



April 20, 2001

Via Hand Delivery

Ms. Blanca S. Bayo', Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

RECEIVED FPSC
01 APR 23 PM 3:20
RECORDS AND REPORTING

Re: Docket No. 010416-TA

Dear Ms. Bayo:

I am in receipt of a letter from Ms. Paula Isler, Bureau of Service Evaluation & Compliance, dated April 16, 2001. In the attached letter, Ms. Isler requested that we direct our response to you. Therefore, in furtherance of FPL FiberNet, LLC's ("FPL FiberNet") proposal to settle the above-referenced matter, please find enclosed a check in the amount of \$71,926.00 representing the total past due regulatory assessment fee for FPL FiberNet for the year ended December 31, 2000. FPL FiberNet's failure to submit this fee within the time prescribed was inadvertent and steps have been taken to prevent such an oversight in the future. Specifically, FPL FiberNet has placed the regulatory assessment fee on its accounting closing calendar for the month of January. Further, we would request that the Florida Public Service Commission ("FPSC") make a change to the mailing address of FPL FiberNet. Future notices should be sent to:

FPL FiberNet, LLC
P.O. Box 025566
Miami, FL 33102-9100
Attention: Controller

We believe that these steps will ensure that future fees are remitted timely. In addition to paying the past due regulatory assessment fee and implementing the foregoing measures, FPL FiberNet is willing to make payment to the FPSC of \$500.00 in order to settle, in full, all claims and issues connected with Docket No. 010416-TA.

Again, please accept our apology for this oversight. Should you have any questions regarding this matter, please don't hesitate to contact me at 305/552.3810.

Sincerely,

APP
CAF
CMP
COM
CTR
ECR
LEG
OPC
PAI
RGO
SEC
SER
OTH
Sol Stamm
SS/acc
Enclosure
cc: Paula Isler
Done 4/26/01
Docs/Fibernet/FPSC/Bayo
an FPL Group company
Nonnye
Honey

RECEIVED & FILED
Mes
FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE
05064 APR 23 01
FPSC-RECORDS/REPORTING



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Sincerely,

Sol Stamm
SS/acc
Enclosure

cc: Paula Isler

Check received with filing and forwarded to Fiscal for deposit. Fiscal to forward a copy of check to RAR with proof of deposit.

Initials of person who forwarded check:

RECEIVED & FILED

Mas
FPSC-BUREAU OF RECORDS

Docs/Fibernet/FPSC/Bayo

TO AVOID PENALTY AND INTEREST CHARGES, THE REGULATORY ASSESSMENT FEE RETURN MUST BE FILED ON OR BEFORE 01/30/2001

Alternative Access Vendor Regulatory Assessment Fee Return

Florida Public Service Commission

(See Filing Instructions on Back of Form)

STATUS:

- Actual Return
- Estimated Return
- Amended Return

TA053
 FPL Fibernet, LLC
 P. O. Box 025566
 Miami, FL 33102-5566

PERIOD COVERED:
 01/01/2000 TO 12/31/2000

FOR PSC USE ONLY	
Check#	_____
\$	0603005
	003001
\$	P
	0603005
	004011
\$	I
Postmark Date	_____
Initials of Preparer	_____

Please Complete Below If Official Mailing Address Has Changed

FPL FIBERNET, LLC ATTN: CONTROLLER PO BOX 025566 MIAMI, FL 33102-5566
 (Name of Company) (Address) (City/State) (Zip)

LINE NO.	WIDE AREA TOLL SERVICE	FLORIDA GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Special Access Services	\$ _____	\$ _____
2.	Private Line Services	_____	_____
3.	Leased Facilities & Circuits Services	40,635,859	40,635,859
4.	Miscellaneous Services	_____	_____
5.	TOTAL REVENUES		\$ 40,635,859
6.	LESS: Amounts Paid to Other Telecommunications Companies* (see "2. Fees" on back)		---
7.	Net Intrastate Operating Revenue for Regulatory Assessment Fee Calculation (Line 5 less Line 6)		40,635,859
8.	Regulatory Assessment Fee Due (Multiply Line 7 by 0.0015)		60,954
9.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)		9,143
10.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)		1,829
11.	TOTAL AMOUNT DUE		\$ 71,926

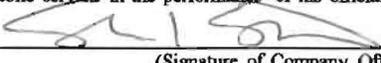
* These amounts must be intrastate only and must be verifiable.

AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

COMPANY INFORMATION

Do you lease telecommunications' facilities? YES () NO
 If YES, who do you lease these facilities from? Name: VARIOUS
 Address: _____

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.



 (Signature of Company Official)
 S.L. STAMM
 (Preparer of Form - Please Print Name)

CONTROLLER

 (Title)

4-20-01

 (Date)

Telephone Number (305) 552-3810 Fax Number (305) 229-5959
 F.E.L. No. 65-0976766

FLORIDA PUBLIC SERVICE COMMISSION
 Instructions For Filing Regulatory Assessment Fee Return
 (Alternative Access Vendor)

1. **WHEN TO FILE:** For companies which owed a total of \$10,000 or more of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

*On or before July 30 for the six-month period January 1 through June 30, AND
 On or before January 30 for the six-month period July 1 through December 31.*

For companies which owed a total of less than \$10,000 of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

On or before January 30 for the prior twelve-month period January 1 through December 31.

However, if July 30 or January 30 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee may be filed or postmarked on the next business day, without penalty.

2. **FEES:** Each company shall pay 0.0015 of its gross operating revenues derived from intrastate business, as referenced in Rule 25-4.0161(1), F.A.C. Gross Operating Revenues are defined as the total revenues before expenses. Gross Intrastate Operating Revenues are defined as revenues from calls originating and terminating within Florida. Do not deduct any expenses, taxes, or uncollectibles from these amounts.

On Line 6, deduct any amounts paid to another telecommunications company for the use of any telecommunications network to provide service to its customers. ***Do not deduct any taxes, federal subscriber line charges, interstate long distance access charges, or amounts paid for nonregulated services such as voice mail, inside wire maintenance, or equipment purchases/rentals.*** **DEDUCTIONS MUST BE INTRASTATE ONLY AND MUST BE VERIFIABLE.**

3. **FAILURE TO FILE BY DUE DATE:** Failure to file a return by the established due date will result in a penalty being added to the amount of fee due, 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25% (Line 9). In addition, interest shall be added in the amount of 1% for each 30 days or fraction thereof, not to exceed a total of 12% per year (Line 10). A Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report or if the minimum amount is due.

When a company fails to timely file a Regulatory Assessment Fee Return, the Commission has the authority to order the company to pay a penalty and/or cancel the company's certificate. The company will have an opportunity to respond to any proposed Commission action.

4. **EXTENSION:** A request for an extension of time up to 30 days may be made by filing the enclosed *Request for Extension to File Regulatory Assessment Fee Return* form (PSC/AD-124), two weeks prior to the filing date. When an extension is granted, a charge shall be added to the amount due:

0.75% of the fee to be remitted for an extension of 15 days or less, or
 1.5% of the fee for an extension of 16 to 30 days.

In lieu of paying the charges outlined above, a company may file a return and remit payment based upon estimated gross operating revenues. If such return is filed by the normal due date, the company shall be granted a 30-day extension period in which to file and remit the actual fee due without paying the above charges, provided the estimated fee payment remitted is at least 90% of the actual fee due for the period. An automatic 30-day extension to file an actual return may be obtained by checking the "Estimated Return" space in the top left-hand corner on the reverse side.

5. **FEE ADJUSTMENTS:** You will be notified as to the amount and reason for any fee adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment. The company may file a written request for a refund of any overpayments. The request should be directed to Fiscal Services at the below-referenced address.
6. **MAILING INSTRUCTIONS:** Please complete this form, make a copy for your records, and return the original in the enclosed preaddressed envelope. Use of this envelope should assure a more accurate and expeditious recording of your payment. **Make your check payable to the Florida Public Service Commission.** If you are unable to use the envelope, please address your remittance as follows:

Florida Public Service Commission
 2540 Shumard Oak Boulevard
 Tallahassee, FL 32399-0850
 ATTENTION: Fiscal Services

7. **ADDITIONAL ASSISTANCE:** If you need additional assistance in preparing your Regulatory Assessment Fee Return or regarding telecommunications facilities, please contact the Division of Competitive Services at (850) 413-6600. This division may be contacted at the above-referenced address, directing correspondence to the attention of the division.

STATE OF FLORIDA

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



DIVISION OF COMPETITIVE SERVICES
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

April 16, 2001

Via Facsimile

Mr. Sol Stamm, Controller
FPL FiberNet, LLC
PO Box 025566
Miami, FL 33102-5566

Re: Docket No. 010416-TA

Dear Mr. Stamm:

This is a follow up to our telephone conversation concerning the above docket. The regulatory assessment fee (RAF) is due each year by January 30 for the previous year, unless the 30th falls on a weekend, then the due date is the next working day. For example, the 2000 fee was due January 31, 2000.

Commission records show that as of this date, the 2000 RAF has not been paid. Please complete the RAF return and return it along with your check for the past due amount in full. The RAF is .0015% of your total Florida gross revenues, or \$50.00, whichever is greater.

Since the Commissioners have not yet voted on this docket, you have three options.

- (1) Cancel the certificate voluntarily - Pay all past due charges in full, pay the current year's RAF or provide a date certain that it will be paid (such as 30 days from the date of the Commission Order cancelling your certificate), and write a letter requesting cancellation. A copy of our rule is attached.
- (2) Do nothing - In this case, your certificate will be cancelled on the Commission's own motion. All outstanding RAFs, including penalty and interest charges, will be turned over to the Comptroller's Office for collection.
- (3) Propose a settlement - There is normally a \$500 fine imposed for this rule violation. It should be noted that just paying the past due amount will not prevent your certificate from being cancelled. You need to write the Commission a settlement letter that must include the following elements:

Mr. Sol Stamm, Controller

Page 2

April 16, 2001

- Docket number;
- A check for the past due amount in full;
- A statement that it has taken steps to prevent future late payments of the regulatory assessment fees and what those steps are;
- A waiver of objection to the administrative cancellation of your certificate in the event your offer is accepted and you fail to comply with the terms which you have offered. All other elements of your previous settlement offers are reaffirmed; and
- Make a specific monetary settlement.

Any settlement offer should be addressed to Ms. Blanca Bayó, Director, Division of Records and Reporting, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850. The proposed settlement amount should **not** be paid at this time, instead only the past due regulatory assessment fee, plus penalty and interest charges should be paid. The settlement amount, if approved by the Commission, must be paid within 10 business days after the Commission Order is issued.

Please let me know what your decision is by May 1, 2001. If you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, and by internet e-mail at pisler@psc.state.fl.us.

Sincerely,



Paula J. Isler, Research Assistant
Bureau of Service Evaluation & Compliance

Enclosure

cc: Docket No. 010416-TA
Division of Legal Services (Elliott)

25-24.735 Cancellation of a Certificate.

(1) The Commission may cancel an AAV service provider's certificate for any of the following reasons:

- (a) violation of the terms and conditions under which the authority was originally granted;
- (b) violation of Commission rules or orders;
- (c) violation of Florida statutes; or
- (d) failure to provide service for a period of 6 months.

(2) If a certificated AAV service provider seeks to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following information with its request:

- (a) the date the final Regulatory Assessment Fee was paid;
- (b) a statement of the reasons for cancellation;
- (c) a statement on the treatment of customer deposits and final bills; and
- (d) a representative copy of a customer notice regarding discontinuance of service.

Specific Authority 350.127(2) FS.

Law Implemented 350.113, 350.127(1), 364.285, 364.337, 364.345 FS.

History--New 1-8-95.