

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Shared Tenant Services
Certificate No. 4681 issued to
TVMAX Telecommunications, Inc.
d/b/a OpTel for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 991875-TS

In re: Cancellation by Florida
Public Service Commission of
Shared Tenant Services
Certificate No. 4725 issued to
Time Warner Connect for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 991876-TS
ORDER NO. PSC-00-0808-AS-TS
ISSUED: April 25, 2000

The following Commissioners participated in the disposition of
this matter:

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

ORDER APPROVING SETTLEMENTS

BY THE COMMISSION:

The entities listed below currently hold a Certificate of
Public Convenience and Necessity authorizing the provision of
Shared Tenant service. The Division of Administration advised our
staff by memorandum that these entities had paid neither the
Regulatory Assessment Fees (RAFs) required by Section 364.336,
Florida Statutes, and Rule 25-4.0161, Florida Administrative Code,
nor statutory penalties and interest charges for late RAFs payments
for the year(s) listed below.

DOCUMENT NUMBER-DATE

05080 APR 25 8

FPSC-RECORDS/REPORTING

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>	<u>PAST DUE RAFS</u>	<u>PAST DUE PENALTIES AND INTEREST</u>
TVMAX Telecommunications, Inc. d/b/a OpTel	4681	1998	1998
Time Warner Connect	4725	1998	1996, 1998

All entities that apply for certification receive a copy of our rules governing Shared Tenant 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 RAFs form was mailed to each of these entities for the period of January 1 through December 31. 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. 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. Each of the entities listed was scheduled to remit its RAFs by February 1, 1999.

After this docket was opened, each of the entities contacted our staff, paid the past due amounts in full, and proposed a settlement offer. Each of the entities proposed to pay future RAFs 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 offers. Each of the entities must comply with these requirements within ten business days from the date this Order becomes final. The contribution should be identified with the docket number and the entity's name. The contributions 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 an entity fails to comply with this Order, its certificate will be canceled

ORDER NO. PSC-00-0808-AS-TS
DOCKETS NOS. 991875-TS, 991876-TS
PAGE 3

administratively. Upon remittance of each of the \$100 contribution, each docket shall be closed.

Based on the foregoing, it is

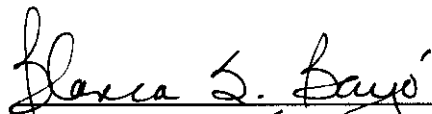
ORDERED by the Florida Public Service Commission that each of the entities' settlement proposal summarized in the body of this Order is hereby approved. It is further

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

ORDERED that if an entity fails to comply with this Order, its Shared Tenant Service Certificate will be canceled administratively. It is further

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

By ORDER of the Florida Public Service Commission this 25th day of April, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

ORDER NO. PSC-00-0808-AS-TS
DOCKETS NOS. 991875-TS, 991876-TS
PAGE 4

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.

ORIGINAL



DEPOSIT DATE
D282 APR 19 2000

2000 APR 13 PM 3:29

FLORIDA PUBLIC SERVICE COMM. DIV. OF TELECOMMUNICATIONS

April 12, 2000

P. Isler R+R

MAIL ROOM

00 APR 13 AM 10:34

RECEIVED
FLORIDA PUBLIC SERVICE COMMISSION

VIA FEDERAL EXPRESS

Ms. Paula Isler
State of Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: **Docket No. 991875-TS - TVMAX Telecommunications, Inc. dba OpTel, and**
Docket No. 991962-TX - OpTel (Florida) Telecom, Inc. dba OpTel

TS176

TX070

- AFA _____
- APP _____
- CAF _____
- CMU _____
- CTR _____
- EAG _____
- LEG _____
- MAS _____
- OPC _____
- RRR _____
- SEC 1 _____
- WAW _____
- OTH _____

Dear Ms. Knight:

Enclosed please find copies of Notices for each of the referenced docket matters, both regarding past due regulatory assessment fees. Please find enclosed as well two checks, each in the amount of \$100.00, representing settlement of both matters. It is my understanding that orders on each of the docket matters will be issued on April 17, 2000, and that the enclosed payments will remove OpTel from your list of delinquent accounts.

Thank you for your assistance with this matter and please do not hesitate to contact me with any questions or comments you may have.

THIS CHECK CONTAINS SAFETY FEATURES FRONT AND BACK. DO NOT CASH UNLESS YOU CAN SEE THE WORD "SAFE" WHEN HOLDING AT AN ANGLE.

TVMAX Telecommunications, Inc. D.I.P.
1111 W. MOCKINGBIRD LN., SUITE 1000
DALLAS, TX 75247
(214) 634-3800

BANK OF AMERICA TEXAS, N.A.
CORPORATE OFFICE
IRVING, TEXAS
32-1
1110

No. 134703

CHECK DATE	CHECK NUMBER	CHECK AMOUNT
12-APR-00	134703	*****100.00

VOID AFTER 90 DAYS

PAY One Hundred Dollars And 00 Cents*****

TO THE ORDER OF
FLORIDA PUBLIC SERVICE
CAPITAL CIRCLE OFFICE CENTER
2540 SHUMARD OAK BLVD
TALLAHASSEE, FL 32399-0850

[Signature]

REDACTED

DOCUMENT NUMBER-DATE

04771 APR 198

FPSC-RECORDS/REPORTING



DEPOSIT DATE
D288 APR 19 2000

2000 APR 13 PM 3:29

FEDERAL COMMUNICATIONS COMMISSION
DIV. OF TELECOMMUNICATIONS

April 12, 2000

VIA FEDERAL EXPRESS

*P. Isler
✓ R+R*

MAIL ROOM

00 APR 13 AM 10:34

Ms. Paula Isler
State of Florida Public Service Commission
Capital Circle Office Center
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Docket No. 991875-TS - TVMAX Telecommunications, Inc. dba OpTel, and
Docket No. 991962-TX - OpTel (Florida) Telecom, Inc. dba OpTel

*TS176
TX070*

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Thank you for your assistance with this matter and please do not hesitate to contact me with any questions or comments you may have.

Very truly yours,

Stephen E. Wilkinson
Legal Assistant

Enclosures

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FEDERAL COMMUNICATIONS COMMISSION
DIV. OF TELECOMMUNICATIONS

00 APR 18 AM 9:29

FLORIDA PUBLIC SERVICE COMMISSION

COMMISSION CONFERENCE AGENDA

CONFERENCE DATE AND TIME: March 28, 2000, 9:30 a.m.

LOCATION: Room 148, Betty Easley Conference Center

DATE ISSUED: March 17, 2000

NOTICE

Persons affected by Commission action on certain items on this agenda for which a hearing has not been held (other than actions on interim rates in file and suspend rate cases) will be allowed to address the Commission when those items are taken up for discussion at this conference. These items are designated by double asterisks (**) next to the agenda item number. Persons wishing to be heard by the Commission should sign the Appearance Register, which is located on a table immediately inside the hearing room door, and should be present at the beginning of the Agenda Conference as items may be taken out of order.

Included in the above category are items brought before the Commission for tentative or proposed action which will be subject to requests for hearing before becoming final. These actions include all tariff filings, items identified as proposed agency action (PAA), show cause actions and certain others.

To obtain a copy of staff's recommendation for any item on this agenda, contact the Division of Records and Reporting at (850) 413-6770. There may be a charge for the copy. The agenda and recommendations are also accessible on the PSC HomePage, at <http://www.floridapsc.com>, at no charge.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of Records and Reporting at (850) 413-6770 at least 48 hours before the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD). Assistive Listening Devices are available in the Division of Records and Reporting, Betty Easley Conference Center, Room 110.

An audio version of the conference is available on the PSC HomePage, and can be accessed live on the day of the Conference or through archive storage up to three months afterward. The Florida Channel also broadcasts a live or tape-delayed video transmission on The Florida Channel via your local cable station and on satellite Telestar 4, Channel 13 (T4, 13).

Agenda for
Commission Conference
March 28, 2000

ITEM NO.

CASE

31**

Cancellation by Florida Public Service Commission of shared tenant services certificates for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 991875-TS - TVMAX Telecommunications, Inc. d/b/a OpTel

DOCKET NO. 991876-TS - Time Warner Connect

Critical Date(s): None

Commissioners Assigned: Full Commission
Prehrg Officer ADM

Staff: CMU: Isler
LEG: K. Peña, B. Keating

Issue 1: Should the Commission accept the settlement offer proposed by each company listed on page 4 of staff's March 16, 2000 memorandum to resolve the apparent violation of Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies?

Recommendation: Yes. The Commission should accept the companies' settlement proposals. Any contribution should be received by the Commission within ten business days from the date of the Commission Order and should identify the docket number and company name. The Commission should forward the contribution to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If any of the companies listed on page 4 fails to pay in accordance with the terms of the Commission Order, that company's certificate should be canceled administratively.

Issue 2: Should these dockets be closed?

Recommendation: Yes. If the Commission approves staff's recommendation in Issue 1, the docket for each company listed on page 4 should be closed upon receipt of the \$100 contribution or cancellation of the certificate.