

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Interexchange Telecommunications
Certificate No. 2385 issued to
World Access Communications
Corp. for violation of Rule 25-
4.0161, F.A.C., Regulatory
Assessment Fees;
Telecommunications Companies.

DOCKET NO. 010914-TI
ORDER NO. PSC-02-0748-AS-TI
ISSUED: May 31, 2002

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

ORDER VACATING, IN PART, ORDER NO. PSC-01-2405-PAA-TI
AND APPROVING SETTLEMENT

BY THE COMMISSION:

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, 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 (IXC) service.

This docket was established for World Access Communications Corp.'s (World Access) nonpayment of the 2000 Regulatory Assessment Fees (RAF), plus statutory penalty and interest charges. Order

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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No. PSC-01-2405-PAA-TI was issued on December 12, 2001, which imposed a \$500 penalty or cancelled World Access' IXC Certificate No. 2385. No protest to the Order was received, therefore, Consummating Order No. PSC-02-0031-CO-TI was issued on January 4, 2002, Certificate No. 2385 was cancelled, and the docket was closed.

The Commission received World Access' 2001 RAFs return and payment on January 18, 2002. According to our records, the 2000 RAFs remained unpaid. On February 1, 2002, Mr. Jim Dickey, the company's attorney, called our staff concerning the cancellation of the company's certificate. Mr. Dickey advised our staff that the past due RAFs for calendar year 2000, including penalty and interest charges, had been paid and that the company had submitted a settlement offer on August 3, 2001. Our technical staff was unaware that World Access had filed a settlement proposal to resolve this docket prior to our vote on December 4, 2001. The settlement proposal offered to pay a \$100 contribution and proposed to pay future RAFs on a timely basis. In addition, World Access' settlement proposal included a waiver of objection to the administrative cancellation of its certificate in the event the settlement proposal was accepted and World Access ultimately failed to comply with the terms of its offer.

Mr. Dickey further advised our staff that in addition to proposing a settlement, it had filed the 2000 RAFs, including statutory penalty and interest charges. However, after researching the records, it was discovered that World Access had filed its 2000 RAFs for its ALEC certificate, but not for its IXC certificate. It was also determined that the Commission had received the settlement proposal on August 7, 2001, but inadvertently, our technical staff had not been provided a copy. On April 9, 2002, World Access paid the 2000 RAFs for its IXC certificate, including all penalty and interest charges in full. Subsequently, this docket was reopened to address the settlement proposal and the cancellation of the certificate.

Due to the extenuating circumstances, we believe that World Access should be allowed to comply with Commission rules and find it appropriate to vacate, in part, Order No. PSC-01-2405-PAA-TC, as it pertains to this docket. We further believe that the terms of the settlement agreement represent a fair and reasonable resolution

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of this matter. Accordingly, we hereby accept the settlement offer. World Access must comply with these requirements within 14 days from the date of issuance of this Order. 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. World Access has waived any objection to the administrative cancellation of its certificate if it does not comply with its settlement agreement. Upon remittance of the \$100 contribution or cancellation of the certificate, this docket shall be closed. If World Access's certificate is cancelled in accordance with this Order, World Access shall immediately cease and desist providing IXC services in Florida. We are 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 Order No. PSC-01-2405-PAA-TC, issued on December 12, 2001, is hereby vacated, in part, as it pertains to this docket, and Certificate No. 2385 is hereby reinstated. It is further

ORDERED that World Access Communications Corp.'s settlement proposal set forth in the body of this Order is hereby approved. It is further

ORDER that the settlement amount must be received within 14 days of the issuance of this Order. It is further

ORDERED that this docket shall remain open pending timely receipt of the \$100 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 World Access Communications Corp. fails to comply with this Order, its certificate will be cancelled administratively. It is further


ORDERED that if World Access Communications Corp.'s certificate is cancelled in accordance with this Order, World Access Communications Corp. shall immediately cease and desist

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providing Interexchange Telecommunications services in Florida. It is further

ORDERED that upon receipt of the \$100 contribution or cancellation of the certificate this docket shall be closed.

By ORDER of the Florida Public Service Commission this 31st Day of May, 2002.



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

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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.