

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Alternative Local Exchange
Telecommunications Certificate
No. 5763 issued to Tallahassee
Telephone Exchange, Inc. for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies.

DOCKET NO. 992006-TX
ORDER NO. PSC-00-0867-AS-TX
ISSUED: May 2, 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 SETTLEMENT

BY THE COMMISSION:

Tallahassee Telephone Exchange, Inc. (Tallahassee Telephone Exchange) currently holds Certificate of Public Convenience and Necessity No. 5763, issued by the Commission on December 24, 1998, authorizing the provision of Alternative Local Exchange Telecommunications service. The Division of Administration advised our staff by memorandum that Tallahassee Telephone Exchange had not paid the 1998 Regulatory Assessment Fees (RAFs). Also, accrued statutory penalties and interest charges for late RAFs payments for the year 1998 had 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 Alternative Local Exchange Telecommunications 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.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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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 Tallahassee Telephone Exchange 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. Tallahassee Telephone Exchange was scheduled to remit its RAFs by February 1, 1999.

After the docket was opened, Tallahassee Telephone Exchange contacted staff and advised that the 1998 RAF form was never received. Tallahassee Telephone Exchange has since paid the 1998 RAF, including penalty and interest charges. Further, our staff has researched Commission records and it appears that it is possible a 1998 RAF form was not sent to Tallahassee Telephone Exchange. Before staff processes applications, each applicant must sign and return an affidavit attesting that the Commission's rules and regulations had been read and understood. In addition, the RAF rule requires payment even if a company does not receive a RAF notice. However, staff believes it is important for a RAF notice to be mailed the first year a company is in business and there is a reasonable doubt a notice was not mailed to Tallahassee Telephone Exchange.

Due to the extenuating circumstances, we believe that Tallahassee Telephone Exchange should be allowed to comply with Commission rules and that it would serve no purpose to fine Tallahassee Telephone Exchange. Tallahassee Telephone Exchange paid the 1999 RAF timely and has now paid the 1998 past due amount. In addition, Tallahassee Telephone Exchange proposed to pay future RAFs on a timely basis. Accordingly, we hereby accept the terms of Tallahassee Telephone Exchange's settlement agreement.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Tallahassee Telephone Exchange, Inc.'s settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDERED that this Docket is closed.

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By ORDER of the Florida Public Service Commission this 2nd
day of May, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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 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.