

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
Certificate No. 5744 issued to
Comtex Corporation for violation
of Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 991867-TI
ORDER NO. PSC-00-1235-AS-TI
ISSUED: July 7, 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:

Comtex Corporation (Comtex) obtained Certificate No. 5744 on
December 5, 1998. Comtex 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 Interexchange 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.

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 Comtex 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

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provide at least a 45 days notice of the date the payment is due prior to the due date. Comtex was scheduled to remit its RAFs by February 1, 1999. As of February 29, 2000, Comtex had not paid the required fees for the years 1998 and 1999.

On March 10, 2000, we issued Order No. PSC-00-0522-PAA-TI to impose a \$500 fine. Failure to comply or respond to this Order would result in the cancellation of Comtex's certificate. Comtex has since paid the 1998 and 1999 RAFs, including accrued statutory penalties and interest charges, offered to contribute \$100 to the State General Revenue Fund, and proposed to pay future RAFs on a timely basis.

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. Comtex 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 company name. Upon timely receipt, 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 Comtex 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 Comtex Corporation'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

ORDERED that if Comtex Corporation fails to comply with this Order, its certificate 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 7th day
of July, 2000.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: _____

Kay Flynn
Kay Flynn, Chief
Bureau of Records

(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.