

ORIGINAL

P. Zisker
CCA



The Power of Choice
January 25, 2002

RE: DOCKET NO. 011060-TI
SETTLEMENT PAYMENT

CK 1006014152
\$300.00
MC

011060-TI

Blanca S. Bayo
Director
Division of the Commission Clerk and Administrative Service
Florida Public Service Commission
2540 Shumard Oak BLVD
Tallahassee, FL 32399-0850

DEPOSIT

DATE

D161

JAN 29 2002

TJ362

Dear Ms. Bayo:

Enclosed, please find FairPoint's settlement payment in the amount of \$300.00 in regard to the above-referenced document.

FairPoint's settlement offer has been accepted per Order No. PSC-01-2259-AS-TI of the Florida Public Service Commission, a copy of which Order is enclosed. The attached e-mail correspondence between Commission staff and myself document why FairPoint's payment was delayed and confirm the corrective action taken by the Commission to ensure that FairPoint's IXC certificate remains active.

Please contact me with any questions.

Sincerely,

Michael M. Kent
Senior Regulatory Counsel

Enclosures

Cc: John La Penta, Esq. (FairPoint)

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC _____
- OTH _____

DOCUMENT NUMBER-DATE
01097 JAN 29 2002
REG. COMMISSION CLERK

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850

TO: TJ362 FairPoint Communications Solutions Corp.
Fax #: 6,17044142505

FROM: Records Fax Server

RE:

Note: This fax was generated by the Case Management System.

Multiple attempts will be made to fax this document. If all attempts fail, you will automatically be sent a copy of the document by U.S. Mail. You do not need to call to report a fax failure.

DOCUMENT NUMBER-DATE
01097 JAN 29 08
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
Certificate No. 7428 issued to
FairPoint Communications
Solutions Corp. for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

DOCKET NO. 011060-TI
ORDER NO. PSC-01-2259-AS-TI
ISSUED: November 19, 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:

Fairpoint Communications Solutions Corp. (FCS) currently holds Certificate of Public Convenience and Necessity No. 7428, issued by the Commission on May 30, 2000, authorizing the provision of Interexchange Telecommunications service. The Division of the Commission Clerk and Administrative Services advised our staff that FCS had 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 late RAFs payments for the year 2000 had not been paid. FCS was scheduled to remit its RAFs by January 30, 2001.

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. Pursuant to Section 350.113(4), Florida Statutes, the RAFs forms, for the period of January 1,

ORDER NO. PSC-01-2259-AS-TI
DOCKET NO. 011060-TI
PAGE 2

through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due. All entities that apply for certification receive a copy of our rules governing Interexchange Telecommunications service.

After this docket was established, on August 14, 2001, Mr. Michael Kent, Regulatory Counsel for FCS, contacted our staff and requested the 2000 RAFs return notice and the company's options to resolve this docket. FCS has since paid the 2000 RAFs, including accrued statutory penalties and interest charges, offered to contribute \$300 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. FCS 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. FCS has waived any objection to the administrative cancellation of its certificate if it does not comply with its settlement agreement. Upon remittance of the \$300 contribution or cancellation of the certificate, this docket shall be closed. We are vested with jurisdiction over this matter pursuant to Sections 364.285, 364.336, and 364.337, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Fairpoint Communications Solutions Corp.'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 timely receipt of the \$300 contribution. The contribution will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that if Fairpoint Communications Solutions Corp. fails to comply with this Order, its certificate will be canceled administratively. It is further

ORDERED that upon receipt of the \$300 contribution or cancellation of the certificate this docket shall be closed.

ORDER NO. PSC-01-2259-AS-TI
 DOCKET NO. 011060-TI
 PAGE 3

By ORDER of the Florida Public Service Commission this 19th
 Day of November, 2001.

/s/ Blanca S. Bayó
 BLANCA S. BAYÓ, Director
 Division of the Commission Clerk
 and Administrative Services

This is a facsimile copy. Go to the
 Commission's Web site,
<http://www.floridapsc.com> or fax a request
 to 1-850-413-7118, for a copy of the order
 with signature.

(S E A L)

AJT

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

ORDER NO. PSC-01-2259-AS-TI
DOCKET NO. 011060-TI
PAGE 4

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.

Kent, Michael

From: Kay Flynn [KFlynn@PSC.STATE.FL.US]
Sent: Wednesday, January 23, 2002 5:08 PM
To: Paula Isler; 'MKent@fairpoint.com'
Cc: Beth Keating; Jackie Gilchrist; Kimberley Pena; Blanca Bayo; Hong Wang
Subject: RE: FairPoint's IXC Certification - Docket No. 011060-TI

This will confirm my conversation with both Beth Keating, PSC attorney, and Michael Kent, FairPoint Communications, concerning this matter.

Following

Records' confirmation, through review of the fax log and docket file, that

Order PSC-01-2259-AS-TI was neither mailed nor faxed to FairPoint on November 19, I talked with Beth. Beth has agreed to prepare a "reissue" order for issuance, which will give the company a second 10-day period in

which to respond with payment of the \$300 settlement. I then talked with Mr.

Kent to explain what had happened and what we will do to rectify the situation. He will be expecting the reissued order within the next few days; he also indicated he will mail the \$300 check to us now.

Please let me know if any questions.

Kay Flynn, Chief
Bureau of Records and Hearing Services
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
(850) 413-6744
kflynn@psc.state.fl.us

-----Original Message-----

From: Paula Isler
Sent: Wednesday, January 23, 2002 4:11 PM
To: 'MKent@fairpoint.com'
Cc: Beth Keating; Jackie Gilchrist; Kay Flynn
Subject: RE: FairPoint's IXC Certification - Docket No. 011060-TI

This will confirm our telephone conversation earlier today concerning the cancellation of FairPoint's IXC certificate. Our records show that Order

No. PSC-01-2259-AS-TI was issued on November 19, 2001 accepting the company's \$300 settlement. According to the Order, the \$300 must have been

paid within 10 business days, or December 3, 2001, or the company's certificate was to be administratively cancelled. No payment was received, therefore, the certificate was cancelled effective December 9, 2001.

The company's only recourse to my knowledge is to reapply for another certificate. Jackie Gilchrist is the supervisor in the Certification Section that would be able to assist you in reapplying. Ms. Gilchrist's number is (850) 413-7019.

You also asked if the Order issued on November 19th was mailed or faxed. Kay Flynn in the Division of the Commission Clerk & Administrative Services will be able to assist you with this question. Ms. Flynn's number is (850) 413-6744.

Please let me know if you have any other questions.

-----Original Message-----

From: MKent@fairpoint.com [mailto:MKent@fairpoint.com]
Sent: Wednesday, January 23, 2002 1:19 PM
To: PISLER@PSC.STATE.FL.US
Subject: FairPoint's IXC Certification - Docket No. 011060-TI
Importance: High

Paula,

I sent you a couple of voice-mails regarding this matter today--am looking to follow up with you ASAP. I know our settlement offer was approved by the Commission--I'm afraid that thanks to an oversight on our end, there was no follow-up from there and, if that's the case, am hoping to resolve the situation as expeditiously as possible.

Thanks,

Mike

Michael Kent
Senior Manager of Regulatory Affairs and Regulatory Counsel
FairPoint Communications Solutions Corp.
6324 Fairview Road, 4th Floor
Charlotte, NC 28210
Tel. No. (704) 414-2535 (O)
Tel. No. (704) 258-5497 (M)
Fax No. (704) 414-2505

Kent, Michael

From: Kay Flynn [KFlynn@PSC.STATE.FL.US]
Sent: Thursday, January 24, 2002 7:23 AM
To: 'MKent@fairpoint.com'
Cc: Blanca Bayo; Beth Keating; Paula Isler; Hong Wang
Subject: RE: FairPoint's IXC Certification - Docket No. 011060-TI

FairPoint's status on our Web site is once again shown as "active." Record of your payment and the reissued order will both be posted to the site's document listing for Docket 011060-TI once we receive the payment and the order is reissued.

Please let me know if any other questions or concerns.

Kay Flynn

-----Original Message-----

From: MKent@fairpoint.com [mailto:MKent@fairpoint.com]
Sent: Wednesday, January 23, 2002 5:06 PM
To: KFlynn@PSC.STATE.FL.US
Subject: RE: FairPoint's IXC Certification - Docket No. 011060-TI
Importance: High

Kay,

Thank you very much for responding so expeditiously! FairPoint sincerely appreciates your professionalism in working with us to resolve this matter.

(We're definitely all breathing sighs of relief on our end.) As we discussed, I'm overnighting FairPoint's settlement payment to the Commission--it should arrive Friday or Monday at the very latest.

One item--my manager asked me to make sure that the Commission's web site postings relating to FairPoint's status are updated accordingly. He said we actually got a call from a customer today asking us about the cancellation.

Again, thanks.

Sincerely,

Michael Kent
Senior Manager of Regulatory Affairs and Regulatory Counsel
FairPoint Communications Solutions Corp.
6324 Fairview Road, 4th Floor
Charlotte, NC 28210
Tel. No. (704) 414-2535 (O)
Tel. No. (704) 258-5497 (M)
Fax No. (704) 414-2505

-----Original Message-----

From: Kay Flynn [mailto:KFlynn@PSC.STATE.FL.US]
Sent: Wednesday, January 23, 2002 5:08 PM
To: Paula Isler; 'MKent@fairpoint.com'
Cc: Beth Keating; Jackie Gilchrist; Kimberley Pena; Blanca Bayo; Hong Wang

Subject: RE: FairPoint's IXC Certification - Docket No. 011060-TI

This will confirm my conversation with both Beth Keating, PSC attorney, and Michael Kent, FairPoint Communications, concerning this matter. Following Records' confirmation, through review of the fax log and docket file, that Order PSC-01-2259-AS-TI was neither mailed nor faxed to FairPoint on November 19, I talked with Beth. Beth has agreed to prepare a "reissue" order for issuance, which will give the company a second 10-day period in which to respond with payment of the \$300 settlement. I then talked with Mr. Kent to explain what had happened and what we will do to rectify the situation. He will be expecting the reissued order within the next few days; he also indicated he will mail the \$300 check to us now.

Please let me know if any questions.

Kay Flynn, Chief
Bureau of Records and Hearing Services
Division of the Commission Clerk and Administrative Services
Florida Public Service Commission
(850) 413-6744
kflynn@psc.state.fl.us

-----Original Message-----

From: Paula Isler
Sent: Wednesday, January 23, 2002 4:11 PM
To: 'MKent@fairpoint.com'
Cc: Beth Keating; Jackie Gilchrist; Kay Flynn
Subject: RE: FairPoint's IXC Certification - Docket No. 011060-TI

This will confirm our telephone conversation earlier today concerning the cancellation of FairPoint's IXC certificate. Our records show that Order No. PSC-01-2259-AS-TI was issued on November 19, 2001 accepting the company's \$300 settlement. According to the Order, the \$300 must have been paid within 10 business days, or December 3, 2001, or the company's certificate was to be administratively cancelled. No payment was received, therefore, the certificate was cancelled effective December 9, 2001.

The company's only recourse to my knowledge is to reapply for another certificate. Jackie Gilchrist is the supervisor in the Certification Section that would be able to assist you in reapplying. Ms. Gilchrist's number is (850) 413-7019.

You also asked if the Order issued on November 19th was mailed or faxed. Kay Flynn in the Division of the Commission Clerk & Administrative Services will be able to assist you with this question. Ms. Flynn's number is (850) 413-6744.

Please let me know if you have any other questions.

-----Original Message-----

From: MKent@fairpoint.com [mailto:MKent@fairpoint.com]
Sent: Wednesday, January 23, 2002 1:19 PM
To: PISLER@PSC.STATE.FL.US
Subject: FairPoint's IXC Certification - Docket No. 011060-TI

Importance: High

Paula,

I sent you a couple of voice-mails regarding this matter today--am looking to follow up with you ASAP. I know our settlement offer was approved by the Commission--I'm afraid that thanks to an oversight on our end, there was no follow-up from there and, if that's the case, am hoping to resolve the situation as expeditiously as possible.

Thanks,

Mike

Michael Kent
Senior Manager of Regulatory Affairs and Regulatory Counsel
FairPoint Communications Solutions Corp.
6324 Fairview Road, 4th Floor
Charlotte, NC 28210
Tel. No. (704) 414-2535 (O)
Tel. No. (704) 258-5497 (M)
Fax No. (704) 414-2505