

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation of tariff
and removal from register by
Florida Public Service
Commission of IXC Registration
No. TJ118 issued to Omniplex
Communications Group, LLC for
violation of Sections 364.336,
and 364.02, Florida Statutes.

DOCKET NO. 030762-TI

In re: Cancellation of tariff
and removal from register by
Florida Public Service
Commission of IXC Registration
No. TJ281 issued to Comtel
Network LLC for violation of
Sections 364.336 and 364.02,
Florida Statutes.

DOCKET NO. 030771-TI
ORDER NO. PSC-03-1177-PAA-TI
ISSUED: October 21, 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 IMPOSING PENALTY AND REQUIRING PAYMENT OF
DELINQUENT REGULATORY ASSESSMENT FEES, OR CANCELING
INTEREXCHANGE TELECOMMUNICATIONS TARIFF
AND REMOVAL FROM THE REGISTER

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.

DOCUMENT NUMBER-DATE

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FPSC-COM ACTION CLERK

The Division of the Commission Clerk and Administrative Services advised our staff that the entities listed below had not paid the Regulatory Assessment Fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year(s) specified below. Also, accrued statutory penalties and interest charges for late RAFs payments for the year(s) specified below had not been paid. The entities listed below were scheduled to remit their respective RAFs.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAFs 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 register receive a copy of our rules governing Interexchange Telecommunications service.

<u>ENTITY'S NAME</u>	<u>REGISTER NO.</u>	<u>PAST DUE RAFS</u>	<u>PAST DUE PENALTIES AND INTEREST</u>
Omniplex Communications Group, LLC	TJ118	2002	2002
Comtel Network LLC	TJ281	2002	2002

In addition, each of the companies listed above have had returned mail and have not updated the reporting requirements of the change of their respective address (including street name and address, post office box, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with us. Our staff attempted to call each company, but was unsuccessful. Therefore, it appears the companies above have failed to comply with Sections 364.336 and 364.02, Florida Statutes, and have not requested cancellation of their respective tariffs or removal from the register. The penalty amount imposed in these dockets is consistent with amounts imposed for recent, similar violations. Pursuant to Section 364.336, Florida Statutes,

cancellation of an entity's tariff and removal from the register does not relieve the obligation to pay Regulatory Assessment Fees, including statutory penalty and interest charges, if the company was registered during any portion of the calendar year, including the year of removal from the register.

Accordingly, we assess a total penalty of \$1,500 (\$1,000 for the RAFs violation and \$500 for the Reporting Requirements violation) or cancel each company's respective tariff and remove the company from the register, as listed above, for apparent violation of Sections 364.336 and 364.02, Florida Statutes, if the penalty, Regulatory Assessment Fees, including statutory penalty and interest charges, and the reporting requirements, are not received by us within fourteen (14) calendar days after the issuance of the Consummating Order. The total penalty of \$1,500 shall be paid to the Florida Public Service Commission. The payment shall be identified with the docket number and the company's name. The penalties will be remitted to Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285 (1), Florida Statutes.

If a company does not protest this Order or the penalty and Regulatory Assessment Fees, including statutory penalty and interest charges, and reporting requirements are not received, that company's tariff shall be cancelled and the company removed from the register administratively, the collection of the past due fees shall be referred to the Florida Department of Financial Services for further collection efforts. If a company's tariff is cancelled and its name removed from the register in accordance with this Order, the respective company shall be required to immediately cease and desist providing intrastate interexchange services in Florida. If any of the companies have their respective tariff cancelled and name removed from the register, and subsequently decides to reapply for registration as an intrastate interexchange telecommunications company, that company shall be required to first pay any outstanding penalties and RAF, including statutory penalty and interest charges.

We are vested with jurisdiction over this matter pursuant to Sections 364.02 364.336, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each of the entities listed herein shall pay the past due Regulatory Assessment Fees, statutory penalties, interest charges, and a \$1500 penalty to the Florida Public Service Commission for failure to comply with Sections 364.336 and 364.02, Florida Statutes, within 14 days after the issuance of the Consummating Order. The penalties will be transmitted to the Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should any of the entities fail to comply with this Order, that entity's tariff shall be cancelled and the entity removed from the register administratively, effective on the date of issuance of the Consummating Order; the collection of the past due fees shall be referred to the Florida Department of Financial Services for further collection efforts; and the respective docket shall be closed. It is further

ORDERED that the cancellation of entity's tariff and removal from the register in no way diminishes any of the entities' obligation to pay applicable delinquent Regulatory Assessment Fees, and accrued statutory penalties and interest charges. It is further

ORDERED that if an entity's tariff is cancelled and it is removed from the register in accordance with this Order, that entity shall immediately cease and desist providing Interexchange Telecommunications services in Florida. It is further

ORDERED that any protest to the action proposed herein shall specify the entity or entities to which it applies. It is further

ORDERED that, if a protest to this Order is filed, the protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. It is further

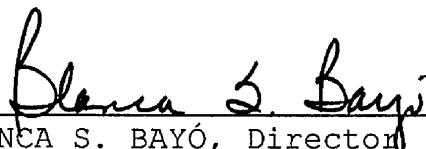
ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form

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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, each docket shall be closed upon payment of the penalty, and fees, or upon cancellation of entity's tariff and removal from the register.

By ORDER of the Florida Public Service Commission this 21st Day of October, 2003.



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

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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 November 11, 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.