

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation  
of ALEC Certificate No. 7586 by  
Structus TeleSystems, Inc.,  
effective 7/19/02.

DOCKET NO. 021049-TX  
ORDER NO. PSC-02-1745-PAA-TX  
ISSUED: December 11, 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 CANCELLING 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.

Structus TeleSystems, Inc. (Structus), holder of Alternative Local Exchange Telecommunications Certificate (ALEC) of Public Convenience and Necessity No. 7586, has requested the cancellation of ALEC Certificate No. 7586. Structus has complied with the provision of Rule 25-24.820(2), Florida Administrative Code, by providing adequate notice in writing of its request for cancellation of its ALEC certificate and by submitting its Regulatory Assessment Fees (RAFs) for the year 2001. Accordingly, we find it appropriate to cancel ALEC Certificate No. 7586, effective July 19, 2002. We are vested with jurisdiction over this matter pursuant to Section 364.335, Florida Statutes.

DOCUMENT NUMBER DATE

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In addition, under 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. A RAFs Return notice for the year 2002 has been mailed to Structus for payment by January 30<sup>th</sup>, 2003. Neither the cancellation of its certificate nor the failure to receive a RAFs Return notice for the year 2002 shall relieve Structus from its obligation to pay RAFs for the year 2002.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Structus TeleSystems, Inc.'s Certificate No. 7586 to provide Alternative Local Exchange Telecommunications services is hereby canceled, effective July 19, 2002. It is further

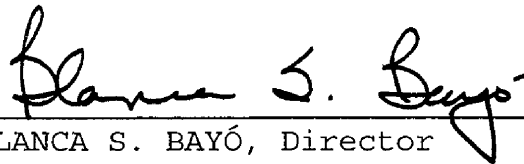
ORDERED that Structus TeleSystems, Inc. shall remit Regulatory Assessment Fees for the year 2002. It is further

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.

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By ORDER of the Florida Public Service Commission this 11th  
Day of December, 2002.



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

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 January 1, 2003.

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.