

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation of tariff  
and removal from register by  
Florida Public Service  
Commission of IXC Registration  
No. TJ457 issued to Everest  
Broadband Networks of Florida,  
Inc. for violation of Section  
364.336, Florida Statutes.

DOCKET NO. 030790-TI  
ORDER NO. PSC-04-0020-PAA-TI  
ISSUED: January 7, 2004

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 VOLUNTARILY CANCELING INTEREXCHANGE CARRIER REGISTRATION  
AND REMOVAL FROM 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.

Everest Broadband Networks of Florida, Inc. (Everest) currently  
holds Registration No. TJ457, issued by the Commission on January  
8, 2001, authorizing the provision of Interexchange Carrier  
service. The Division of the Commission Clerk and Administrative  
Services advised our staff that Everest 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) 2002. Also, accrued statutory penalties and interest

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charges for late RAFs payments for the year 2001 and 2002 had not been paid. Everest was scheduled to remit its RAFs by January 30, 2003.

Pursuant to Section 364.336, Florida Statutes, Registration holders must pay a minimum annual RAF of \$50 if the Registration 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 Interexchange Carrier service.

After this docket was established, on June 26, 2002, Mr. Jeffrey Feldman, President, called staff and requested the 2002 and 2003 RAF return forms and a sample letter he could use as an example to request cancellation. The forms and information were faxed the next day, June 27, 2003. Mr. Feldman has since paid the 2002 and 2003 RAFs, including accrued statutory penalties and interest charges and requested voluntary cancellation of its Registration. Accordingly, we find it appropriate to cancel Interexchange Carrier Registration No. TJ457, effective October 6, 2003. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.335, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Everest Broadband Networks of Florida, Inc.'s Registration No. TJ457 to provide Interexchange Carrier services is hereby canceled, effective October 6, 2003. It is further

ORDERED that Everest Broadband Networks of Florida, Inc. tariff is canceled and it is removed from the Register in accordance with this Order, Everest Broadband Networks of Florida, Inc. shall immediately cease and desist providing Interexchange Telecommunications Service in Florida. It is further

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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 January, 2004.

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 )

VSM

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 28, 2004.

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.