

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Cancellation of tariff and removal from register by Florida Public Service Commission of IXC Registration No. TJ525 issued to Telecom New Zealand Communications (USA) Limited, Inc. for violation of Section 364.336, Florida Statutes.

DOCKET NO. 030943-TI
ORDER NO. PSC-04-0317-FOF-TI
ISSUED: March 23, 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

REISSUANCE OF ORDER GRANTING VOLUNTARY CANCELLATION OF
INTEREXCHANGE TELECOMMUNICATIONS
TARIFF AND REMOVAL FROM REGISTER

BY THE COMMISSION:

This is a reissuance of Order No. PSC-04-0221-TRF-TI. Due to a scrivener's error, the incorrect language was used in the notice section of the Order. The Order is therefore being reissued to reflect proper language referring to the notice section of this Order.

Telecom New Zealand Communications (USA) limited, Inc. (New Zealand) currently holds Registration of Public Convenience and Necessity No. TJ525, issued by the Commission on July 30, 2001, authorizing the provision of Interexchange Carrier service. The Division of the Commission Clerk and Administrative Services advised our staff that New Zealand 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 2002. Also, accrued statutory penalties and interest charges for late RAFs payments for the year 2002 had not been paid. New Zealand 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

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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.

The Division of the Commission Clerk and Administrative Services notified staff that the company had not submitted the 2002 Regulatory Assessment Fees, along with statutory late payment charges. Therefore, it appeared the company had failed to comply with Section 364.336, Florida Statutes.

The Commission subsequently received a letter from the company's regulatory consultant, which requested voluntary cancellation of its tariff and removal from the register. After unsuccessfully attempting collection of the past due late payment charges and either payment of the 2003 fee or a date certain the fee would be paid, this docket was established. On December 23, 2003, Order No. PSC-03-1468-PAA-TI was issued, which denied the company a voluntary cancellation of its tariff and removal from the register. The Commission received the past due amount, along with the 2003 RAF, and a letter requesting voluntary removal from the register of its IXC Registration No. TJ525 and cancellation of the company's tariff.

Accordingly, we find it appropriate to cancel Interexchange Carrier Registration No. TJ525, effective May 22, 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 Telecom New Zealand Communications (USA) limited, Inc.'s Registration No. TJ525 to provide Interexchange Carrier services is hereby canceled, effective May 22, 2003. It is further

ORDERED that Telecom New Zealand Communications (USA) limited, Inc.'s tariff is canceled and it is removed from the Register in accordance with this Order, Telecom New Zealand Communications (USA) Limited, Inc., shall immediately cease and desist providing Interexchange Telecommunications Service in Florida. It is further

ORDERED that this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 23rd day of March, 2004.



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