

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of AAV
Certificate No. 7246 issued to
FPL FiberNet, LLC for violation
of Rule 25-4.0161, F.A.C.
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 010416-TA
ORDER NO. PSC-01-1431-AS-TA
ISSUED: July 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:

FPL FiberNet, LLC (FPL FiberNet) obtained Certificate No. 7246
on December 2, 1999, to provide Alternative Access Vendor service.
FPL FiberNet had not paid the 2000 Regulatory Assessment Fees
(RAFs). Also, accrued statutory penalties and interest charges for
late RAFs payments for the year 2000 had not been paid. RAFs are
required by Section 364.336, Florida Statutes, and Rule 25-4.0161,
Florida Administrative Code.

Pursuant to Section 364.336, Florida Statutes, certificate
holders must pay a minimum annual RAFs 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 Alternative
Access Vendor service.

DOCUMENT NUMBER-DATE

08161 JUL-30

FPSC-RECORDS-REPORTING

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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 fee is due. FPL FiberNet was scheduled to remit its RAFs by January 30, 2001.

After this docket was opened, on April 6, 2001, Mr. Sol Stamm, representative of FPL FiberNet, called our staff and advised that the past due amount would be paid, and FPL FiberNet would propose a settlement offer. On April 23, 2001, we received the 2000 RAFs, including accrued statutory penalties and interest charges, and a settlement proposal. FPL FiberNet 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. FPL FiberNet 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. FPL FiberNet has waived any objection to the administrative cancellation of its certificate if it does not comply with its settlement agreement. Upon remittance of the \$500 contribution or cancellation of the certificate, this docket shall be closed. The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.337, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that FPL FiberNet, LLC'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 Comptroller for deposit in the State of Florida General Revenue Fund. It is further

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ORDERED that if FPL FiberNet, LLC 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 July, 2001.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
And Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(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

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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 the Commission Clerk and Administrative Services, 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 the Commission Clerk and Administrative Services 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.