

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Cancellation of tariff and removal from register by Florida Public Service Commission of IXC Registration No. TJ629 issued to Wholesale Carrier Services, Inc. for violation of Section 364.336, Florida Statutes.

DOCKET NO. 030805-TI
ORDER NO. PSC-04-0132-AS-TI
ISSUED: February 10, 2004

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

Wholesale Carrier Services, Inc. (Wholesale) currently holds Registration of Public Convenience and Necessity No. TJ629, issued by the Commission on April 1, 2002, authorizing the provision of Interexchange Carrier service. The Division of the Commission Clerk and Administrative Services advised our staff that Wholesale 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 charges for late RAFs payments for the year(s) 2002 had not been paid. Wholesale was scheduled to remit its RAFs by January 30, 2003.

Pursuant to Section 364.336, Florida Statutes, Registration holders must pay a minimum annual RAFs 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.

On November 10, 2003, we issued Order No. PSC-03-1267-PAA-TI. to impose a \$500 fine. Failure to comply or respond to this Order would result in the cancellation of Wholesale's Registration. Wholesale has since paid the 2002 RAFs, including accrued statutory penalties and

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interest charges, offered to contribute \$100 to the State General Revenue Fund, and proposed to pay future RAFs on a timely basis.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. Wholesale must comply with these requirements within 14 days from the date of issuance of this Order. The contribution should be identified with the docket number and the company name. Upon timely receipt, the contribution will be forwarded to the Department of Financial Services for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. Wholesale has waived any objection to the administrative cancellation of its Registration if it does not comply with its settlement agreement. Upon remittance of the \$100 contribution or cancellation of the Registration, this docket shall be closed. If Wholesale's Registration is canceled in accordance with this Order, Wholesale shall immediately cease and desist providing Interexchange Carrier services in Florida. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.02, 364.337, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Wholesale Carrier Services, Inc.'s settlement proposal set forth in the body of this Order is hereby approved. It is further

ORDER that the settlement amount must be received within 14 days of the issuance of this Order. It is further

ORDERED that this docket shall remain open pending timely receipt of the \$100 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that if Wholesale Carrier Services, Inc. fails to comply with this Order, its Registration will be canceled administratively. It is further

ORDERED that if Wholesale Carrier Services, Inc.'s Registration is canceled in accordance with this Order, Wholesale Carrier Services, Inc. shall immediately cease and desist providing Interexchange Carrier services in Florida. It is further

ORDERED that upon receipt of the \$100 contribution or cancellation of the Registration this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 10th day of February, 2004.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

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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 or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.