

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of  
Alternative Local Exchange  
Telecommunications Certificate  
No. 5227 issued to Everglades  
National Communication Network,  
Inc. for violation of Rule 25-  
4.0161, F.A.C., Regulatory  
Assessment Fees;  
Telecommunications Companies.

DOCKET NO. 991977-TX  
ORDER NO. PSC-00-0855-PAA-TX  
ISSUED: May 1, 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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER IMPOSING FINE AND REQUIRING PAYMENT OF DELINQUENT  
REGULATORY ASSESSMENT FEES, OR CANCELING ALTERNATIVE LOCAL  
EXCHANGE TELECOMMUNICATIONS CERTIFICATE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service  
Commission that the action discussed herein is preliminary in  
nature and will become final unless a person whose interests are  
substantially affected files a petition for a formal proceeding,  
pursuant to Rule 25-22.029, Florida Administrative Code.

Everglades National Communication Network, Inc. (Everglades  
National Communication) obtained Alternative Local Exchange  
Telecommunications (ALEC) Certificate No. 5227 on September 12,  
1997. Everglades National Communication has not paid the  
Regulatory Assessment Fees (RAFs) required by Section 364.336,  
Florida Statutes, and Rule 25-4.0161, Florida Administrative Code,  
for the years 1998 and 1999. Also, accrued statutory penalties and  
interest charges for the years 1998 and 1999 have not been paid.

DOCUMENT NUMBER-DATE

05296 MAY-18

FPSC-RECORDS/REPORTING

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAFs 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 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 350.113(4), Florida Statutes, the RAFs forms, for the period of January 1, through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due. Everglades National Communication has been given adequate opportunity to pay. To date, Everglades National Communication has not paid the required fees.

This is the second time a docket has been opened against Everglades National Communication for nonpayment of the RAFs. Docket No. 981971-TX was opened to address the nonpayment of the 1997 RAFs. On May 21, 1999, Order No. PSC-99-1043-AS-TX was issued to accept Everglades National Communication's settlement proposal. Everglades National Communication paid the past dues RAFS, including statutory penalty and interest charges, the settlement amount, and the docket was closed.

For the reasons described above, pursuant to Rule 25-24.820(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Everglades National Communication's certificate for failure to pay RAFs pursuant to Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless Everglades National Communication pays a \$1,000 fine and remits all past due RAFs for the years 1998 and 1999, along with accrued statutory penalties and interest charges, to the Florida Public Service Commission. Everglades National Communication must comply with these requirements within five business days after the date of issuance of the Consummating Order. The fine will be remitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.516, Florida Statutes.

When the appropriate fees, statutory penalties, interest charges, and fine are received, this Docket shall be closed. Should Everglades National Communication fail to comply with this

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Order within five business days after the date of issuance of the Consummating Order, Everglades National Communication shall have its certificate canceled, effective on the date of issuance of the Consummating Order, and the Docket shall be closed. The cancellation of the certificate and the closing of the Docket in no way diminishes Everglades National Communication's obligation to pay applicable delinquent RAFs, and accrued statutory penalties and interest charges.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Everglades National Communication Network, Inc. must pay the past due Regulatory Assessment Fees, statutory penalties, interest charges, and a \$1,000 fine to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within five business days after the date of issuance of the Consummating Order. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that pursuant to Rule 25-24.820(1)(b), Florida Administrative Code, should Everglades National Communication Network, Inc. fail to comply with this Order, Everglades National Communication Network, Inc.'s Certificate No. 5227 shall be canceled, effective on the date of issuance of the Consummating Order, and the Docket shall be closed. It is further

ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes Everglades National Communication Network, Inc.'s obligation to pay applicable delinquent Regulatory Assessment Fees for the years 1998 and 1999, and accrued statutory penalties and interest charges for the years 1998 and 1999. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

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ORDERED that in the event this Order becomes final, this Docket shall be closed upon payment of the fine, and fees, or upon cancellation of the certificate.

By ORDER of the Florida Public Service Commission this 1st day of May, 2000.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

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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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 22, 2000.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.