

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Compliance investigation of CLEC Certificate No. 5250, issued to Verizon Avenue Corp. d/b/a Verizon Avenue, for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. DOCKET NO. 090192-TX

In re: Compliance investigation of CLEC Certificate No. 5296, issued to ElectroNet Intermedia Consulting, Inc., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. DOCKET NO. 090193-TX

In re: Compliance investigation of CLEC Certificate No. 7269, issued to Primus Telecommunications, Inc., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. DOCKET NO. 090194-TX

In re: Compliance investigation of CLEC Certificate No. 7801, issued to Globaltron Communications Corporation, for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. DOCKET NO. 090195-TX

In re: Compliance investigation of CLEC Certificate No. 8181, issued to Myatel Corporation, for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. DOCKET NO. 090196-TX

In re: Compliance investigation of CLEC Certificate No. 8209, issued to Communications Xchange, LLC, for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. DOCKET NO. 090197-TX

DOCUMENT NUMBER-DATE

04320 MAY-6 8

FPSC-COMMISSION CLERK

ORDER NO. PSC-09-0298-PAA-TX

DOCKET NOS. 090192-TX, 090193-TX, 090194-TX, 090195-TX, 090196-TX, 090197-TX, 090198-TX, 090199-TX, 090200-TX, 090202-TX, 090203-TX, 090204-TX, 090205-TX, 090206-TX, 090208-TX, 090209-TX, 090210-TX, 090214-TX, 090215-TX, 090216-TX, 090217-TX, 090218-TX, 090219-TX, 090220-TX, 090221-TX

PAGE 2

In re: Compliance investigation of CLEC Certificate No. 8445, issued to Teledata Solutions, Inc. d/b/a TDSI, INC., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 090198-TX

In re: Compliance investigation of CLEC Certificate No. 8480, issued to Payless Telephone Company, Inc., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 090199-TX

In re: Compliance investigation of CLEC Certificate No. 8493, issued to Talk For Less, Inc., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 090200-TX

In re: Compliance investigation of CLEC Certificate No. 8504, issued to Excel Pager, Cellular, and Home Phone, Inc., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 090202-TX

In re: Compliance investigation of CLEC Certificate No. 8535, issued to Utility USA, Inc. d/b/a Vizon Telecom, for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 090203-TX

In re: Compliance investigation of CLEC Certificate No. 8558, issued to Economic Telecom, Inc., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 090204-TX

ORDER NO. PSC-09-0298-PAA-TX

DOCKET NOS. 090192-TX, 090193-TX, 090194-TX, 090195-TX, 090196-TX, 090197-TX, 090198-TX, 090199-TX, 090200-TX, 090202-TX, 090203-TX, 090204-TX, 090205-TX, 090206-TX, 090208-TX, 090209-TX, 090210-TX, 090214-TX, 090215-TX, 090216-TX, 090217-TX, 090218-TX, 090219-TX, 090220-TX, 090221-TX

PAGE 3

In re: Compliance investigation of CLEC Certificate No. 8621, issued to Protection Plus of the Florida Keys, Inc. d/b/a ENGAGE COMMUNICATIONS, for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 090205-TX

In re: Compliance investigation of CLEC Certificate No. 8629, issued to Communication Technology, Inc., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 090206-TX

In re: Compliance investigation of CLEC Certificate No. 8690, issued to DG-TEC, LLC, for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 090208-TX

In re: Compliance investigation of CLEC Certificate No. 8700, issued to Great American Telephone, Inc., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 090209-TX

In re: Compliance investigation of CLEC Certificate No. 8710, issued to Mextel Communications Inc. d/b/a The Dunnellon Phone Company d/b/a The Florida Phone Company d/b/a The Phone Company, for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 090210-TX

ORDER NO. PSC-09-0298-PAA-TX

DOCKET NOS. 090192-TX, 090193-TX, 090194-TX, 090195-TX, 090196-TX, 090197-TX, 090198-TX, 090199-TX, 090200-TX, 090202-TX, 090203-TX, 090204-TX, 090205-TX, 090206-TX, 090208-TX, 090209-TX, 090210-TX, 090214-TX, 090215-TX, 090216-TX, 090217-TX, 090218-TX, 090219-TX, 090220-TX, 090221-TX

PAGE 4

In re: Compliance investigation of CLEC Certificate No. 8715, issued to Credicall USA Inc, for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. DOCKET NO. 090214-TX

In re: Compliance investigation of CLEC Certificate No. 8711, issued to WTI Communications, Inc., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. DOCKET NO. 090215-TX

In re: Compliance investigation of CLEC Certificate No. 8713, issued to M Telecom, LLC, for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. DOCKET NO. 090216-TX

In re: Compliance investigation of CLEC Certificate No. 8725, issued to Advanced Telecom of South Florida, Inc., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. DOCKET NO. 090217-TX

In re: Compliance investigation of CLEC Certificate No. 8723, issued to OneTone Telecom, Inc., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. DOCKET NO. 090218-TX

In re: Compliance investigation of CLEC Certificate No. 8724, issued to Clertech.com, Inc., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. DOCKET NO. 090219-TX

ORDER NO. PSC-09-0298-PAA-TX

DOCKET NOS. 090192-TX, 090193-TX, 090194-TX, 090195-TX, 090196-TX, 090197-TX, 090198-TX, 090199-TX, 090200-TX, 090202-TX, 090203-TX, 090204-TX, 090205-TX, 090206-TX, 090208-TX, 090209-TX, 090210-TX, 090214-TX, 090215-TX, 090216-TX, 090217-TX, 090218-TX, 090219-TX, 090220-TX, 090221-TX

PAGE 5

In re: Compliance investigation of CLEC Certificate No. 8730, issued to General Computer Services, Inc. d/b/a BeCruising Telecom, for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 090220-TX

In re: Compliance investigation of CLEC Certificate No. 8736, issued to Clective Telecom Florida, LLC, for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 090221-TX

ORDER NO. PSC-09-0298-PAA-TX

ISSUED: May 6, 2009

NOTICE OF PROPOSED AGENCY ACTION ORDER IMPOSING PENALTIES AND COLLECTION COSTS, AND REQUIRING PAYMENT OF DELINQUENT REGULATORY ASSESSMENT FEES, OR CANCELLING COMPETITIVE LOCAL EXCHANGE COMPANY CERTIFICATES FOR VIOLATION OF RULE 25-4.0161, FLORIDA ADMINISTRATIVE CODE

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.

Pursuant to Rule 25-4.0161(10), Florida Administrative Code, telecommunications companies that fail to pay the Regulatory Assessment Fee, including statutory late payment charges, within 15 days after receiving a delinquent notice, shall be automatically penalized \$500 for a first offense, \$1,000 for a second offense, and \$2,000 for a third offense. The penalty amounts include collection costs. If an entity fails to pay the Regulatory Assessment Fee in full, including statutory late payment charges, along with the penalty amount, that entity's certificate shall be cancelled.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee if the certificate was active during any portion of the calendar

ORDER NO. PSC-09-0298-PAA-TX

DOCKET NOS. 090192-TX, 090193-TX, 090194-TX, 090195-TX, 090196-TX, 090197-TX, 090198-TX, 090199-TX, 090200-TX, 090202-TX, 090203-TX, 090204-TX, 090205-TX, 090206-TX, 090208-TX, 090209-TX, 090210-TX, 090214-TX, 090215-TX, 090216-TX, 090217-TX, 090218-TX, 090219-TX, 090220-TX, 090221-TX

PAGE 6

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 Regulatory Assessment Fee return 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.

The Division of Administrative Services advised that the entities listed below failed to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. The entities without an asterisk before their names have not paid the fee. The entity marked with an asterisk (*) before the name, paid the fee more than 15 days after receipt of the delinquent notice but owes statutory late payment charges.

<u>ENTITY'S NAME</u>	<u>CO. CODE</u>	<u>DOCKET NO.</u>
Verizon Avenue Corp. d/b/a Verizon Avenue	TX134	090192-TX
ElectroNet Intermedia Consulting, Inc.	TX160	090193-TX
Primus Telecommunications, Inc.	TX371	090194-TX
Globaltron Communications Corporation	TX562	090195-TX
Myatel Corporation	TX661	090196-TX
Communications Xchange, LLC	TX682	090197-TX
Teledata Solutions, Inc. d/b/a TDSI, INC.	TX766	090198-TX
Payless Telephone Company, Inc.	TX785	090199-TX
Talk For Less, Inc.	TX787	090200-TX
Excel Pager, Cellular, and Home Phone, Inc.	TX798	090202-TX
Utility USA, Inc. d/b/a Vizon Telecom	TX810	090203-TX

ORDER NO. PSC-09-0298-PAA-TX

DOCKET NOS. 090192-TX, 090193-TX, 090194-TX, 090195-TX, 090196-TX, 090197-TX, 090198-TX, 090199-TX, 090200-TX, 090202-TX, 090203-TX, 090204-TX, 090205-TX, 090206-TX, 090208-TX, 090209-TX, 090210-TX, 090214-TX, 090215-TX, 090216-TX, 090217-TX, 090218-TX, 090219-TX, 090220-TX, 090221-TX

PAGE 7

<u>ENTITY'S NAME</u>	<u>CO. CODE</u>	<u>DOCKET NO.</u>
Economic Telecom, Inc.	TX817	090204-TX
Protection Plus of the Florida Keys, Inc. d/b/a ENGAGE COMMUNICATIONS	TX874	090205-TX
Communication Technology, Inc.	TX877	090206-TX
DG-TEC, LLC	TX933	090208-TX
Great American Telephone, Inc.	TX943	090209-TX
Mextel Communications Inc. d/b/a The Dunnellon Phone Company d/b/a The Florida Phone Company d/b/a The Phone Company	TX951	090210-TX
Credicall USA Inc	TX952	090214-TX
WTI Communications, Inc.	TX953	090215-TX
M Telecom, LLC	TX955	090216-TX
Advanced Telecom of South Florida, Inc.	TX960	090217-TX
OneTone Telecom, Inc.	TX962	090218-TX
Clertech.com, Inc.	TX963	090219-TX
*General Computer Services, Inc. d/b/a BeCruising Telecom	TX967	090220-TX
Clective Telecom Florida, LLC	TX975	090221-TX

Accordingly, we hereby find it appropriate to cancel each entity's competitive local exchange company (CLEC) certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless each entity pays a penalty and cost of collection, together totaling \$500, and remits the past due Regulatory Assessment Fees,

ORDER NO. PSC-09-0298-PAA-TX

DOCKET NOS. 090192-TX, 090193-TX, 090194-TX, 090195-TX, 090196-TX, 090197-TX, 090198-TX, 090199-TX, 090200-TX, 090202-TX, 090203-TX, 090204-TX, 090205-TX, 090206-TX, 090208-TX, 090209-TX, 090210-TX, 090214-TX, 090215-TX, 090216-TX, 090217-TX, 090218-TX, 090219-TX, 090220-TX, 090221-TX

PAGE 8

along with any accrued statutory late payment charges, to the Florida Public Service Commission.

If this Order is not protested, each entity's respective CLEC certificate shall be cancelled. If an entity pays the penalty and cost of collection, together totaling \$500, and remits any past due Regulatory Assessment Fees, along with any accrued statutory late payment charges, prior to the expiration of the Proposed Agency Action Order, then that entity's respective CLEC certificate will remain active. If an entity fails to protest the Order or pay the penalty and cost of collection, together totaling \$500, and fails to remit any past due Regulatory Assessment Fees, along with any accrued statutory late payment charges, prior to the expiration of the Proposed Agency Action Order, then that entity's CLEC certificate shall be cancelled administratively, and the collection of any past due Regulatory Assessment Fees shall be referred to the Florida Department of Financial Services for further collection efforts. If an entity's CLEC certificate is cancelled in accordance with this Commission's Order, that company shall immediately cease and desist providing competitive local exchange service in Florida. Each entity's docket shall be closed administratively either upon receipt of the payment of the penalty and cost of collection, together totaling \$500, and any past due Regulatory Assessment Fees, along with any accrued statutory late payment charges from each entity, or upon cancellation of that entity's CLEC certificate. If an entity's CLEC certificate is cancelled in accordance with this Order and it subsequently decides to reapply for a certificate as a telecommunications company, that entity shall be required to first pay the penalty and cost of collection, together totaling \$500 and any outstanding fees, including accrued statutory late payment charges. We are vested with jurisdiction over these matters pursuant to Sections 350.113, 364.336, 364.337, 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 a penalty and cost of collection, together totaling \$500, and any past due Regulatory Assessment Fees, including any statutory late payment charges, to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, by the end of the protest period. The cost of collection will be subtracted from any monies collected as payments (full or partial) of the penalty and cost of collection, and will be deposited, along with the past due Regulatory Assessment Fees, in the Florida Public Service Commission Regulatory Trust Fund, pursuant to Section 350.113, Florida Statutes. The statutory late payment charges and any portion of the penalty exceeding the cost of collection will be remitted to the Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285(1), Florida Statutes. It is further

ORDERED that should any of the entities fail to comply with this Order, that entity's respective certificate shall be cancelled. It is further

ORDER NO. PSC-09-0298-PAA-TX

DOCKET NOS. 090192-TX, 090193-TX, 090194-TX, 090195-TX, 090196-TX, 090197-TX, 090198-TX, 090199-TX, 090200-TX, 090202-TX, 090203-TX, 090204-TX, 090205-TX, 090206-TX, 090208-TX, 090209-TX, 090210-TX, 090214-TX, 090215-TX, 090216-TX, 090217-TX, 090218-TX, 090219-TX, 090220-TX, 090221-TX

PAGE 9

ORDERED that the cancellation of the certificate in no way diminishes any of the entities' obligation to pay applicable delinquent Regulatory Assessment Fees, and any accrued statutory late payment charges. If any company listed in this Order has its respective certificate cancelled, and subsequently decides to reapply for certification as a telecommunications company, that company shall be required to first pay any outstanding penalties and cost of collection and fees, including accrued statutory late payment charges. Any unpaid Regulatory Assessment Fees, and accrued statutory late payment charges, shall be referred to the Florida Department of Financial Services for further collection efforts. It is further

ORDERED that if an entity's certificate is cancelled in accordance with this Order, that entity shall immediately cease and desist providing competitive local exchange telecommunications service 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 provided by Rule 28-106.201, Florida Administrative Code, is received by the Office of Commission Clerk, 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, these dockets shall be closed upon receipt of the imposed penalty and cost of collection, together totaling \$500, and any Regulatory Assessment Fees, including statutory late payment charges, from each entity or upon cancellation of that entity's CLEC certificate.

ORDER NO. PSC-09-0298-PAA-TX

DOCKET NOS. 090192-TX, 090193-TX, 090194-TX, 090195-TX, 090196-TX, 090197-TX, 090198-TX, 090199-TX, 090200-TX, 090202-TX, 090203-TX, 090204-TX, 090205-TX, 090206-TX, 090208-TX, 090209-TX, 090210-TX, 090214-TX, 090215-TX, 090216-TX, 090217-TX, 090218-TX, 090219-TX, 090220-TX, 090221-TX

PAGE 10

By ORDER of the Florida Public Service Commission this 6th day of May, 2009.



Ann Cole
Commission Clerk

(S E A L)

JLM

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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 27, 2009.

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.