

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
Certificate No. 3568 issued to
MTX Communications Corporation
for violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees.

DOCKET NO. 970925-TI
ORDER NO. PSC-97-1137-FOF-TI
ISSUED: September 30, 1997

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA

NOTICE OF PROPOSED AGENCY ACTION ORDER IMPOSING
FINE OR CANCELING INTEREXCHANGE TELECOMMUNICATIONS
CERTIFICATE AND DIRECTING CERTIFICATED INTEREXCHANGE
TELECOMMUNICATIONS PROVIDERS TO DISCONTINUE SERVICE

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.

MTX Communications Corporation (MTX or the company), an
interexchange telecommunications carrier (IXC), currently holds
certificate of public convenience and necessity Number 3568, issued
by the Commission on July 19, 1994, authorizing the provision of
interexchange telecommunications service. This docket was opened
to cancel MTX's certificate, unless the company paid its
delinquent 1996 regulatory assessment fee, which was due by January
30, 1997, along with statutory penalties, and a \$500 fine for
failure to comply with Section 364.336, Florida Statutes, and Rule
25-4.0161, Florida Administrative Code. On August 21, 1997, MTX
paid its 1996 regulatory assessment fee, along with the statutory

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penalties and interest charges. We find it appropriate, nevertheless, to levy the fine in the amount of \$500.

Pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel MTX's certificate, unless the company pays the fine in the amount of \$500 for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, to the Florida Public Service Commission. MTX must comply with this requirement within five business days from the date this Order becomes final. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.516, Florida Statutes.

When the fine is received, this docket shall be closed. Should MTX fail to comply with this Order within 5 business days from the date this Order becomes final, MTX shall have its certificate canceled and the docket will be closed.

Should MTX's certificate be canceled, all certificated interexchange carriers in the State of Florida are instructed to discontinue service to MTX, pursuant to Rule 25-24.4701(3), Florida Administrative Code, Provision of Regulated Telecommunications Service to Uncertificated Resellers Prohibited. Any certificated interexchange carriers providing service to MTX must contact the Commission at the conclusion of the response period indicated herein in order to determine if MTX's certificate has been canceled.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that MTX Communications Corporation shall pay a \$500 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within five business days from the date this Order becomes final. The fine shall be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

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ORDERED that should MTX Communications Corporation fail to comply with this Order, MTX Communications Corporation's certificate shall be canceled, and the docket shall be closed. It is further

ORDERED that all certificated interexchange telecommunications providers shall discontinue service to MTX Communications Corporation upon verification of the cancellation of the certificate at the conclusion of the response period set forth in this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed upon payment of the fine.

By ORDER of the Florida Public Service Commission, this 30th day of September, 1997.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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.

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 and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 21, 1997. In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting 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 of the effective date of this order, pursuant to Rule 9.110, Florida Rules

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of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.