

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
Certificate No. 7472 issued to
TelZero, Inc. for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 011066-TI
ORDER NO. PSC-01-2278-PAA-TI
ISSUED: November 20, 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.

TelZero, Inc. (TelZero) currently holds Certificate of Public
Convenience and Necessity No. 7472, issued by the Commission on
June 16, 2000, authorizing the provision of interexchange
telecommunications (IXC) service. The Division of the Commission
Clerk and Administrative Services advised our staff that TelZero
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

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2000 had not been paid. TelZero was scheduled to remit its RAFs by January 30, 2001.

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. 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 IXC service.

On September 18, 2001, our staff wrote the company and explained that a docket had been established for nonpayment of the 2000 RAF, plus statutory penalty and interest charges. The company was asked to contact our staff if it was interested in resolving the docket. On September 28, 2001, we received a letter from Mr. Gavin Kahn, Attorney, which stated that this company ceased operation in 2000, that the corporation no longer exists, and requested cancellation of TelZero's certificate. In addition, Mr. Kahn requested that the RAFs, including statutory penalty and interest charges, be written off.

Since the companies advised staff that their respective corporations no longer existed, staff checked the Florida Department of State, Division of Corporation' records and confirmed that the corporation no longer exists. Under the circumstances, staff believes that it is appropriate to write-off the RAFs rather than send the uncollectible amounts to the Comptroller's Office for further collection attempts.

TelZero 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, TelZero is responsible for the RAFs. As of the date of the vote, TelZero continues to be in violation of our rules for nonpayment of RAFs for the year 2000.

For the reasons described above, pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we deny TelZero's request for voluntary cancellation of IXC Certificate No. 7472 for failure to comply with the provisions of Rule 25-24.474(2), Florida Administrative Code. However, we find it appropriate to involuntarily cancel TelZero's certificate, effective September 28, 2001, for failure to pay RAFs pursuant to Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code.

Since TelZero is no longer in business, there would be no purpose in requiring TelZero to pay a fine. By involuntarily canceling TelZero's certificate, however, we would be able to track this company should it apply for another certificate with us in the future. Accordingly, we hereby cancel TelZero's Certificate No. 7472 involuntarily, with an effective date of September 28, 2001. In addition, the Division of Administration will be notified that the 2000 and 2001 RAFs, including statutory penalty and interest charges for the year 2000, shall not be sent to the Comptroller's Office for further collection attempts. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.337 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 TelZero, Inc.'s request for voluntary cancellation of Interexchange Telecommunications Certificate No. 7472. It is further

ORDERED that pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we hereby cancel TelZero, Inc.'s IXC certificate No. 7472, effective September 28, 2001, 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

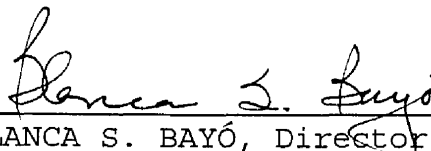
ORDERED that the 2000 and 2001 RAFs, including statutory penalty and interest charges for the year 2000 shall not be referred to the Office of the Comptroller for further collection efforts and permission to write off the uncollectible amount shall be requested. It is further

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 28-105.201, 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.

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By ORDER of the Florida Public Service Commission this 20th
Day of November, 2001.



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

(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,

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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 December 11, 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.