

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 4809 issued to Global Telephone Corporation d/b/a Global Telephone International, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 981888-TI

Filed: April 28, 1999

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EMERGENCY MOTION TO REOPEN PROCEEDING AND REINSTATE CERTIFICATE

Global Telephone Corporation, d/b/a Global Telephone International, Inc., ("Global"), by and through its undersigned attorney and on an emergency basis, respectfully moves the Commission to reopen the above referenced docket and reinstate to Global's IXC Certificate of Public Convenience and Necessity Number 4809, and in support thereof states as follows:

- 1. Global was granted IXC Certificate Number 4809 on February 13, 1997, (Order No. PSC-97-0158-POF-TI) and has continually operated in Florida as an interexchange carrier since that date.
2. Global's 1997 Florida Regulatory Assessment Fee Return was due to be filed and regulatory assessment fees paid to the Commission on January 30, 1998. Through administrative oversight Global failed to timely file the 1997 return and pay the fees.

3. On March 3, 1999, in Docket No. 981888-TI, the Commission entered Order No. PSC-99-0435-POF-TI, a Notice of Proposed Agency Action. In said Order the Commission, noting Global's failure to timely pay its 1997 regulatory assessment fees, ordered Global to pay its 1997 regulatory assessment fee with statutory penalties and interest, together with a fine of \$500.00, with all such sums to be

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paid not later than 5 days from the date Order No. PSC-99-0435-FOF-TI became final.

4. In the alternative, Order No. PSC-99-0435-FOF-TI further provided that upon the failure of Global to pay all of the sums as ordered, Global's IXC certificate would be cancelled.

5. Upon receipt of the Commission's Order Global, through its regulatory consultant, contacted the Commission Staff and verified the correct amounts due for 1997 fees, penalties and interest. On March 16, 1999, Global, as ordered, filed with the Commission by overnight courier its 1997 Regulatory Assessment Fee Return and remitted payment of \$69.50 to pay its 1997 regulatory assessment fees, statutory penalties and interest. However, through oversight, Global overlooked and failed to pay the \$500.00 as directed by Order No. PSC-99-0435-FOF-TI. Despite Global's payment of its 1997 regulatory assessment fees, Global's Certificate was cancelled when Order No. PSC-99-0435-FOF-TI became final.

6. Global has just discovered the above described oversight and failure to pay the fine. Global has today, by courier, delivered to the Commission a check in the amount of \$500.00 payable to the Florida General Revenue Fund. A copy of said payment is attached to this Motion.

7. Global's failure to pay the fine imposed by the Commission was unintentional and entirely the result of oversight. Global's

ability to continue operations in Florida as an interexchange carrier will be severely and adversely affected by cancellation of its IXC certificate.

8. No harm or prejudice will result to the public, the Commission or Global's customers if this Docket is reopened and Global's certificate reinstated. Indeed, customer harm and confusion, and disruption of service to customers, will be avoided by the Commission's prompt reopening of this docket and reinstatement of Global's certificate.

9. Under the present facts, reinstatement of Global's Certificate would be consistent with prior Commission decisions, and would advance fundamental concepts of equity. See In Re: Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 4393 issued to US South Communications, Inc. d/b/a US South and d/b/a INCOMM for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees, Docket No. 970980-TI, Order No. PSC-98-0248-POF-TI (February 6, 1998) and In Re: Initiation of Show Cause Proceedings against Charles Kave for violation of Rule 25-4.0161(2), F.A.C., Regulatory Assessment Fee Filing, Docket No. 920431-TC, Order No. PSC-93-0299-POF-TC (February 25, 1993).

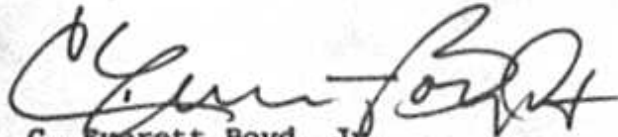
10. Global has now paid all outstanding regulatory assessment fees and fines owed to the Commission, thereby demonstrating its intent to comply with Order No. PSC-99-0348-POF-TI. Global timely paid its

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1998 regulatory assessment fees in January 1999. Reinstatement of Global's certificate is necessary so that Global can continue to provide service to its customers in Florida.

WHEREFORE, Global Telephone Company d/b/a Global Telephone International, Inc. requests the Commission to consider this matter on an emergency basis and enter its order reopening Docket No. 981888-TI and reinstating to Global IXC Certificate No 4809 effective December 31, 1998, and granting such other relief as the Commission deems appropriate.

Respectfully submitted,



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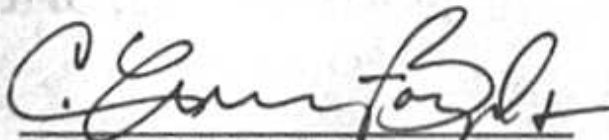
Attorney for Global Telephone Corp. d/b/a  
Global Telephone International, Inc.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of foregoing Emergency Motion to Reopen Proceeding and Reinstate Certificate in the above-referenced docket, has been furnished by Hand Delivery this 28<sup>th</sup> day of April, 1999, to the following:

Will Cox, Esq.  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Room 370  
Tallahassee, Florida 32399-0850



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