

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Alternative Local Exchange
Telecommunications Certificate
No. 7236 issued to Sandstream
Communications & Entertainment,
Inc. for violation of Rule 25-
4.0161, F.A.C., Regulatory
Assessment Fees;
Telecommunications Companies.

DOCKET NO. 001480-TX
ORDER NO. PSC-01-0639-FOF-TX
ISSUED: March 15, 2001

The following Commissioners participated in the disposition of
this matter:

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

ORDER GRANTING VOLUNTARY CANCELLATION OF
ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE

BY THE COMMISSION:

Sandstream Communications & Entertainment, Inc. (Sandstream Communications) currently holds Certificate of Public Convenience and Necessity No. 7236, issued by the Commission on December 2, 1999, authorizing the provision of Alternative Local Exchange Telecommunications (ALEC) service. The Division of Administration advised our staff by memorandum that Sandstream Communications had not paid the 1999 Regulatory Assessment Fees (RAFs). Also, accrued statutory penalties and interest charges for late RAFs payments for the year 1999 had not been paid. Sandstream Communications was scheduled to remit its RAFs by February 28, 2000.

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

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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.

Prior to our staff filing a recommendation, Sandstream Communications paid the 1999 RAFs, including accrued statutory penalties and interest charges, the 2000 RAFs, and requested voluntary cancellation of its certificate. Accordingly, we find it appropriate to cancel ALEC Certificate No. 7236, effective December 31, 2000. Sandstream Communications shall return to this Commission the Order granting authority to provide ALEC services. The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.335, Florida Statutes.

Based on the foregoing, it is


ORDERED by the Florida Public Service Commission that Sandstream Communications & Entertainment, Inc.'s Certificate No. 7236 to provide Alternative Local Exchange Telecommunications services is hereby canceled, effective December 31, 2000. It is further

ORDERED that Sandstream Communications & Entertainment, Inc. shall return to this Commission the Order granting authority to provide Alternative Local Exchange Telecommunications. It is further

ORDERED that this Docket is closed.

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By ORDER of the Florida Public Service Commission this 15th
day of March, 2001.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(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.