

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
Certificate No. 4687 issued to
CTN Telephone Network, Inc. for
violation of Rules 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies, and 25-24.480(2)(a)
and (b), F.A.C., Records &
Reports; Rules Incorporated.

DOCKET NO. 001254-TI
ORDER NO. PSC-01-0325-PAA-TI
ISSUED: February 6, 2001

The following Commissioners participated in the disposition of
this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

NOTICE OF PROPOSED AGENCY ACTION
ORDER DENYING REQUEST FOR VOLUNTARY CANCELLATION
AND 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.

CTN Telephone Network, Inc. (CTN Telephone) currently holds
Certificate of Public Convenience and Necessity No. 4687, issued by
the Commission on August 29, 1996, authorizing the provision of
Interexchange Telecommunications service. CTN Telephone has not
paid the Regulatory Assessment Fees (RAFs) required by Section
364.336, Florida Statutes, and Rule 25-4.0161, Florida

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FPSC-RECORDS/REPORTING

Administrative Code, for the year 1999. Also, accrued statutory penalties and interest charges for the years 1998 and 1999 have not been paid. CTN Telephone was scheduled to remit its RAFs by January 31, 2000.

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 Interexchange Telecommunications service.

After the docket was established, we received a letter from The Helein Law Group, which stated that CTN Telephone was no longer doing business in Florida or any other state and had no customers. Our staff wrote to the attorney on November 20, 2000, and explained that a voluntary cancellation could not be recommended when there was an outstanding balance. As of the date of this vote, CTN Telephone has not paid the past due amount.

CTN Telephone 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.

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Accordingly, since the company'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, CTN Telephone is responsible for the RAFs. As of the date of this vote, CTN Telephone continues to be in violation of our rules for non-payment of RAFs for 1999.

For the reasons described above, pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we deny CTN Telephone's request for voluntary cancellation of Interexchange Telecommunications Certificate No. 4687 for failure to comply with the provisions of 25-24.474(2), Florida Administrative Code. However, we find it appropriate to involuntarily cancel CTN Telephone's certificate, effective 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, and the collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts. CTN Telephone shall return to this Commission the Order granting authority to provide Interexchange Telecommunications services.

Since CTN Telephone is no longer in business, there would be no purpose in requiring CTN Telephone to pay a fine. By involuntarily canceling CTN Telephone'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 CTN Telephone'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 CTN Telephone Network, Inc.'s request for voluntary cancellation of Interexchange Telecommunications Certificate No. 4687. It is further

ORDERED that pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we hereby cancel CTN Telephone Network, Inc.'s Interexchange Telecommunications Certificate No. 4687, effective date of issuance of the Consummating Order, for failure to comply

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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

ORDERED that CTN Telephone Network, Inc. shall return to this Commission the Order granting authority to provide Interexchange Telecommunications services. It is further

ORDERED that the collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts. 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 6th day of February, 2001.

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 February 27, 2001.

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.