

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation
of Alternative Local Exchange
Telecommunications Certificate
No. 6035 by FoxTel, Inc.,
effective 11/18/99.

DOCKET NO. 991737-TX
ORDER NO. PSC-99-2544-PAA-TX
ISSUED: December 30, 1999

The following Commissioners participated in the disposition of
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING ALTERNATIVE LOCAL EXCHANGE
TELECOMMUNICATIONS CERTIFICATE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service
Commission that the action discussed herein is preliminary in
nature and will become final unless a person whose interests are
substantially affected files a petition for a formal proceeding,
pursuant to Rule 25-22.029, Florida Administrative Code.

FoxTel, Inc. (FoxTel), holder of Alternative Local Exchange
Telecommunications Certificate (ALEC) of Public Convenience and
Necessity No. 6035, has requested the cancellation of ALEC
Certificate No. 6035. FoxTel has complied with the provision of
Rule 25-24.820(2), Florida Administrative Code, by providing
adequate notice in writing of its request for cancellation of its
ALEC certificate and by submitting its regulatory assessment fees
(RAFs) for 1998. Accordingly, we find it appropriate to cancel
ALEC Certificate No. 6035, effective November 18, 1999.

FoxTel shall return its certificate to this Commission. In
addition, under Section 364.336, Florida Statutes, certificate
holders must pay a minimum annual Regulatory Assessment Fee of \$50
if the certificate was active during any portion of the calendar
year. A RAFs Return notice for 1999 has been mailed to FoxTel.

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Neither the cancellation of its certificate nor the failure to receive a RAFs Return notice for the year 1999 shall relieve FoxTel from its obligation to pay RAFs for 1999.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that FoxTel, Inc.'s Certificate No. 6035 to provide Alternative Local Exchange Telecommunications services is hereby cancelled, effective November 18, 1999. It is further

ORDERED that FoxTel, Inc. shall return its certificate to this Commission and remit Regulatory Assessment Fees for the year 1999. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 30th day of December, 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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 20, 2000.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.