

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
Alternative Local Exchange  
Telecommunications Certificate  
No. 4779 issued to GE Capital  
Communication Services  
Corporation d/b/a GE EXCHANGE,  
d/b/a GE Exchange, d/b/a GE  
Residential Communications d/b/a  
GE Commercial Shopping Network  
and d/b/a GE Capital Commercial  
Direct for violation of Rule 25-  
4.0161, F.A.C., Regulatory  
Assessment Fees;  
Telecommunications Companies.

DOCKET NO. 001406-TX  
ORDER NO. PSC-01-0474-FOF-TX  
ISSUED: February 26, 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

ORDER CANCELING ALTERNATIVE LOCAL  
EXCHANGE TELECOMMUNICATIONS CERTIFICATE

GE Capital Communication Services Corporation d/b/a GE  
EXCHANGE, d/b/a GE Exchange, d/b/a GE Residential Communications  
d/b/a GE Commercial Shopping Network and d/b/a GE Capital  
Commercial Direct (GE Capital) currently holds Certificate of  
Public Convenience and Necessity No. 4779, issued by the Commission  
on January 29, 1997. The Division of Administration advised our  
staff by memorandum that GE Capital 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 1999. Also, accrued statutory penalties and interest charges  
had not been paid.

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TPSC-REGISTRY REPORTING

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The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, 364.337, Florida Statutes.

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. All entities that apply for certification receive a copy of our rules governing Alternative Local Exchange Telecommunications service. The RAFs form was mailed to GE Capital 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. GE Capital was scheduled to remit its RAFs by January 31, 2000.

After this docket was opened, on November 7, 2000, Linda Lahue contacted our staff and requested that GE Capital's options be faxed to her. On November 30, 2000, the Commission received GE Capital's 1999 RAF return and check for the past due amount in full. In addition, GE Capital requested voluntary cancellation of its certificate. On December 7, 2000, our staff advised GE Capital that before a voluntary cancellation could be recommended, the company must either pay the 2000 RAFs or provide a certain date it would be paid. Subsequently, the Commission received a letter from GE Capital advising that the 2000 RAFs would be paid by the due date of January 30, 2001. On January 10, 2001, the Commission received GE Capital's 2000 RAF return and check for the 2000 RAFs. Accordingly, we find it appropriate to cancel Certificate of Public Convenience and Necessity No. 4779, effective on November 30, 2000. GE Capital shall return to this Commission the Order granting authority to provide Alternative Local Exchange Telecommunications services.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Alternative Local Exchange Telecommunications Certificate No. 4779 is hereby canceled, effective on November 30, 2000. It is further


ORDERED that GE Capital Communication Services Corporation d/b/a GE EXCHANGE, d/b/a GE Exchange, d/b/a GE Residential

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Communications d/b/a GE Commercial Shopping Network and d/b/a GE Capital Commercial Direct shall return to this Commission the Order granting authority to provide Alternative Local Exchange Telecommunication services. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 26th day of February, 2001.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

FRB

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

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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.