive Services Network, Inc. d/b/a ISN Communications fails to pay in accordance with the terms of its settlement offer, Interactive Services Network, Inc. d/b/a ISN Communications' Interexchange Telecommunications Certificate No. 4690 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 7th day of June, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

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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.

ORDER NO. PSC-99-1136-AS-TI
DOCKET NO. 981785-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.