

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Alternative Local Exchange
Telecommunications Certificate
No. 7371 issued to Consumer
Credit Assistance, Inc. for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 010286-TX
ORDER NO. PSC-01-1108-PAA-TX
ISSUED: May 15, 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 ALTERNATIVE LOCAL EXCHANGE 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.

Consumer Credit Assistance, Inc. (CCAI) currently holds
Certificate of Public Convenience and Necessity No. 7371, issued by
the Commission on March 29, 2000, authorizing the provision of
Alternative Local Exchange Telecommunications (ALEC) service.
CCAI has not paid the Regulatory Assessment Fees [RAF(s)] required
by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida
Administrative Code, for the year 2000. Also, accrued statutory
penalties and interest charges for the year 2000 have not been
paid.

DOCUMENT NUMBER-DATE

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FSCC-RECORDS-REPORTING

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 Alternative Local Exchange Company (ALEC) service.

Pursuant to Section 350.113(4), Florida Statutes, the RAFs forms, for the period of January 1, through December 31, are mailed to the entities at least 45 days prior to the date that payment of the fee is due. (CCAI) was scheduled to remit its RAFs by January 30, 2001.

On January 2, 2001, the Commission received the company's 2000 RAF return notice, along with a handwritten notice advising "no longer active" and "not in business". The RAF return did not include payment of the 2000 RAF. On January 17, 2001, Commission staff wrote the company's president, Mr. Steven Hoffman, and advised that a voluntary cancellation could not be recommended when there was an outstanding balance. As of April 10, 2001, the RAF remains unpaid.

CCAI has not complied with Rule 25-24.820(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. Cancellation of a certificate shall be ordered subject to the holder providing the required information.

(a) A statement of intent and date certain to pay regulatory assessment fee.

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

(c) A statement as to how customer deposits and final bills will be handled.

(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 25-24.820(2), Florida Administrative Code, or we involuntarily cancel the certificate, CCAI is responsible for the RAFs. As of the date of the vote, CCAI continues to be in violation of our rules for nonpayment of RAFs for 2000.

For the reasons described above, pursuant to Rule 25-24.820(1)(b) and (c), Florida Administrative Code, we deny CCAI's request for voluntary cancellation of Alternative Local Exchange Company (ALEC) Certificate No. 7371 for failure to comply with the provisions of Rule 25-24.820(2), Florida Administrative Code. However, we find it appropriate to involuntarily cancel CCAI's certificate, effective upon 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. CCAI shall return to this Commission the Order granting authority to provide Alternative Local Exchange Company (ALEC) services.

Since CCAI is no longer in business, there would be no purpose in requiring CCAI to pay a fine. By involuntarily canceling CCAI'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 CCAI'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.

Based on the foregoing, it is -

ORDERED by the Florida Public Service Commission that we hereby deny Consumer Credit Assistance, Inc.'s request for voluntary cancellation of Alternative Local Exchange Company (ALEC) Certificate No. 7371. It is further

ORDERED that pursuant to Rule 25-24.820(1)(b) and (c), Florida Administrative Code, we hereby cancel Consumer Credit Assistance, Inc.'s Alternative Local Exchange Company (ALEC) Certificate No.

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7371, effective upon issuance of the Consummating Order, for failure to comply with Rule 25-24.820(2), Florida Administrative Code; Section 364.336, Florida Statutes; and Rule 25-4.0161, Florida Administrative Code. It is further

ORDERED that Consumer Credit Assistance, Inc. shall return to this Commission the Order granting authority to provide Alternative Local Exchange Company (ALEC) services. It is further

ORDERED that Consumer Credit Assistance, 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.

By ORDER of the Florida Public Service Commission, this 15th day of May, 2001.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

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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 June 5, 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.