

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
Interexchange Telecommunications  
Certificate No. 7580 issued to  
Next Communications, 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. 011065-TI  
ORDER NO. PSC-01-2288-PAA-TI  
ISSUED: November 21, 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 DENYING SETTLEMENT PROPOSAL; AND IMPOSING  
FINE AND REQUIRING PAYMENT OF DELINQUENT REGULATORY ASSESSMENT  
FEES, 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.

Next Communications, Inc. (Next Communications) currently  
holds Certificate of Public Convenience and Necessity No. 7580,  
issued by the Commission on October 19, 2001, authorizing the  
provision of Interexchange Telecommunications (IXC) service. The  
Division of the Commission Clerk and Administrative Services  
advised our staff that Next Communications had not paid the

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FPSO-COMMISSION CLERK

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Regulatory Assessment Fees (RAFTs) 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 RAFTs payments for the year 2000 had not been paid. Next Communications was scheduled to remit its RAFTs by January 30, 2001.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAFT 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 RAFTs 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.

In addition, the Commission's correspondence, regarding RAFTs, to Next Communications was returned by the United States Postal Service. The return of these materials indicates that Next Communications 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 Next Communications 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.

After this docket was established, on August 22, 2001, Mr. Gil Cohen, Controller, contacted our staff and requested the 2000 RAFTs return notice and the company's options to resolve this docket. Mr. Cohen further provided our staff with the updated company's telephone numbers, along with the new president's name, and stated that the address on file with the Commission for Next Communications is the correct address.

On September 6, 2001, Next Communications paid the 2000 RAFTs, including partial payment of the accrued statutory penalties and interest charges, offered to contribute \$100 to the State General

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Revenue Fund, and proposed to pay future RAFs on a timely basis. Subsequently, our staff wrote to the company and advised that they could not recommend acceptance of its settlement offer with the outstanding penalty and interest balance. As of October 17, 2001, we have not received Next Communication's payment for the past due penalty and interest charges.

For the reason described above, we hereby deny Next Communications' settlement proposal. However, pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Next Communications' certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless Next Communications pays a \$500 fine and remits all past due accrued statutory penalties and interest charges, to the Florida Public Service Commission. Next Communications 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 company's name. The fine 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 statutory penalties, interest charges, and fine are received, this docket shall be closed. Should Next Communications fail to comply with this Order within five business days after the issuance of the Consummating Order, Next Communications 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 Next Communications'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

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ORDERED by the Florida Public Service Commission that we hereby deny Next Communications, Inc.'s settlement proposal. It is further

ORDERED that Next Communications, Inc. shall pay the past due 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 should Next Communications, Inc. fail to comply with this Order, Next Communications, Inc.'s Certificate No. 7580 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 the docket shall be closed. It is further

ORDERED that the cancellation of the certificate in no way diminishes Next Communications, 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 fine, and fees, or upon cancellation of the certificate.

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By ORDER of the Florida Public Service Commission this 21st  
Day of November, 2001.

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

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

( S E A L )

WDK

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.

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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 December 12, 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.