

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
Interexchange Telecommunications  
Certificate No. 4753 issued to  
Elenofono, Inc. d/b/a Hellenicom  
Long Distance for violation of  
Rule 25-4.0161, F.A.C.,  
Regulatory Assessment Fees;  
Telecommunications Companies.

DOCKET NO. 992010-TI  
ORDER NO. PSC-00-0879-PAA-TI  
ISSUED: May 5, 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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER CANCELING INTEREXCHANGE TELECOMMUNICATIONS  
CERTIFICATE INVOLUNTARILY

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.

Elenofono, Inc. d/b/a Hellenicom Long Distance (Hellenicom  
Long Distance) currently holds Certificate of Public Convenience  
and Necessity No. 4753, issued by the Commission on December 11,  
1996, authorizing the provision of Interexchange Telecommunications  
service.

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

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of the subsequent year. All entities that apply for certification receive a copy of our rules governing Interexchange 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.

Pursuant to Section 350.113(4), Florida Statutes, the RAFs forms for the period of January 1 through December 31, are mailed to entities at least 45 days prior to the date that payment of the fees is due. 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. Hellenicom Long Distance remitted its 1998 RAFs by February 1, 1999.

On October 5, 1999, the Commission received a letter from the company which requested voluntary cancellation of its IXC Certificate. Our staff responded to the Hellenicom Long Distance's letter on October 7, 1999, and advised that they could not recommend approval of a voluntary cancellation when there is an outstanding balance. Commission records showed the company had a past due balance for the penalty and interest charges on the 1997 RAFs. In addition, the company did not state when the 1999 RAFs, which became due January 31, 2000, would be paid.

Hellenicom Long Distance has not complied with Rule 25-24.474(2), Florida Administrative Code, which states:

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:

(a) Statement of intent and date to pay Regulatory Assessment Fee.

(b) Statement of why the certificate is proposed to be cancelled.

(c) A statement on treatment of customer deposits and final bills.

(d) Proof of individual customer notice regarding discontinuance of service.

Accordingly, since the Hellenicom Long Distance's certificate remains active until it requests a voluntary cancellation pursuant to Rule 25-24.474(2), Florida Administrative Code, or we involuntarily cancel the certificate, Hellenicom Long Distance is responsible for the RAFs. As of the date of this vote, Hellenicom Long Distance continues to be in violation of our rules for non-payment of RAFs for 1999 and a past due balance for the penalty and interest charges on the 1997 RAFs.

For the reasons described above, pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we deny Hellenicom Long Distance's request for voluntary cancellation of Interexchange Telecommunications Certificate No. 4753 for failure to comply with the provisions of 25-24.474(2), Florida Administrative Code. However, we find it appropriate to involuntarily cancel Hellenicom Long Distance's certificate, effective on the date of issuance of the Consummating Order, for failure to pay RAFs pursuant to Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. Since Hellenicom Long Distance is not in business, there would be no purpose in requiring Hellenicom Long Distance to pay a fine. By involuntarily canceling Hellenicom Long Distance's certificate, however, we would be able to track this company should it apply for another certificate with us in the future. The cancellation of the certificate and the closing of the Docket in no way diminishes Hellenicom Long Distance's 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 we hereby deny Elenofono, Inc. d/b/a Hellenicom Long Distance's request for voluntary cancellation of Interexchange Telecommunications Certificate No. 4753. It is further

ORDERED that pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we hereby cancel Elenofono, Inc. d/b/a Hellenicom Long Distance's Interexchange Telecommunications Certificate No. 4753, effective on the date of issuance of the Consummating Order, for failure to comply with Rule 25-24.474(2), Florida Administrative Code; Section 364.336, Florida Statutes; and Rule 25-4.0161, Florida Administrative Code. It is further

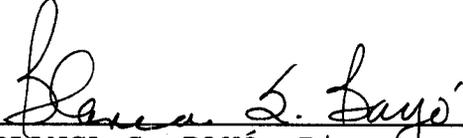
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ORDERED that Elenofono, Inc. d/b/a Hellenicom Long Distance remains obligated for all due and owing Regulatory Assessment Fees, as well as accrued statutory penalties and interest charges. It is further

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 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 5th day of May, 2000.

  
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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 May 26, 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.