

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
Certificate No. 4377 issued to
America's Tele-Network Corp. for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 981763-TI
ORDER NO. PSC-99-1137-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:

America's Tele-Network Corp. (America's Tele-Network) currently holds Certificate of Public Convenience and Necessity No. 4377, issued by the Commission on February 3, 1996, authorizing the provision of Interexchange Telecommunications service. The Division of Administration advised our staff by memorandum that America's Tele-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 had 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

07008 JUN-7 99

FPSO-REGDWS/REPORTING

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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.

On March 2, 1999, Order No. PSC-99-0429-FOF-TI was issued, to impose a \$500 fine and to require payment of the fine and past due amount by March 30, 1999 or cancel America's Tele-Network's certificate. Mr. Brian Cute, America's Tele-Network's attorney, called our staff on March 16, 1999 and advised that the company had paid all the past due charges on March 12, 1999, and that it would propose a settlement offer. By letter dated March 22, 1999, the company submitted a settlement offer. America's Tele-Network agreed to pay future regulatory assessment fees in a timely manner and contribute \$100 to the State General Revenue Fund.

After a review of the Division of Administration's records our staff determined that the company had failed to pay a portion of the interest charges for 1997. The company also agreed to pay the balance due for 1997. America's Tele-Network has now paid the 1997 and 1998 RAFs, including accrued statutory penalties and interest charges for 1997 and 1998.

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. America's Tele-Network 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 cancellation of the certificate, this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that America's Tele-Network Corp.'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 America's Tele-Network Corp. fails to pay in accordance with the terms of its settlement offer, America's Tele-Network Corp.'s Interexchange Telecommunications Certificate No. 4377 shall be canceled administratively with an effective date of December 31, 1998. It is further

ORDERED that upon receipt of the \$100 contribution, or 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

(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.

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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.

M E M O R A N D U M

June 7, 1999

RECEIVED-FPSC

99 JUN -7 AM 10:40

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *kmp CP*

RE: DOCKET NO. 981763-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4377 ISSUED TO AMERICA'S TELE-NETWORK CORP. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

99-1137-AS

Attached is an ORDER APPROVING SETTLEMENT, to be issued in the above-referenced docket. (Number of pages in order - 4)

KMP/anr
Attachment
cc: Division of Communications
I: 981763s.kmp

*Sec 3
(verbal)*

1/0

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 6, 9, 99
 Number of Originals 4 Copies Per Original 19
 Requested By W. Keith

Item Presented
 Agenda For (Date) _____ Order No. 99-1137 In Docket No. 981763
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions

Distribution/Mailing		Distribution/Mailing	
Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>19</u>	<u>Commission Offices</u>	<u>--</u>	_____
	<u>Docket Mailing List - Mailed</u>	_____	_____
<u>(1)</u>	<u>Docket Mailing List - Faxed</u>	_____	_____

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification
 Job Number 75 Verified By Michael
 Date and Time Completed 6/10 Job Checked For Correctness and Quality (Initial) U

Mail Room Verification
 Date Mailed / Verified By /