

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
Certificate No. 7137 issued to
Cable & Wireless Global Markets,
Inc. for violation of Rule 25-
4.0161, F.A.C., Regulatory
Assessment Fees;
Telecommunications Companies.

DOCKET NO. 001341-TI
ORDER NO. PSC-01-0476-PAA-TI
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

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.

Cable & Wireless Global Markets, Inc. (Cable & Wireless)
currently holds Certificate of Public Convenience and Necessity
No. 7137, issued by the Commission on August 30, 1999, authorizing
the provision of Interexchange Telecommunications (IXC) service.
Cable & Wireless has not paid accrued statutory penalties and
interest charges for the year 1999 assessed by the Commission
because of its delinquent payment of Regulatory Assessment Fees

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(RAFs) for 1999 as required by 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code.

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.

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. Cable & Wireless was scheduled to remit its RAFs by January 31, 2000.

On August 3, 2000, the Commission received a letter from the company's attorney requesting cancellation of the certificate. On August 7, 2000, Commission staff wrote the attorney and explained that a voluntary cancellation could not be recommended, because there was an outstanding balance and that before Commission staff could recommend a voluntary cancellation, the company needed to pay the 1999 RAF, including penalty and interest charges, and advise when the 2000 fees would be paid. Ms. Demara Richardson, representative of Cable and Wireless, called staff on August 23, 2000 requesting information about the docket. On October 17, 2000, the Commission received a check for \$50 which was applied to the 1999 RAF, leaving the statutory penalty and interest charges unpaid. The company did not advise when the 2000 fee would be paid.

Cable & Wireless 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 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, Cable & Wireless is responsible for the RAFs. As of the date of this vote, Cable & Wireless continues to be in violation of our rules for non-payment of statutory penalties and interest charges for 1999 and has not paid the RAFs for 2000.

For the reasons described above, pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we deny Cable & Wireless's request for voluntary cancellation of Interexchange Telecommunications Certificate No. 7137 for failure to comply with the provisions of 25-24.474(2), Florida Administrative Code. However, we find it appropriate to involuntarily cancel Cable & Wireless's certificate, effective on the date of issuance of the Consummating Order, for failure to pay statutory penalties and interest charges pursuant to Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. Cable & Wireless shall return to this Commission the Order granting authority to provide Interexchange Telecommunications services.

By involuntarily canceling Cable & Wireless's certificate, we are 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 Cable & Wireless's obligation to pay applicable delinquent RAFs, statutory penalties, and interest charges. The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336 and 364.285, Florida Statutes.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby deny Cable & Wireless Global Markets, Inc.'s request for voluntary cancellation of Interexchange Telecommunications Certificate No. 7137. It is further

ORDERED that pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we hereby cancel Cable & Wireless Global Markets, Inc.'s Interexchange Telecommunications Certificate No. 7137, effective upon 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

ORDERED that Cable & Wireless Global Markets, Inc. shall return to this Commission the Order granting authority to provide Interexchange Telecommunications services. It is further

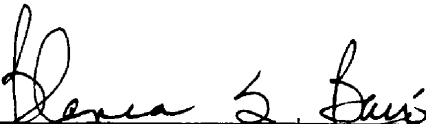
ORDERED that Cable & Wireless Global Markets, Inc. remains obligated for all due and owing Regulatory Assessment Fees for the years 2000 and 2001, as well as accrued statutory penalties and interest charges. It is further

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.

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



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

JAE

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 March 19, 2001.

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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.