

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
Certificate No. 5264 issued to
Speer Virtual Media, Ltd. for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 011156-TI
ORDER NO. PSC-01-2423-PAA-TI
ISSUED: December 12, 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.

Speer Virtual Media, Ltd. (Speer Virtual Media) currently
holds Certificate of Public Convenience and Necessity No. 5264,
issued by the Commission on November 4, 1997, authorizing the
provision of Interexchange Telecommunications service. The
Division of the Commission Clerk and Administrative Services
advised our staff that Speer Virtual Media had not paid the
Regulatory Assessment Fees (RAFs) required by Section 364.336,

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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 years 1998, 1999, and 2000 had not been paid. Speer Virtual Media 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 Interexchange Telecommunications service.

On May 29, 2001, we received a letter from Speer Virtual Media requesting cancellation of its certificate and advising that it had ceased operations on December 31, 2000. Our staff wrote to Speer Virtual Media on June 4, 2001, and explained that the 2000 RAFs, including statutory penalty and interest charges for the years 1998, 1999, and 2000, must be paid prior to our staff recommending a voluntary cancellation. In addition, our staff advised that Speer Virtual Media would either need to pay the 2001 RAFs or provide a date certain it will be paid. On June 11, 2001, we received Speer Virtual Media's payment for the \$50 minimum RAFs. As of November 7, 2001 Speer Virtual Media has not paid the past due statutory penalty and interest charges nor paid the 2001 RAFs or provided a date certain the 2001 RAFs would be paid.

Speer Virtual Media 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, Speer Virtual Media is responsible for the RAFs and the accrued statutory penalty and interest charges for late payment. Therefore, for the reasons described above, pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we deny Speer Virtual Media's request for voluntary cancellation of Interexchange Telecommunications Certificate No. 5264 for failure to comply with the provisions of Rule 25-24.474(2), Florida Administrative Code. However, we find it appropriate to involuntarily cancel Speer Virtual Media's certificate, effective May 29, 2001, for failure to pay RAFs pursuant to Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code.

Since Speer Virtual Media is no longer in business, there would be no purpose in requiring Speer Virtual Media to pay a fine. By involuntarily canceling Speer Virtual Media'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 Speer Virtual Media's obligation to pay applicable delinquent statutory penalties and interest charges. The collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts. We are 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 Speer Virtual Media, Ltd.'s request for voluntary

ORDER NO. PSC-01-2423-PAA-TI
DOCKET NO. 011156-TI
PAGE 4

cancellation of Interexchange Telecommunications Certificate No. 5264. It is further

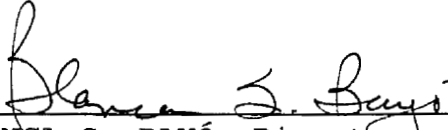
ORDERED that pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we hereby cancel Speer Virtual Media, Ltd.'s Interexchange Telecommunications Certificate No. 5264, effective May 29, 2001, for failure to comply with Rule 25-24.474(2), Florida Administrative Code; Section 364.336, Florida Statutes; and Rule 25-4.0161, Florida Administrative Code. It is further

ORDERED that the cancellation of the certificate in no way diminishes Speer Virtual Media, Ltd.'s obligation to pay applicable delinquent accrued statutory penalties and interest charges. The collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts. 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.

By ORDER of the Florida Public Service Commission this 12th Day of December, 2001.



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

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ORDER NO. PSC-01-2423-PAA-TI
DOCKET NO. 011156-TI
PAGE 5

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 January 2, 2002.

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.