

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of Alternative Local Exchange Telecommunications Certificate No. 5751 issued to DPI-Teleconnect, L.L.C. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 990672-TX
ORDER NO. PSC-99-2110-AS-TX
ISSUED: October 25, 1999

*P. Isler
R+R*

The following Commissioners participated in the disposition of this matter:

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

DEPOSIT

D208

DATE

OCT 29 1999

*TX 249
Settlement*

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

DPI-Teleconnect, L.L.C. (DPI) currently holds Certificate of Public Convenience and Necessity No. 5751, issued by the Commission on December 5, 1998, authorizing the provision of Alternative Local Exchange Telecommunications (ALEC) service. The Division of Administration advised our staff by memorandum that DPI had not paid the 1998 Regulatory Assessment Fees (RAFs). Also accrued statutory penalties and interest charges for late RAFs payments for the year 1998 have not been paid. RAFs are required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code.

All entities that apply for certification receive a copy of our rules governing ALEC service. All applicants must attest that these rules have been received and understood by the applicant and an affidavit must be attached to the application in order for the

DPI-TELECONNECT, LLC. 12/98
PH. 972-488-5500
2997 LBJ FREEWAY, STE. 225
DALLAS, TX 75234

1878

40-4
1050 KS
1011

DATE 10/29/99

PAY TO THE ORDER OF

Florida Public Service Commission

\$ 100. ⁰⁰/₁₀₀

~~One hundred dollars and ⁰⁰/₁₀₀~~

DOLLARS Security features included. See back.

NationsBank
NationsBank, N.A.

DOCUMENT NUMBER DATE

FOR Docket # 990672-TX

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David B. Swant

MP

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DAVID M. PIKOFF
Chief Operating Officer

2997 LBJ Freeway, Suite 225 / Dallas, Texas 75234
(972) 488-5500 / Fax: (972) 488-8636
E-mail: dpikoff@dPiTeleconnect.com

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All entities that apply for certification receive a copy of our rules governing ALEC service. All applicants must attest that these 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.

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. The RAF form was mailed to DPI for the period of January 1, 1998, through December 31, 1998 on February 22, 1999. Pursuant to Rule 25-4.0161(2), Florida Administrative Code, the form and applicable fees are d

RECEIVED
FLORIDA PUBLIC
SERVICE COMMISSION
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MAIL ROOM

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to the Florida Public Service Commission by January 30 of the subsequent year. However, pursuant to Section 350.113(4), Florida Statutes, the Commission shall provide at least a 45 days notice of the date the payment is due prior to the due date. DPI was scheduled to remit its RAFs by April 8, 1999.

By Order No. PSC-99-1482-FOF-TX issued August 3, 1999, DPI had 21 days to protest the Commission's Proposed Agency Action or pay the past due fees and a \$500 fine. After the Order was issued, Mr. David Pikoff, DPI's Vice President, contacted our staff and advised that DPI wanted to keep its certificate, would pay the past due amount, and would make a settlement offer. The Division of Administration's records show that DPI paid the past due amount. In addition, DPI proposed to pay future RAFs in a timely basis 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. DPI must comply with these requirements within five business days from the date of issuance 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. If DPI fails to comply with this Order, its certificate will be canceled administratively. Upon remittance of the \$100 contribution or cancellation of the certificate, this docket shall be closed.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that DPI-Teleconnect, L.L.C.'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 It is further

ORDERED that if DPI-Teleconnect, L.L.C. fails to comply with this Order, its Alternative Local Exchange Telecommunications Certificate No. 5751 will be canceled administratively. It is further

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

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By ORDER of the Florida Public Service Commission this 25th
day of October, 1999.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director
Division of Records and Reporting

This is a facsimile copy. A signed
copy of the order may be obtained by
calling 1-850-413-6770.

(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 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.