

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of Tiburon  
Telecom, Inc. for apparent violation of Section  
364.336, F.S., Regulatory Assessment Fees.

DOCKET NO. 050180-TI  
ORDER NO. PSC-05-0573-PAA-TI  
ISSUED: May 24, 2005

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON  
LISA POLAK EDGAR

NOTICE OF PROPOSED AGENCY ACTION  
ORDER IMPOSING PENALTY

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.

Docket No. 050180-TI is a compliance investigation of Tiburon Telecom, Inc. for its apparent failure to pay its 2004 intrastate interexchange telecommunications company Regulatory Assessment Fees, with statutory late charges. Tiburon Telecom, Inc. is a certificated competitive local exchange telecommunications company (CLEC) and a registered intrastate interexchange telecommunications company (IXC) located in Tallahassee, Florida. On January 10, 2003, the Commission granted Tiburon Telecom, Inc. IXC Registration No. TJ714.

Pursuant to Section 364.336, Florida Statutes, IXCs must pay a minimum annual Regulatory Assessment Fee (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 this Commission by January 30 of the subsequent year. Pursuant to Section 364.285, Florida Statutes, we may impose a penalty or cancel a registration if a company refuses to comply with Commission statutes.

On December 15, 2004, the Division of the Commission Clerk & Administrative Services mailed the 2004 RAF return notice to Tiburon Telecom, Inc. On February 18, 2005, the Office of General Counsel mailed a delinquent notice via certified mail to the company for nonpayment of its 2004 RAF. Tiburon Telecom, Inc. has not paid the RAF required by Section 364.336, Florida Statutes, for 2004. Also, accrued statutory late payment charges required by Section 350.113(4), Florida Statutes, have not been paid.

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FPSC-COMMISSION CLERK

We are vested with jurisdiction over this matter pursuant to Sections 350.113, 364.02, 364.336, and 364.285, Florida Statutes. Further the amount of the proposed penalty is consistent with penalties previously imposed by us upon other interexchange telecommunications companies for similar violations. Therefore, we hereby impose a penalty and a cost of collection, together totaling \$500, on Tiburon Telecom, Inc. for apparent violation of Section 364.336, Florida Statutes, in Docket No. 050180-TI.

Therefore it is,

ORDERED by the Florida Public Service Commission that Tiburon Telecom, Inc. is hereby assessed a penalty of \$500 for apparent violation of Sections 350.113, 364.02, 364.336, and 364.285, Florida Statutes. 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 should Tiburon Telecom, Inc. fail to timely protest this Order, the facts shall be deemed admitted, the right to a hearing waived, and the penalty shall be deemed assessed. It is further

ORDERED that any protest must identify with specificity the issues in dispute. In accordance with Section 120.80(13)(b), Florida Statutes, issues not in dispute will be deemed stipulated. It is further

ORDERED that should Tiburon Telecom, Inc. fail to timely protest this Order, payment of the \$500 penalty must be received within fourteen calendar days after the issuance of the Consummating Order. It is further

ORDERED that if this Order is not protested and the penalty is not received within fourteen calendar days of the issuance of the Consummating Order, the penalty shall be referred to the Department of Financial Services for further collection efforts and the company's IXC tariff shall be canceled and IXC Registration No. TJ714 shall be removed from the register administratively and the company shall be required to cease and desist providing intrastate interexchange telecommunications services in Florida. It is further

ORDERED that if this Order is not timely protested, this Docket shall be closed administratively upon: 1) receipt of the company's tariff; 2) receipt of the company's current contact information; and 3) receipt of the \$500 penalty payment; or 4) referral of the penalty to the Department of Financial Services for further collection efforts.

By ORDER of the Florida Public Service Commission this 24th day of May, 2005.

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

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

JPR

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 June 14, 2005.

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.