

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
Interexchange Telecommunications  
Certificate No. 7064 issued to  
Convergence, 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. 011031-TI  
ORDER NO. PSC-01-2071-PAA-TI  
ISSUED: October 19, 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 IMPOSING FINE, REQUIRING PAYMENT OF DELINQUENT  
REGULATORY ASSESSMENT FEES AND REQUIRING INFORMATION IN  
ACCORDANCE WITH RULE 25-24.480, FLORIDA ADMINISTRATIVE CODE,  
OR CANCELING INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE

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.

Convergence, Inc. (Convergence) currently holds Certificate  
of Public Convenience and Necessity No. 7064, issued by the  
Commission on August 3, 1999, authorizing the provision of

DOCUMENT NUMBER-DATE  
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FPOC-COMMISSION CLERK

Interexchange Telecommunications service (IXC). The Division of the Commission Clerk and Administrative Services advised our staff by memorandum that Convergence 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 2000. Also, accrued statutory penalties and interest charges for late RAFs payments for the year 2000 had not been paid.

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 IXC 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. Convergence has been given adequate opportunity to pay. As of the date of this vote, Convergence has not paid the required fees.

The Commission's correspondence regarding the RAFs was returned by the United States Postal Service. The return of these materials indicates that Convergence may have violated Rule 25-24.480, Florida Administrative Code, which requires the reporting to the Commission of an address change and/or a change in the name, title, or telephone number of the individual responsible for Commission contacts, within ten (10) days of its effectiveness. It has been well over 10 days and Convergence has not provided the information required by Rule 25-24.480, Florida Administrative Code, nor has it requested cancellation of its certificate in compliance with Rule 25-24.474, Florida Administrative Code.

For the reasons described above, pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Convergence's certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless Convergence pays a \$500 fine and remits all past due RAFs, along with accrued statutory penalties and interest charges, to the Florida Public Service

Commission. We also find it appropriate to cancel Convergence's certificate for failure to comply with Rule 25-24.480, Florida Administrative Code, unless Convergence pays a \$500 fine and provides the information required by Rule 25-24.480, Florida Administrative Code, to the Florida Public Service Commission. Convergence must comply with these requirements within five business days after the issuance of the Consummating Order, as explained in the Notice of Further Proceedings attached to this Order. The payment should be identified with the docket number and the Convergence, Inc.. The two fines, totaling \$1,000, will be remitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285 (1), Florida Statutes.

When the appropriate fees, statutory penalties, interest charges, required information, and fines are received, this Docket shall be closed. Should Convergence fail to comply with this Order within five business days after the issuance of the Consummating Order, Convergence shall have its certificate canceled, effective on the date of issuance of the Consummating Order, the collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts, and the Docket shall be closed. The cancellation of the certificate in no way diminishes Convergence's obligation to pay applicable delinquent RAFs, and accrued statutory penalties and interest charges. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.337, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Convergence, Inc. shall pay the past due Regulatory Assessment Fees, statutory penalties, interest charges, and a \$500 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within five business days after the issuance of the Consummating Order. The fine will be transmitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that Convergence, Inc. must provide the correct mailing address, liaison information, and other information in

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accordance with Rule 25-24.480, Florida Administrative Code, and pay a \$500 fine to the Florida Public Service Commission for failure to comply with Rule 25-24.480, Florida Administrative Code, within five business days after the issuance of the Consummating Order. The fine will be transmitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should Convergence, Inc. fail to comply with this Order, Convergence, Inc.'s Certificate No. 7064 shall be canceled, effective on the date of issuance of the Consummating Order, the collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts, and this Docket shall be closed. It is further

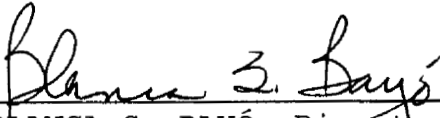
ORDERED that the cancellation of the certificate in no way diminishes Convergence, Inc.'s obligation to pay applicable delinquent Regulatory Assessment Fees, and accrued statutory penalties and interest charges. It is further

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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed upon payment of the fines, and fees, or upon cancellation of the certificate.

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By ORDER of the Florida Public Service Commission this 19th  
Day of October, 2001.

  
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BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

( 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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 9, 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.