

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide
interexchange telecommunication
services by NETEL, INC.

DOCKET NO. 020992-TI
ORDER NO. PSC-03-0326-PAA-TI
ISSUED: March 7, 2003

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING CERTIFICATE TO PROVIDE
INTEREXCHANGE TELECOMMUNICATIONS SERVICE

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.

BACKGROUND

On May 18, 1995, this Commission granted NETEL, INC. (NETEL) Certificate No. 4001 to provide interexchange telecommunications service (IXC) in Florida. On July 12, 2000, the IXC certificate was canceled in Docket No. 991530-TI due to the failure of the company to respond to Order No. PSC-99-2441-PAA-TI which required payment of past due Regulatory Assessment Fees (RAFs) with statutory penalties, interest and a fine.

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FPSC-COMMISSION CLERK

On June 13, 1998, we granted NETEL Certificate No. 5639 to provide alternative local exchange service (ALEC) in Florida. On June 30, 2000, the ALEC certificate was canceled in Docket No. 991986-TX due to the failure of the company to respond to Order No. PSC-00-0844-PAA-TX which required payment of past due Regulatory Assessment Fees (RAFs) with statutory penalties and interest, and an unpaid settlement offer.

On September 18, 2002, NETEL submitted an application for a new IXC certificate. On January 30, 2003, the Commission received the company's payment of \$848.91 for the 1999 and 2000 IXC RAFs plus the statutory late fees and the \$500 fine, and late fees and the \$100 settlement for the ALEC. The company also submitted a letter of explanation.

The Commission is vested with jurisdiction in this matter pursuant to Sections 364.335 and 364.337, Florida Statutes.

DISCUSSION

By filing its application, NETEL, INC. is requesting the Commission to grant it a certificate to provide interexchange telecommunications service within the State of Florida as provided by Section 364.337(3), Florida Statutes.

Section 364.337(3), Florida Statutes, reads:

The commission shall grant a certificate of authority to provide intrastate interexchange telecommunications service upon a showing that the applicant has sufficient technical, financial, and managerial capability to provide such service in the geographic area proposed to be served.

NETEL filed an application with the Commission on September 18, 2002, to offer interexchange telecommunications service in Florida. A review of the application indicates that the company appears to meet the requirements of Section 364.337(3), Florida Statutes.

NETEL's new application indicates that the company has undergone managerial and structural changes. The company has also

hired a regulatory consulting firm to assist with future regulatory matters. A letter dated January 9, 2003 states, in part:

Prior to hiring the outside compliance management firm, the notices from the Commission regarding delinquent reports were not properly handled, and "fell through the cracks". The situation has been rectified, and all future reports should be timely filed.

Although we canceled NETEL's certificates in 2000, we accept the company's representation that these past difficulties were oversights which will not occur again. Therefore, based upon these representations, we grant NETEL, INC. a certificate, Florida Public Service Commission Certificate No. 8303, to provide interexchange telecommunications service in Florida.

IXC providers are subject to Chapter 25-24, Florida Administrative Code, Part X, Rules Governing Telephone Service Provided by Interexchange Telephone Companies. IXC providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code.

In addition, pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee of \$50 if the certificate is active during any portion of the calendar year. A Regulatory Assessment Fee Return notice will be mailed each December to NETEL for payment by January 30. Neither the cancellation of the certificate nor the failure to receive a RAFs Return notice shall relieve NETEL, INC. from its obligation to pay RAFs.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby grant Certificate No. 8303 to NETEL, INC., which shall authorize it to provide Interexchange Telecommunications services, subject to the terms and conditions specified in the body of this Order. It is further

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ORDERED that this Order shall serve as NETEL, INC.'s certificate and should be retained by NETEL, INC. as proof of certification. 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 7th Day of March, 2003.

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

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

(S E A L)

BRT

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 March 28, 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.