

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Alternative Local Exchange
Telecommunications Certificate
No. 5285 issued to Inter-Tel
NetSolutions, Inc. for violation
of Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 981979-TX
ORDER NO. PSC-99-1411-AS-TX
ISSUED: July 22, 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:

Inter-Tel NetSolutions, Inc. (Inter-Tel) currently holds
Certificate of Public Convenience and Necessity No. 5285, issued by
the Commission on December 17, 1997, authorizing the provision of
alternative local exchange telecommunications service. The
Division of Administration advised our staff by memorandum that
Inter-Tel had not paid regulatory assessment fees (RAFs) required
by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida
Administrative Code, for the year 1997. Also, accrued statutory
penalties and interest charges for late RAF payments for the year
1997 have not been paid.

Pursuant to 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 certification
receive a copy of our rules governing alternative local exchange
telecommunications service. All applicants must attest that these

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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rules have been received and understood by the applicant and an affidavit must be attached to the application in order for the application to be processed. The RAF form was mailed to Inter-Tel for the period of January 1, 1997, through December 31, 1997. Our correspondence regarding the RAFs was signed for and delivered to Inter-Tel on January 26, 1998.

The RAFs for 1997 were paid on April 9, 1999, and the RAFs for 1998 on April 16, 1999. The accrued statutory penalties and interest charges for 1997 and 1998, however, were not included with the payments. On April 19, 1999, Order No. PSC-99-0740-FOF-TX was issued to impose a \$500 fine for the RAFs Rule violation or cancel Inter-Tel's certificate. Mr. Brad Wallace, Inter-Tel's Compliance Manager, called our staff and advised that the company would pay the past due statutory penalties and interest charges and that the company would propose a settlement offer. On May 6, 1999, Inter-Tel paid the past due statutory penalties and interest charges, and submitted a settlement offer. Inter-Tel agreed to pay future regulatory assessment fees in a timely manner and contribute \$100 to the State General Revenue Fund.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offer. The contribution must identify the docket number and company name. Inter-Tel must comply with these requirements within ten business days from the effective date of this Order. The 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 \$100 contribution, this docket shall be closed. If Inter-Tel fails to comply with this Order, its certificate will be cancelled administratively with an effective date of December 31, 1998.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Inter-Tel NetSolutions, Inc.'s settlement proposal summarized in the body of this Order is hereby approved. It is further

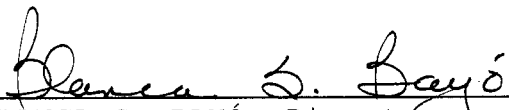
ORDERED that this docket shall remain open pending receipt of the \$100 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

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ORDERED that if Inter-Tel NetSolutions, Inc. fails to comply with this Order, its Alternative Local Exchange Telecommunications Certificate No. 5285 will be cancelled administratively with an effective date of December 31, 1998. It is further

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

By ORDER of the Florida Public Service Commission this 22nd day of July, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

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

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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.

M E M O R A N D U M

July 19, 1999

RECEIVED-FPSC

99 JUL 20 PM 1:52

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *kmp CB*

RE: DOCKET NO. 981979-TX - CANCELLATION BY FLORIDA PUBLIC SERVICE COMMISSION OF ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 5285 ISSUED TO INTER-TEL NETSOLUTIONS, INC. FOR VIOLATION OF RULE 25-4.0161, F.A.C., REGULATORY ASSESSMENT FEES; TELECOMMUNICATIONS COMPANIES.

99-1411-AS

Attached is an ORDER APPROVING SETTLEMENT, to be issued in the above-referenced docket. (Number of pages in order - 4)

KMP/anc
Attachment
cc: Division of Communications
I: 981979s.kmp

See 1, 2

1/0
Faded

Requisition for Photocopying and Mailing

Number of Originals 4 Date 7/26/99 Copies Per Original 19

Requested By [Signature]

Item Presented _____

Agenda For (Date) _____ Order No. 019-1411 In Docket No. 98-1979

Notice of _____ For (Date) _____ In Docket No. _____

Other _____

Special Handling Instructions _____

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>19</u>	<u>Commission Offices</u>		
	<u>Docket Mailing List - Mailed</u>		
<u>(1)</u>	<u>Docket Mailing List - Faxed</u>		

Note: Items must be mailed and/or returned within one working day after issue unless specified here.

Print Shop Verification

Job Number 245 Verified By [Signature]

Date and Time Completed 7/27 Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification

Date Mailed _____ Verified By _____