

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
Alternative Local Exchange  
Telecommunications Certificate  
No. 5751 issued to DPI-  
Teleconnect, L.L.C. for  
violation of Rule 25-4.0161,  
F.A.C., Regulatory Assessment  
Fees; Telecommunications  
Companies.

DOCKET NO. 990672-TX  
ORDER NO. PSC-99-2110-AS-TX  
ISSUED: October 25, 1999

The following Commissioners participated in the disposition of  
this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

DPI-Teleconnect, L.L.C. (DPI) currently holds Certificate of  
Public Convenience and Necessity No. 5751, issued by the Commission  
on December 5, 1998, authorizing the provision of Alternative Local  
Exchange Telecommunications (ALEC) service. The Division of  
Administration advised our staff by memorandum that DPI had not  
paid the 1998 Regulatory Assessment Fees (RAFs). Also accrued  
statutory penalties and interest charges for late RAFs payments for  
the year 1998 have not been paid. RAFs are required by Section  
364.336, Florida Statutes, and Rule 25-4.0161, Florida  
Administrative Code.

All entities that apply for certification receive a copy of  
our rules governing ALEC 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.

DOCUMENT NUMBER-DATE

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FPSD-RECORDS&REPORTING

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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. The RAF form was mailed to DPI for the period of January 1, 1998, through December 31, 1998 on February 22, 1999. 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. However, pursuant to Section 350.113(4), Florida Statutes, the Commission shall provide at least a 45 days notice of the date the payment is due prior to the due date. DPI was scheduled to remit its RAFs by April 8, 1999.

By Order No. PSC-99-1482-FOF-TX issued August 3, 1999, DPI had 21 days to protest the Commission's Proposed Agency Action or pay the past due fees and a \$500 fine. After the Order was issued, Mr. David Pikoff, DPI's Vice President, contacted our staff and advised that DPI wanted to keep its certificate, would pay the past due amount, and would make a settlement offer. The Division of Administration's records show that DPI paid the past due amount. In addition, DPI proposed to pay future RAFs in a timely basis 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. DPI must comply with these requirements within five business days from the date of issuance of this Order. 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 DPI fails to comply with this Order, its certificate will be canceled administratively. 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 DPI-Teleconnect, L.L.C.'s settlement proposal summarized in the body of this Order is hereby approved. It is further

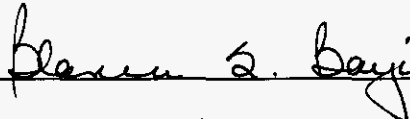
ORDERED that this docket shall remain open pending receipt of the \$100 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further It is further

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ORDERED that if DPI-Teleconnect, L.L.C. fails to comply with this Order, its Alternative Local Exchange Telecommunications Certificate No. 5751 will be canceled administratively. 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 25th day of October, 1999.



BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( 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.

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

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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.