

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida  
Public Service Commission of Pay  
Telephone Certificate No. 7504  
issued to Business Telecom, Inc.  
d/b/a BTI for violation of Rule  
25-4.0161, F.A.C., Regulatory  
Assessment Fees;  
Telecommunications Companies.

DOCKET NO. 010656-TC  
ORDER NO. PSC-01-2049-AS-TC  
ISSUED: October 18, 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:

Business Telecom, Inc. d/b/a BTI (BTI) currently holds  
Certificate of Public Convenience and Necessity No. 7504, issued by  
the Commission on July 18, 2000, authorizing the provision of Pay  
Telephone service. BTI has not paid the Regulatory Assessment Fees  
(RAFs) required by Section 364.336, Florida Statutes, and Rule 25-  
4.0161, Florida Administrative Code, for the year 2000. Also,  
accrued statutory penalties and interest charges for the year 2000  
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 Pay Telephone service.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

ORDER NO. PSC-01-2049-AS-TC  
DOCKET NO. 010656-TC  
PAGE 2

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. BTI was scheduled to remit its RAFs by January 30, 2001.

However, after the docket was opened, BTI contacted our staff and advised that the 2000 RAF notice was never received. Mr. David Yoakley advised that BTI has three certificates, Pay Telephone, Interexchange Telecommunications, and Alternative Local Exchange Telecommunications certificates. Since the Pay Telephone RAFs notice was not received, BTI had included the Pay Telephone revenues on its other two certificates. BTI subsequently paid the minimum RAFs, including statutory penalty and interest charges on its Pay Telephone certificate.

Before our staff processes applications, each applicant must sign and return an affidavit attesting that the Commission's rules and regulations had been read and understood. In addition, the RAFs rule requires payment even if a company does not receive a RAFs notice. However, because BTI included its Pay Telephone revenues on its other two RAFs returns, which were paid in full, we believe that, due to the extenuating circumstances, it would serve no purpose to fine BTI. BTI is now fully aware of the RAFs rule and has proposed to pay future RAFs on a timely basis. Accordingly, we hereby accept the terms of BTI's settlement agreement. We are vested jurisdiction over this matter pursuant to Sections 364.336 and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Business Telecom, Inc. d/b/a BTI's settlement proposal summarized in the body of this Order is hereby approved. It is further

ORDERED that this Docket is closed.

ORDER NO. PSC-01-2049-AS-TC  
DOCKET NO. 010656-TC  
PAGE 3

By ORDER of the Florida Public Service Commission this 18th  
Day of October, 2001.

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

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

( 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 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

ORDER NO. PSC-01-2049-AS-TC  
DOCKET NO. 010656-TC  
PAGE 4

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.