

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
Certificate No. 5513 issued to
StormTel, 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. 010913-TI
ORDER NO. PSC-01-2261-AS-TI
ISSUED: November 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

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

StormTel, Inc. (StormTel) currently holds Certificate of
Public Convenience and Necessity No. 5513, issued by the Commission
on November 5 2001, authorizing the provision of Interexchange
Telecommunications service. The Division of the Commission Clerk
and Administrative Services advised our staff that StormTel 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. StormTel was scheduled to remit its RAFs
by January 30, 2001.

Pursuant to Section 364.336, Florida Statutes, certificate
holders must pay a minimum annual RAFs of \$50 if the certificate

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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. 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 fee is due. All entities that apply for certification receive a copy of our rules governing Interexchange Telecommunications service.

In addition, we had not been provided with StormTel's updated reporting requirements. This indicated that StormTel 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 had been well over 10 days and StormTel had not provided the information required by Rule 25-24.480, Florida Administrative Code, nor had it requested cancellation of its certificate in compliance with Rule 25-24.474, Florida Administrative Code.

After this docket was established, on August 17, 2001, Tom Force, Consultant to StormTel, contacted our staff and requested the 2000 RAFs return notice and the company's options to resolve this docket. StormTel has since paid the 2000 RAFs, including accrued statutory penalties and interest charges, offered to contribute \$100 to the State General Revenue Fund, and proposed to pay future RAFs on a timely basis. The company further advised our staff that when its tariff was updated on June 22, 2001, it had provided its updated address. Since the company had provided its correct address prior to this docket being established, the company requested that no fine or penalty be assessed for the reporting requirements rule. We agree that the company should not be penalized for the reporting requirements rule.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. StormTel must comply with these requirements within ten business days from the date this Order becomes final. The contribution should be identified with the docket number and the company name. Upon

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timely receipt, the contribution will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. StormTel has waived any objection to the administrative cancellation of its certificate if it does not comply with its settlement agreement. Upon remittance of the \$100 contribution or cancellation of the certificate, this docket shall be closed. We are vested with jurisdiction over this matter pursuant to Sections 364.285, 364.336, and 364.337, Florida Statutes.

Based on the foregoing, it is

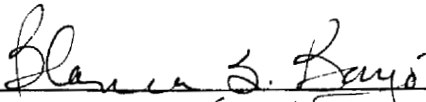
ORDERED by the Florida Public Service Commission that StormTel, Inc.'s settlement proposal set forth in the body of this Order is hereby approved. It is further

ORDERED that this docket shall remain open pending timely receipt of the \$100 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that if StormTel, Inc. fails to comply with this Order, its certificate will be canceled administratively. It is further

ORDERED that upon receipt of the \$100 contribution or cancellation of the certificate this docket shall be closed.

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



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

(S E A L)

AJT/KMP

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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 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 the Commission Clerk and Administrative Services, 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 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 the Commission Clerk and Administrative Services 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.