

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Shared Tenant Services
Certificate No. 4681 issued to
TVMAX Telecommunications, Inc.
d/b/a OpTel for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 991875-TS

In re: Cancellation by Florida
Public Service Commission of
Shared Tenant Services
Certificate No. 4725 issued to
Time Warner Connect for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 991876-TS
ORDER NO. PSC-00-0808-AS-TS
ISSUED: April 25, 2000

The following Commissioners participated in the disposition of
this matter:

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

ORDER APPROVING SETTLEMENTS

BY THE COMMISSION:

The entities listed below currently hold a Certificate of
Public Convenience and Necessity authorizing the provision of
Shared Tenant service. The Division of Administration advised our
staff by memorandum that these entities had paid neither the
Regulatory Assessment Fees (RAFs) required by Section 364.336,
Florida Statutes, and Rule 25-4.0161, Florida Administrative Code,
nor statutory penalties and interest charges for late RAFs payments
for the year(s) listed below.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS-REPORTING

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>	<u>PAST DUE RAFS</u>	<u>PAST DUE PENALTIES AND INTEREST</u>
TVMAX Telecommunications, Inc. d/b/a OpTel	4681	1998	1998
Time Warner Connect	4725	1998	1996, 1998

All entities that apply for certification receive a copy of our rules governing Shared Tenant 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 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 RAFs form was mailed to each of these entities for the period of January 1 through December 31. 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. Each of the entities listed was scheduled to remit its RAFs by February 1, 1999.

After this docket was opened, each of the entities contacted our staff, paid the past due amounts in full, and proposed a settlement offer. Each of the entities proposed to pay future RAFs in a timely manner, 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 offers. Each of the entities must comply with these requirements within ten business days from the date this Order becomes final. The contribution should be identified with the docket number and the entity's name. The contributions 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 an entity fails to comply with this Order, its certificate will be canceled

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administratively. Upon remittance of each of the \$100 contribution, each docket shall be closed.

Based on the foregoing, it is

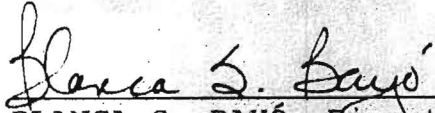
ORDERED by the Florida Public Service Commission that each of the entities' settlement proposal summarized in the body of this Order is hereby approved. It is further

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

ORDERED that if an entity fails to comply with this Order, its Shared Tenant Service Certificate will be canceled administratively. It is further

ORDERED that upon receipt of each of the \$100 contribution or cancellation of the certificate, each docket shall be closed.

By ORDER of the Florida Public Service Commission this 25th day of April, 2000.



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 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.