

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of IXC  
Certificate No. 4773 issued to  
Easy Phone, Inc. d/b/a Easy Tel,  
Inc. for violation of Rule 25-  
4.0161, F.A.C., Regulatory  
Assessment Fees;  
Telecommunications Companies.

DOCKET NO. 020675-TI  
ORDER NO. PSC-02-1787-PAA-TI  
ISSUED: December 19, 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  
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.

Easy Phone, Inc. d/b/a Easy Tel, Inc. (Easy Tel) currently  
holds Certificate of Public Convenience and Necessity No. 4773,  
issued by the Commission on February 18, 1997, authorizing the  
provision of Interexchange Telecommunications (IXC) service. The  
Division of the Commission Clerk and Administrative Services  
advised our staff that Easy Tel had not paid the Regulatory  
Assessment Fees (RAFs) required by Section 364.336, Florida

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 2001. Also, accrued statutory penalties and interest charges for late RAFs payments for the year 2001 had not been paid. Easy Tel was scheduled to remit its RAFs by January 30, 2002.

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 IXC service.

This is the second docket opened against the company for nonpayment of the RAF. In the prior docket, Easy Phone, Inc. d/b/a Easy Tel, Inc. paid a settlement amount to resolve the docket. Therefore, it appears 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 has not requested cancellation of its certificate in compliance with Rule 25-24.474, Florida Administrative Code. Pursuant to Section 364.336, Florida Statutes, cancellation of an entity's certificate does not relieve the obligation to pay Regulatory Assessment Fees, including statutory penalty and interest charges, if the certificate was active during any portion of the calendar year, including the year of cancellation.

For the reason described above, pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Easy Tel's certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, with an effective date of December 31, 2002, unless Easy Tel pays a \$1,000 penalty and remits all past due RAFs, along with accrued statutory penalties and interest charges, to the Florida Public Service Commission. Easy Tel must comply with these requirements within 14 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

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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 Easy Tel fail to comply with this Order within 14 days after the issuance of the Consummating Order, Easy Tel 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 Easy Tel's obligation to pay applicable delinquent RAFs, and accrued statutory penalties and interest charges. If Easy Tel's certificate is canceled in accordance with this Order, Easy Tel shall immediately cease and desist providing IXC 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 Easy Phone, Inc. d/b/a Easy Tel, Inc. shall pay the past due Regulatory Assessment Fees, statutory penalties, interest charges, and a \$1,000 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 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 should Easy Phone, Inc. d/b/a Easy Tel, Inc. fail to comply with this Order, Easy Phone, Inc. d/b/a Easy Tel, Inc.'s Certificate No. 4773 shall be canceled, effective December 31, 2002; 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 Easy Phone, Inc. d/b/a Easy Tel, Inc.'s obligation to

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pay applicable delinquent Regulatory Assessment Fees, and accrued statutory penalties and interest charges. It is further

ORDERED that if Easy Phone, Inc. d/b/a Easy Tel, Inc.'s certificate is canceled in accordance with this Order, Easy Phone, Inc. d/b/a Easy Tel, Inc. shall immediately cease and desist providing Interexchange 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.

By ORDER of the Florida Public Service Commission this 19th Day of December, 2002.

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

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

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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 January 9, 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.