

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of IXC Certificate No. 2292 issued to Suntel Network, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 981918-TI
ORDER NO. PSC-99-0572-AS-TI
ISSUED: March 29, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

Suntel Network, Inc. (Suntel) currently holds Certificate of Public Convenience and Necessity No. 2292, issued by the Commission on March 2, 1989, authorizing the provision of interexchange telecommunications service. The Division of Administration advised our staff by memorandum that Suntel 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 1997, nor statutory penalties and interest charges for late RAFs payments for the years 1991 and 1997.

Under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAF of \$50 if the certificate 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. All entities that apply for interexchange telecommunications certification receive a copy of our rules

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ORDER NO. PSC-99-0572-AS-TI
DOCKET NO. 981918-TI
PAGE 2

governing interexchange telecommunications service and an affidavit in which the applicants attest that the rules have been received and understood by the applicant. This affidavit must be attached to the application in order for the application to be processed. The RAF notice was mailed by certified mail to Suntel on December 11, 1997, for the period of January 1, 1997, through December 31, 1997. We received the return receipt from the United States Postal Service which showed the RAF notice was signed for and delivered on December 19, 1997.

After this docket was opened, our staff received a call from Mr. Richard Kirkwood, Suntel's President. He stated that the company wanted to keep the certificate, would pay all the past due charges, and make a settlement offer. Suntel has since paid the 1997 RAFs plus statutory penalties and interest charges, and submitted a settlement offer (Attachment A). In the offer, Suntel agreed to pay future regulatory assessment fees in a timely manner and to contribute \$100 to the State General Revenue Fund.

We believe that the terms of the settlement offer represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. Suntel must comply with these requirements within five business days from the date this Order becomes final. The \$100 contribution will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. Upon remittance of the contribution, this docket shall be closed.

Based on the foregoing, it is

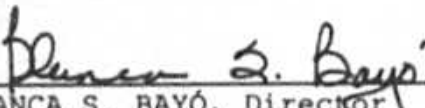
ORDERED by the Florida Public Service Commission that Suntel Network, Inc.'s settlement offer dated February 24, 1999, is hereby approved. It is further

ORDERED that this docket shall remain open pending 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, upon receipt of the \$100 contribution, this docket shall be closed.

ORDER NO. PSC-99-0572-AS-TI
DOCKET NO. 981918-TI
PAGE 3

By ORDER of the Florida Public Service Commission this 29th
day of March, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

JAM

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 Records and Reporting, 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 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 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.

ORDER NO. PSC-99-0572-AS-TI
DOCKET NO. 981918-TI
PAGE 4

ATTACHMENT A

Feb-24-99 11:24A

P.01



DOCKET NO. 981918-TI
DATE: MARCH 1999
ATTACHMENT A

SUNTEL NETWORK

127 N. MAGNOLIA
ORLANDO, FL 32801
407-872-0470
800-785-1355
FAX 407-872-0547

2/24/99

Ms. Paula Isler
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32300

Dear Ms. Isler:

In reference to Docket 981918-TI regarding the delinquency of Regulatory Assessment Fees, We are sincerely sorry that we have been delinquent on our fees and promise to file and pay them on a timely basis in the future. We would like to request that you accept \$100.00 in settlement of our past delinquency along with our promise to be timely in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard J. Kirkwood".

Richard J. Kirkwood
President

-4-

FLORIDA'S COMPLETE TELECOMMUNICATIONS COMPANY