

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Alternative Local Exchange
Telecommunications Certificate
No. 5269 issued to Pinnacle
Telcom, Inc. for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 001413-TX
ORDER NO. PSC-01-1058-AS-TX
ISSUED: May 3, 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 APPROVING SETTLEMENT

BY THE COMMISSION:

Pinnacle Telcom, Inc. (Pinnacle Telcom) currently holds
Certificate of Public Convenience and Necessity No. 5269, issued by
the Commission on November 24, 1997, authorizing the provision of
Alternative Local Exchange Telecommunications service. The
Division of Administration advised our staff by memorandum that
Pinnacle Telcom had not paid the 1999 and 2000 Regulatory
Assessment Fees (RAFs). Also, accrued statutory penalties and
interest charges for late RAFs payments for the years 1999 and 2000
had 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

DOCUMENT NUMBER-DATE

05630 MAY-30

FPSO-RECORDS (PENDING)

ORDER NO. PSC-01-1058-AS-TX
DOCKET NO. 001413-TX
PAGE 2

receive a copy of our rules governing Alternative Local Exchange Telecommunications services.

Pursuant to Section 350.113(4), Florida Statutes, the RAFs forms, for the period of January 1, through December 31, are mailed to the entities at least 45 days prior to the date that payment of the fee is due.

This is the second docket established for the same apparent rule violation. In Docket No. 981963-TX, the company paid the past due amount and proposed a settlement. On May 10, 1999, Order No. PSC-99-0919-AS-TX was issued, which accepted the company's settlement proposal. The company paid the \$100 contribution and the docket was closed.

On March 12, 2001, we issued Order No. PSC-01-0557-PAA-TX to impose a \$1,000 fine. Failure to comply or respond to this Order would result in the cancellation of Pinnacle Telcom's certificate. Pinnacle Telcom has since paid the 1999 and 2000 RAFs, including accrued statutory penalties and interest charges, offered to contribute \$500 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. Pinnacle Telcom 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 Pinnacle Telcom fails to comply with this Order, its certificate will be canceled administratively. Upon remittance of the \$500 contribution or cancellation of the certificate, this docket shall be closed. The Commission is vested jurisdiction over this matter pursuant to Sections 364.336, 364.337, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDER NO. PSC-01-1058-AS-TX
DOCKET NO. 001413-TX
PAGE 3

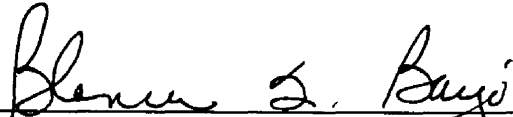
ORDERED by the Florida Public Service Commission that Pinnacle Telcom, Inc.'s settlement proposal set forth in the body of this Order is hereby approved. It is further

ORDERED that this docket shall remain open pending receipt of the \$500 contribution. The contribution will be transmitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that if Pinnacle Telcom, Inc. fails to comply with this Order, its certificate will be canceled administratively. It is further

ORDERED that upon receipt of the \$500 contribution or cancellation of the certificate this docket shall be closed.

By ORDER of the Florida Public Service Commission this 3rd day of May, 2001.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

ORDER NO. PSC-01-1058-AS-TX
DOCKET NO. 001413-TX
PAGE 4

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.