

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of IXC
Certificate No. 5169 issued to
ATI Telecom, Inc. for violation
of Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 001269-TI
ORDER NO. PSC-00-2480-AS-TI
ISSUED: December 22, 2000

The following Commissioners participated in the disposition of
this matter:

J. TERRY DEASON, Chairman
E. LEON JACOBS, JR.
LILA A. JABER
BRAULIO L. BAEZ

ORDER APPROVING SETTLEMENT

BY THE COMMISSION:

ATI Telecom, Inc. (ATI) currently holds Certificate of Public Convenience and Necessity No. 5169, issued by the Commission on July 17, 1997, authorizing the provision of interexchange telecommunications service. ATI has not paid the Regulatory Assessment Fees [RAF(s)] required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 1999. Also, accrued statutory penalties and interest charges for the year 1999 have not been paid.

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. 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 interexchange telecommunications service. All applicants must attest that these rules have been received and understood by the applicant and an

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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 fees is due. 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. ATI was scheduled to remit its RAFs by January 31, 2000.

However, after the docket was opened, ATI contacted our staff paid the outstanding Regulatory Assessment Fees, including statutory penalty and interest charges and proposed a settlement.

Due to the extenuating circumstances, we believe that ATI should be allowed to comply with Commission rules and that it would serve no purpose to fine ATI. Accordingly, we hereby accept the terms of ATI's settlement agreement.

The Commission is vested with jurisdiction over this matter through the provision of Section 364.336, Florida Statutes.

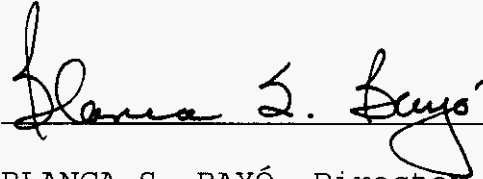
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that ATI Telecom, 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 22nd
day of December, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

JAE

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

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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.