

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of IXC  
Certificate No. 5672 issued to  
iTELSA (USA), Inc. for violation  
of Rule 25-4.0161, F.A.C,  
Regulatory Assessment Fees;  
Telecommunications Companies.

DOCKET NO. 020687-TI  
ORDER NO. PSC-02-1463-PAA-TI  
ISSUED: October 23, 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  
ORDER CANCELLING 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.

This enforcement action is against iTELSA (USA), Inc., an  
interexchange carrier (IXC), for nonpayment of the Regulatory  
Assessment Fees (RAFs). iTELSA (USA), has not paid its 2001 RAFs,  
plus statutory penalty and interest charges as listed on Attachment  
A and hereby incorporated by reference. iTELSA (USA) has a history  
of late payments. The company's certificate became effective July  
14, 1998, and every year the company has paid its RAFs after the  
due date.

This is iTELSA (USA)'s third offense. iTELSA (USA) had two  
previous dockets established for nonpayment of the RAFs. By Order

DOCUMENT NUMBER-DATE

11557 OCT 23 02

FPSC-COMMISSION CLERK

ORDER NO. PSC-02-1463-PAA-TI  
DOCKET NO. 020687-TI  
PAGE 2

No. PSC-00-0520-AS-TI, issued March 9, 2000, in Docket No. 991824-TI, we approved the company's \$100 settlement, and by Order No. PSC-01-1991-AS-TI, issued October 8, 2001, in Docket No. 010735-TI, we approved the company's \$500 settlement. In both prior dockets, the company proposed to pay future RAFs on a timely basis. Therefore, it appears that the company has failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees, Telecommunications Companies, incorporated by Rule 25-24.480, Florida Administrative Code, and is in noncompliance with its previous settlement proposals.

Since this is the third docket established for nonpayment of the RAFs, iTELSA (USA) should be well aware when the fees are due each year. The cancellation of a certificate for a third offense is consistent with our prior decision. In Docket No. 000968-TC, by Order No. PSC-00-1815-PAA-TC, issued October 4, 2000, we cancelled James M. Bracewell d/b/a Southern Tele-Communications' pay telephone certificate for violating the RAF rule in three separate dockets (Nos. 971340-TC, 981273-TC, and 000968-TC). Therefore, we find that cancellation of the company's certificate is appropriate.

Accordingly, iTELSA (USA)'s Certificate No. 5672 as listed on Attachment A shall be cancelled for apparent violation of Rule 25-4.0161, Florida Administrative Code, incorporated by Rule 25-24.480, Florida Administrative Code. If the past due fee, including statutory penalty and interest charges, is not received within fourteen (14) calendar days after the issuance of the Consummating Order, the amount shall be turned over to the Office of the Comptroller for further collection efforts. If this Order is not protested, iTELSA's Certificate No. 5672 shall be cancelled administratively. If iTELSA (USA)'s certificate is cancelled in accordance with this Order, iTELSA (USA) is required to immediately cease and desist providing interexchange telecommunications services in Florida.

We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.337, Florida Statutes. Pursuant to Section 364.336, Florida Statutes, cancellation of an entity's certificate does not relieve the obligation to pay RAFs, including statutory penalty and interest charges, if the certificate was active during any portion of the calendar year including the year of cancellation.

ORDER NO. PSC-02-1463-PAA-TI  
DOCKET NO. 020687-TI  
PAGE 3

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that iTELSA (USA), Inc.'s Certificate No. 5672 is hereby cancelled for apparent violation of Rule 25-4.0161, Florida Administrative Code, incorporated by Rule 25-24.480, Florida Administrative Code, as listed on Attachment A and hereby incorporated by reference. It is further

ORDERED that this Order shall become final and effective upon the issuance of a Consummating Order unless a person whose substantial interest are affected files an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, which 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

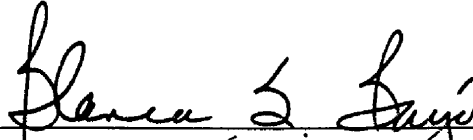
ORDERED that if iTELSA (USA), Inc.'s certificate is cancelled in accordance with this Order, iTELSA (USA), Inc. is required to immediately cease and desist providing interexchange telecommunications services in Florida.

ORDERED that if the past due fee, including statutory penalty and interest charges, as listed on Attachment A and hereby incorporated by reference, is not received within fourteen (14) calendar days after the issuance of the Consummating Order, the amount shall be turned over to the Office of the Comptroller for further collection efforts. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed fourteen (14) calendar days after the issuance of the Consummating Order.

ORDER NO. PSC-02-1463-PAA-TI  
DOCKET NO. 020687-TI  
PAGE 4

By ORDER of the Florida Public Service Commission this 23rd  
day of October, 2002.



---

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

( S E A L )

PAC

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.

ORDER NO. PSC-02-1463-PAA-TI  
DOCKET NO. 020687-TI  
PAGE 5

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 November 13, 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/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.

ORDER NO. PSC-02-1463-PAA-TI  
DOCKET NO. 020687-TI  
PAGE 6

ATTACHMENT A

3<sup>rd</sup> Time Offender - Nonpayment of RAFs - Cancellation of Certificate

<u>DOCKET NO.</u>	<u>PROVIDER</u> <u>LAST REPORTED REVENUES &amp;</u> <u>PERIOD ENDED</u>	<u>CERT.</u> <u>NO.</u>	<u>RAF</u> s	<u>Penalty</u> <u>and</u> <u>Interest*</u>
020687-TI	iTELSA (USA), Inc. \$65,600 Revenues \$12/31/01	5672	2001	2001

\*Years penalty and/or interest was not paid