

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
Certificate No. 4053 issued to
American Cyber Corporation d/b/a
Discount Plus for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 991532-TI
ORDER NO. PSC-00-0076-PAA-TI
ISSUED: January 10, 2000

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 IMPOSING FINE AND REQUIRING PAYMENT OF REGULATORY
ASSESSMENT FEES, OR CANCELING INTEREXCHANGE
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.

American Cyber Corporation d/b/a Discount Plus (Discount Plus)
currently holds Certificate of Public Convenience and Necessity
No. 4053, issued by the Commission on July 27, 1991, authorizing
the provision of Interexchange Telecommunications service (IXC).
The Division of Administration advised our staff by memorandum that
Discount Plus 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 1998. Also, accrued
statutory penalties and interest charges for late RAFs payments for

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the year 1998 had not been paid. In addition, Discount Plus has a statutory penalty and interest balance from 1996 and an extension fee balance on the 1997 RAFs.

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 IXC 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.

Pursuant to Section 350.113(4), Florida Statutes, the RAFs forms, for the period of January 1, through December 31, are mailed to the entities at least 45 days prior to the date that payment of the fee is due. Discount Plus has been given adequate opportunity to pay. As of the date of the vote, December 21, 1999, Discount Plus has not paid the required fees.

This is the second docket opened against Discount Plus for nonpayment of the RAFs. On September 30, 1997, Order No. PSC-97-1141-FOF-TI was issued to impose a \$500 fine or cancel Discount Plus' certificate. Discount Plus paid the fine and the amount past due on February 27, 1998, and the docket was closed.

For the reason described above, pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Discount Plus' certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless Discount Plus pays a \$1,000 fine and remits all past due Regulatory Assessment Fees, along with statutory penalties and interest charges, to the Florida Public Service Commission. Discount Plus must comply with these requirements within five business days after the issuance of the Consummating Order. The fine will be remitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.516, Florida Statutes.

When the appropriate fees, statutory penalties, interest charges, and fine are received, this Docket shall be closed. Should Discount Plus fail to comply with this Order within five business days after the issuance of the Consummating Order,

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Discount Plus shall have its certificate canceled administratively, and the Docket shall be closed. The cancellation of the certificate and the closing of the Docket in no way diminishes Discount Plus' obligation to pay applicable delinquent RAFs, statutory penalties, and interest charges.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that American Cyber Corporation d/b/a Discount Plus must pay the past due Regulatory Assessment Fees, statutory penalties, interest charges, and a \$1,000 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within five business days after the issuance of the Consummating Order. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should American Cyber Corporation d/b/a Discount Plus fail to comply with this Order, American Cyber Corporation d/b/a Discount Plus' Certificate No. 4053 shall be canceled, and the Docket shall be closed. It is further

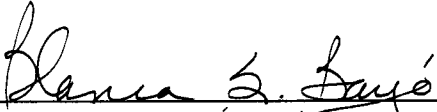
ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes American Cyber Corporation d/b/a Discount Plus' obligation to pay applicable delinquent Regulatory Assessment Fees, statutory penalties, and interest charges. It is further

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" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed upon payment of the fine, and fees, or upon cancellation of the certificate.

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By ORDER of the Florida Public Service Commission this 10th
day of January, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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 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 31, 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 pecified protest period.