

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
Certificate No. 3567 issued to
BN1 Telecommunications, Inc. for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 981732-TI
ORDER NO. PSC-99-1535-AS-TI
ISSUED: August 4, 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:

BN1 Telecommunications, Inc. (BN1 Telecommunications) holds
Certificate of Public Convenience and Necessity No. 3567, issued by
the Commission on July 19, 1994, authorizing the provision of
Interexchange Telecommunications service. The Division of
Administration advised our staff that BN1 Telecommunications 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
1994, 1995, 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 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 BN1 Telecommunications for the period of January 1, 1997, through December 31, 1997. Our correspondence regarding the RAFs was delivered and signed by BN1 Telecommunications on December 17, 1997.

On February 16, 1999, we voted at our Agenda Conference to impose a \$500 fine for the RAFs Rule violation or in the alternative, to cancel BN1 Telecommunications' certificate pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code. BN1 Telecommunications' attorney called our staff on February 17, 1999, and advised that the company was going through a reorganization and it wanted to keep its certificate. Order No. PSC-99-0516-FOF-TI, issued on March 16, 1999, memorialized our vote. BN1 Telecommunications had until April 6, 1999, to file a protest and until April 13, 1999 to pay the fine and the past due amount. By letter dated March 1, 1999, BN1 Telecommunications submitted a settlement offer. BN1 Telecommunications agreed to pay future RAFs in a timely manner and contribute \$100 to the State General Revenue Fund. On April 5, 1999, the Division of Administration's Records showed that the 1997 and 1998 RAFs had been paid. However, the full amount of the past due statutory penalties and interest charges had not been received. On June 11, 1999, BN1 Telecommunications paid the past due statutory penalties and interest charges for the years 1994, 1995, 1997, and 1998 in full.

Upon consideration, 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. When submitting the \$100 contribution, BN1 Telecommunications must identify this docket number and its name. BN1 Telecommunications must comply with these requirements within ten business days from the date of this Order. The Commission will forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. Upon remittance of the \$100 contribution, this docket shall be closed. If BN1 Telecommunications fails to comply with this Order, its certificate will be canceled administratively with an effective date of December 31, 1998.

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Based on the foregoing, it is

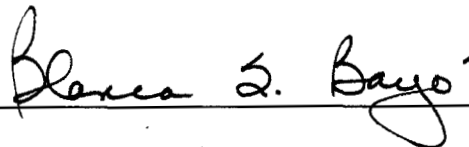
ORDERED by the Florida Public Service Commission that BN1 Telecommunications, Inc.'s settlement proposal summarized in the body of this Order is hereby approved. It is further

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 BN1 Telecommunications, Inc. fails to comply with this Order, its Interexchange Telecommunications Certificate No. 3567 will be cancelled 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 4th day of August, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

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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.

M E M O R A N D U M

August 2, 1999

RECEIVED-PPSC

99 AUG -3 AM 11:18

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *vmp* *CB*

RE: DOCKET NO. 981732-TI - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 3567 ISSUED TO BN1 TELECOMMUNICATIONS, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

1535-AS

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

KMP/anc
Attachment
cc: Division of Communications
I: 981732s.kmp

See 2

*boxed - 10 -
mailed - 10 -*

Due to volume of orders received and per agreement with LEG/Peña, order will be issued by 8/5/99.

Requisition for Photocopying and Mailing

Date 8/4/99

Number of Originals _____

Copies Per Original _____

19

Requested By _____

Item Presented _____

Agenda For (Date) _____

Order No. _____

In Docket No. _____

Notice of _____

For (Date) _____

In Docket No. _____

Other _____

Special Handling Instructions _____

Distribution/Mailing

Number

Distributed/Mailed To

Number

Distribution/Mailed To

Commission Offices

Bocket Mailing List - Mailed

Bocket Mailing List - Faxed

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

Print Shop Verification

Job Number _____

Verified By _____

Date and Time Completed _____

Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification

Date Mailed _____

Verified By _____