

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
ALEC Certificate No. 5480 issued
to Axsys, Inc. d/b/a Axsys,
Inc./Tel Ptns. for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 020569-TX
ORDER NO. PSC-02-1206-PAA-TX
ISSUED: September 4, 2002

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING PENALTY AND REQUIRING PAYMENT OF DELINQUENT
REGULATORY ASSESSMENT FEES, OR CANCELING ALTERNATIVE LOCAL
EXCHANGE 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.

Axsys, Inc. d/b/a Axsys, Inc./Tel Ptns. (Axsys, Inc./Tel
Ptns.) currently holds Certificate of Public Convenience and
Necessity No. 5480, issued by the Commission on November 11, 1997
authorizing the provision of Alternative Local Exchange
Telecommunications (ALEC) services. The Division of the Commission
Clerk and Administrative Services advised our staff that Axsys,
Inc./Tel Ptns. had not paid the Regulatory Assessment Fees (RAFs)

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FPSC-COMMISSION CLERK

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required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 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 ALEC service.

Axsys, Inc./Tel Ptns. was scheduled to remit its RAFs by January 30, 2002. As of August 14, 2002, Axsys, Inc./Tel Ptns. has not paid the past due RAF, including accrued statutory penalty and interest charges, and have not requested cancellation of its certificate as required in Rule 25-24.820, Florida Administrative Code. This is the second docket opened against Axsys, Inc./Tel Ptns. for nonpayment of the RAF. On April 28, 2000, Order No. PSC-00-0848-AS-TX was issued in Docket No. 991968-TX. The Order accepted the company's \$100 settlement proposal. The company subsequently paid the past due RAFs and the \$100 settlement and the docket was then closed.

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 ALEC service.

For the reason described above, pursuant to Rule 25-24.820(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Axsys, Inc./Tel Ptns.' certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless Axsys, Inc./Tel

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Ptns. pays a \$1000 penalty and remits all past due RAFs, along with accrued statutory penalties and interest charges, to the Florida Public Service Commission. Axsys, Inc./Tel Ptns. must comply with these requirements within 14 days after the date of 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 penalty 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, and penalty are received, this docket shall be closed. Should Axsys, Inc./Tel Ptns. fail to comply with this Order within 14 days after the date of issuance of the Consummating Order, Axsys, Inc./Tel Ptns. 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 Axsys, Inc./Tel Ptns.' obligation to pay applicable delinquent RAFs, and accrued statutory penalties and interest charges. If Axsys, Inc./Tel Ptns.' certificate is canceled in accordance with this Order, Axsys, Inc./Tel Ptns. shall immediately cease and desist providing ALEC services in Florida. 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 Axsys, Inc. d/b/a Axsys, Inc./Tel Ptns. shall pay the past due Regulatory Assessment Fees, statutory penalties, interest charges, and a \$1000 penalty 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 14 days after the date of issuance of the Consummating Order. The penalty will be transmitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that pursuant to Rule 25-24.820(1)(b), Florida Administrative Code, should Axsys, Inc. d/b/a Axsys, Inc./Tel Ptns.

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fail to comply with this Order, Axsys, Inc. d/b/a Axsys, Inc./Tel Ptns.' Certificate No. 5480 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 Axsys, Inc. d/b/a Axsys, Inc./Tel Ptns.' obligation to pay applicable delinquent Regulatory Assessment Fees, and accrued statutory penalties and interest charges. It is further

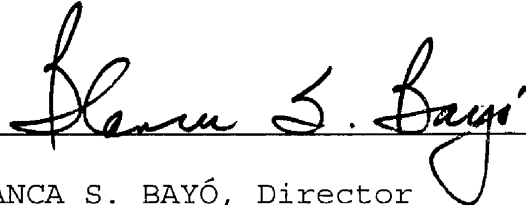
ORDERED that if Axsys, Inc. d/b/a Axsys, Inc./Tel Ptns.' certificate is canceled in accordance with this Order, Axsys, Inc. d/b/a Axsys, Inc./Tel Ptns. shall immediately cease and desist providing Alternative Local Exchange Telecommunications services in Florida. It is further

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 penalty and fees, or upon cancellation of the certificate.

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By ORDER of the Florida Public Service Commission this 4th
Day of September, 2002.



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

(S E A L)

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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 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 September 25, 2002.

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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/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.