

October 23, 2002

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850

TO:

Kevin Beebe

VOICE: 404-965-2349

FAX: 404-874-5779

FROM:

Paula Isler

Voice: (850) 413-6502

Fax: (850) 413-6503

RE:

Docket No. 020704-TI
BroadRiver Communication
Corporation

Dear Mr. Beebe:

Attached are a letter, the 2001 Regulatory Assessment Fee return form, copy of Order No. PSC-02-1443-PAA-TI, and a copy of Rule 28-106.201, Florida Administrative Code. A protest to the Order must be received by November 11, 2002 in order to keep BroadRiver's IXC certificate active.

Please let me know if you have any questions.

Paula Isler
Florida Public Service Commission

Total pages attached: 14, including cover sheet

Mr. Beebe - I kept getting a "poor line condition" error message, so I'm mailing the original. Pji

DOCUMENT NO.
11567-02
10/23/02

STATE OF FLORIDA

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



DIVISION OF COMPETITIVE MARKETS &
ENFORCEMENT
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

October 23, 2002

Mr. Kevin Beebe, General Manager
Integracore, Inc.
1000 Hemphill Avenue
Atlanta, GA 30318

**RE: Docket No. 020704-TI
BroadRiver Communication Corporation**

Dear Mr. Beebe:

On October 17, 2002, the Commission received your letter dated October 14th advising that Integracore acquired the assets of BroadRiver in the Chapter 7 bankruptcy proceedings for BroadRiver. Your letter advised that it is your intention to continue to provide alternative local exchange service under BroadRiver's name and asked what steps you needed to take to accomplish this.

There are several things that you need to be aware of concerning BroadRiver. First of all, the subject of Docket No. 020704-TI deals with BroadRiver's interexchange carrier (IXC) certificate. On October 15, 2002, the Commissioners voted to fine BroadRiver \$500 for failure to pay the 2001 Regulatory Assessment Fee. Until the Commission received your letter two days later, we were not aware that BroadRiver had filed for bankruptcy. On October 21, 2002, Order No. PSC-02-1443-PAA-TI was issued, which fined the company \$500, copy enclosed. You have until November 11, 2002, to protest the Commission's decision.

Second, BroadRiver's alternative local exchange carrier (ALEC) certificate was cancelled on September 4, 2001, in Docket No. 011173-TX at the BroadRiver's request. This means that BroadRiver does not currently hold an active ALEC certificate in Florida. If you wish to have an active ALEC certificate in either BroadRiver or Integracore's name, you would need to apply for it. A \$250 application fee is required.

Third, BroadRiver's registration with the Florida Department of State, Division of Corporations, was evoked on October 4, 2002, for not filing an annual report. This means that if Integracore wishes to protest the Commission's Order and keep BroadRiver's IXC certificate active, it would first have to provide proof that BroadRiver is actively registered with the Florida Department of State.

Mr. Kevin Beebe, General Manager

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October 23, 2002

Finally, if Integracore selects to keep BroadRiver's IXC certificate active, it must accomplish several things. The first is to respond to the Proposed Agency Action Order by November 11th, by complying with Rule 28-106.201, Florida Administrative Code. If you need help with the protest, please contact Ms. Linda Dodson at (850) 413-6216. Integracore should also pay the 2001 Regulatory Assessment Fee, including statutory penalty and interest charges. Integracore will also need to complete an IXC application and check that it is requesting a transfer of control (the \$250 application fee is not required).

This letter is being faxed to you due to the short turnaround required to protest the Commission's Order. The IXC application can be downloaded from the Commission's website at www.floridapsc.com. In the meantime, if you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, by internet e-mail at pisler@psc.state.fl.us, or at the address below.

Sincerely,



Paula J. Isler, Research Assistant
Bureau of Service Quality

Enclosures

cc: Office of the General Counsel (Dodson)

Interexchange Company Regulatory Assessment Fee Return

Florida Public Service Commission

(See Filing Instructions on Back of Form)

STATUS:

- Actual Return
- Estimated Return
- Amended Return

TJ364-01-0-R
 BroadRiver Communication Corporation
 13000 Deerfield Parkway, Suite 210
 Alpharetta, GA 30004-6118
 CC: Docket # 020704-T1 (Isler)

PERIOD COVERED:
 01/01/2001 TO 12/31/2001

FOR PSC USE ONLY

Check# _____

\$ _____ 0603001
 _____ 003001

\$ _____ P
 _____ 0603001
 _____ 004011

\$ _____ I

Postmark Date _____

Initials of Preparer _____

Please Complete Below If Official Mailing Address Has Changed

 (Name of Company) (Address) (City/State) (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	FLORIDA GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Long Distance Services	\$ _____	\$ _____
2.	Access Services	_____	_____
3.	Private Line Services	_____	_____
4.	Leased Facilities & Circuits Services	_____	_____
5.	Miscellaneous Services	_____	_____
6.	TOTAL Telephone Services	\$ _____	\$ _____
7.	LESS: Amounts Paid to Other Telecommunications Companies* (see "2. Fees" on back)	(_____)	(_____)
8.	TOTAL REVENUES For Regulatory Assessment Fee Calculation	_____	_____
9.	Regulatory Assessment Fee Due (Multiply Line 8 by 0.0015)	_____	_____
10.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)	_____	_____
11.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)	_____	_____
12.	TOTAL AMOUNT DUE	_____	\$ _____

* These amounts must be intrastate only and must be verifiable.

AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

CURRENT COMPANY STATUS

- Facilities-Based Carrier
 Reseller
 Call Aggregator
 Alternate-Operator Service
 Rebiller
 Other: _____

BILLING INFORMATION

Complete below if billing agent if other than yourself.

 (Name) (Address: City/State/Zip) (Telephone)

What is the total amount of customer deposits collected?
 Amount: \$ _____ for 19 _____

What is the total amount of bond held (if applicable)?
 Amount: \$ _____ Expires: _____

COMPANY INFORMATION

Do you lease telecommunications' facilities? YES NO
 If YES, who do you lease these facilities from? Name: _____

Address: _____

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her duty shall be guilty of a misdemeanor of the second degree.

 (Signature of Company Official) (Title) (Date)

 (Preparer of Form - Please Print Name)

Telephone Number () _____ Fax Number () _____

F.E.I. No. _____

FLORIDA PUBLIC SERVICE COMMISSION
Instructions For Filing Regulatory Assessment Fee Return
(Interexchange Company)

1. **WHEN TO FILE:** For companies which owed a total of \$10,000 or more of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

*On or before July 30 for the six-month period January 1 through June 30, AND
On or before January 30 for the six-month period July 1 through December 31.*

For companies which owed a total of less than \$10,000 of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

On or before January 30 for the twelve-month period January 1 through December 31.

However, if July 30 or January 30 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee may be filed or postmarked on the next business day, without penalty.

2. **FEES:** Each company shall pay 0.0015 of its gross operating revenues derived from intrastate business, as referenced in Rule 25-4.0161(1), F.A.C. Gross Operating Revenues are defined as the total revenues before expenses. Gross Intrastate Operating Revenues are defined as revenues from calls originating and terminating within Florida. Do not deduct any expenses, taxes, or uncollectibles from these amounts other than the amount in Line 7.

On Line 7, deduct any amounts paid to another telecommunications company for the use of any telecommunications network to provide service to its customers. ***Do not deduct*** any taxes, federal subscriber line charges, interstate long distance access charges, or amounts paid for nonregulated services such as voice mail, inside wire maintenance, or equipment purchases/rentals. **DEDUCTIONS MUST BE INTRASTATE ONLY AND MUST BE VERIFIABLE.**

3. **FAILURE TO FILE BY DUE DATE:** Failure to file a return by the established due date will result in a penalty being added to the amount of fee due, 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25% (Line 10). In addition, interest shall be added in the amount of 1% for each 30 days or fraction thereof, not to exceed a total of 12% per year (Line 11). A Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report or if the minimum amount is due.

When a company fails to timely file a Regulatory Assessment Fee Return, the Commission has the authority to order the company to pay a penalty and/or cancel the company's certificate. The company will have an opportunity to respond to any proposed Commission action.

4. **EXTENSION:** A request for an extension of time up to 30 days may be made by filing the enclosed *Request for Extension to File Regulatory Assessment Fee Return* form (PSC/ADM-124), two weeks prior to the filing date. When an extension is granted, a charge shall be added to the amount due:

0.75% of the fee to be remitted for an extension of 15 days or less, or
1.5% of the fee for an extension of 16 to 30 days.

In lieu of paying the charges outlined above, a company may file a return and remit payment based upon estimated gross operating revenues. If such return is filed by the normal due date, the company shall be granted a 30-day extension period in which to file and remit the actual fee due without paying the above charges, provided the estimated fee payment remitted is at least 90% of the actual fee due for the period. An automatic 30-day extension to file an actual return may be obtained by checking the "Estimated Return" space in the top left-hand corner on the reverse side.

5. **FEE ADJUSTMENTS:** You will be notified as to the amount and reason for any fee adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment. The company may file a written request for a refund of any overpayments. The request should be directed to Fiscal Services at the below-referenced address.
6. **MAILING INSTRUCTIONS:** Please complete this form, make a copy for your files, and return the original and in the enclosed preaddressed envelope. Use of this envelope should assure a more accurate and expeditious recording of your payment. **Make your check payable to the Florida Public Service Commission.** If you are unable to use the envelope, please address your remittance as follows:

Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 ATTENTION: Fiscal Services

7. **ADDITIONAL ASSISTANCE:** If you need additional assistance in preparing your Regulatory Assessment Fee Return or regarding telecommunications facilities, please contact the Division of Competitive Services at (850) 413-6600. This division may be contacted at the above-referenced address, directing correspondence to the attention of the division.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of IXC
certificates for violation of
Rule 25-4.0161, F.A.C.,
Regulatory Assessment Fees;
Telecommunications Companies.

No. 2993	Capsule Communications, Inc.	DOCKET NO. 020654-TI
No. 3520	Atlas Communication Consultants, Inc.	DOCKET NO. 020655-TI
No. 3488	EqualNet Corporation	DOCKET NO. 020656-TI
No. 3526	CTS Telcom, Inc.	DOCKET NO. 020658-TI
No. 4024	American Telesource International, Inc.	DOCKET NO. 020659-TI
No. 4373	Federal TransTel, Inc.	DOCKET NO. 020661-TI
No. 4374	Ursus Telecom, Inc.	DOCKET NO. 020662-TI
No. 4421	Blue Shift Telecom, Ltd.	DOCKET NO. 020663-TI
No. 5161	TELCAM, Telecommunications Company of the Americas	DOCKET NO. 020676-TI
No. 5288	United Services Telephone, LLC	DOCKET NO. 020679-TI
No. 5676	Telecom Network System International, Inc. d/b/a TNS	DOCKET NO. 020688-TI
No. 5809	2 nd Century Communications, Inc.	DOCKET NO. 020691-TI
No. 7128	USC Telecom, Inc.	DOCKET NO. 020696-TI
No. 7179	i-TeleCo.com, Inc.	DOCKET NO. 020698-TI
No. 7263	Connect!LD, Inc.	DOCKET NO. 020699-TI
No. 7446	BroadRiver Communication Corporation	DOCKET NO. 020704-TI
No. 7547	Multiphone Latin America, Inc.	DOCKET NO. 020705-TI
No. 7554	Cybertel, Communications Corp.	DOCKET NO. 020716-TI
No. 7505	eVulkan, Inc. d/b/a beMANY!	DOCKET NO. 020717-TI

DOCUMENT NUMBER-DATE

11390 OCT 21 88

FPSO-COMMUNICATIONS CLERK

No. 7567 Radio Communications Corporation d/b/a RCC Radio Communications Corporation	DOCKET NO. 020718-TI
No. 7621 Global Broadband, Inc.	DOCKET NO. 020723-TI
No. 7693 Backbone Communications Inc.	DOCKET NO. 020728-TI
No. 7654 Eureka Telecom, LLC	DOCKET NO. 020729-TI
No. 7667 Evolution Networks South, Inc.	DOCKET NO. 020730-TI
No. 7717 Summit Telco, L.L.C.	DOCKET NO. 020734-TI
No. 7732 RapTel Communications, LLC	DOCKET NO. 020736-TI
No. 7826 Quick Tel, Inc.	DOCKET NO. 020750-TI
No. 7855 TotalCom America Corporation	DOCKET NO. 020751-TI
No. 7878 IntelleCare.FL., Inc.	DOCKET NO. 020752-TI
No. 7873 Miketronics, Inc.	DOCKET NO. 020754-TI
No. 7915 Aventura Networks, Inc.	DOCKET NO. 020758-TI
	ORDER NO. PSC-02-1443-PAA-TI
	ISSUED: October 21, 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

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING PENALTIES AND REQUIRING PAYMENT OF
DELINQUENT REGULATORY ASSESSMENT FEES, OR CANCELING
INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATES

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

ORDER NO. PSC-02-1443-PAA-TI

DOCKET NOS. 020654-TI, 020655-TI, 020656-TI, 020658-TI, 020659-TI,
020661-TI, 020662-TI, 020663-TI, 020676-TI, 020679-TI, 020688-TI,
020691-TI, 020696-TI, 020698-TI, 020699-TI, 020704-TI, 020705-TI,
020716-TI, 020717-TI, 020718-TI, 020723-TI, 020728-TI, 020729-TI,
020730-TI, 020734-TI, 020736-TI, 020750-TI, 020751-TI, 020752-TI,
020754-TI, 020758-TI

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Each of the telecommunications providers listed below have not paid their 2001 Regulatory Assessment Fees, plus statutory penalty and interest charges. Therefore, it appears the companies have failed to comply with Rule 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.480, Florida Administrative Code, and have not requested cancellation of their respective certificates in compliance with Rule 25-24.474, Florida Administrative Code.

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>	<u>PAST DUE RAFS</u>	<u>PAST DUE PENALTIES AND INTEREST</u>
Capsule Communications, Inc.	2993	2001	1998, 1999 and 2001
Atlas Communication Consultants, Inc.	3520	2001	2001
EqualNet Corporation	3488	2001	1997, 2000 and 2001
CTS Telecom, Inc	3526	2001	1999 and 2001
American Telesource International, Inc.	4024	2001	2000 and 2001
Federal TransTel, Inc.	4373	2001	2000 and 2001
Ursus Telecom Corp.	4374	2001	2001
Blue Shift Telecom, Ltd.	4421	2001	1998 and 2001
TELCAM, Telecommunications Company of the Americas, Inc.	5161	2001	2000 and 2001

ORDER NO. PSC-02-1443-PAA-TI

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020691-TI, 020696-TI, 020698-TI, 020699-TI, 020704-TI, 020705-TI,
020716-TI, 020717-TI, 020718-TI, 020723-TI, 020728-TI, 020729-TI,
020730-TI, 020734-TI, 020736-TI, 020750-TI, 020751-TI, 020752-TI,
020754-TI, 020758-TI

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<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>	<u>PAST DUE RAFS</u>	<u>PAST DUE PENALTIES AND INTEREST</u>
United Services Telephone, LLC	5288	2001	2000 and 2001
Telecom Network System International, Inc. d/b/a TNS	5676	2001	2001
2 nd Century Communications, Inc.	5809	2001	2001
USC Telecom, Inc.	7128	2001	2000 and 2001
i-TeleCo.com, Inc.	7179	2001	2001
Connect!LD, Inc.	7263	2001	2001
BroadRiver Communication Corporation	7446	2001	2001
Multiphone Latin America, Inc.	7547	2001	2000 and 2001
Cybertel, Communications Corp.	7554	2001	2000 and 2001
eVulkan, Inc. d/b/a beMANY!	7505	2001	2000 and 2001
Radio Communications Corporation d/b/a RCC Radio Communications Corporation	7567	2001	2001
Global Broadband, Inc.	7621	2001	2001
Backbone Communications Inc.	7693	2001	2001
Eureka Telecom, LLC	7654	2001	2001

ORDER NO. PSC-02-1443-PAA-TI

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020691-TI, 020696-TI, 020698-TI, 020699-TI, 020704-TI, 020705-TI,
020716-TI, 020717-TI, 020718-TI, 020723-TI, 020728-TI, 020729-TI,
020730-TI, 020734-TI, 020736-TI, 020750-TI, 020751-TI, 020752-TI,
020754-TI, 020758-TI

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<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>	<u>PAST DUE RAFS</u>	<u>PAST DUE PENALTIES AND INTEREST</u>
Evolution Networks South, Inc.	7667	2001	2001
Summit Telco, L.L.C.	7717	2001	2001
RapTel Communications, LLC	7732	2001	2001
Quick Tel, Inc.	7826	2001	2001
TotalCom America Corporation	7855	2001	2001
IntelleCare.FL., Inc.	7878	2001	2001
Miketronics, Inc.	7873	2001	2001
Aventura Networks, Inc.	7915	2001	2001

Accordingly, we find it appropriate to assess a \$500 penalty against each entity listed above or cancel each company's respective certificate for apparent violation of Rule 25-4.0161, Florida Administrative Code, incorporated by Rule 25-24.480, Florida Administrative Code, if the penalty and the Regulatory Assessment Fees, including statutory penalty and interest charges, are not received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The penalty should be paid to the Florida Public Service Commission and forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. If a company does not protest the Commission's Order or the penalty and Regulatory Assessment Fees, including statutory penalty and interest charges, are not received, that company's certificate, as listed above, should be cancelled administratively and the collection of the past due fees should be referred to the Office of the Comptroller for further collection efforts. If a company's certificate, as listed above, is cancelled, the respective company should be required to immediately cease and

ORDER NO. PSC-02-1443-PAA-TI

DOCKET NOS. 020654-TI, 020655-TI, 020656-TI, 020658-TI, 020659-TI, 020661-TI, 020662-TI, 020663-TI, 020676-TI, 020679-TI, 020688-TI, 020691-TI, 020696-TI, 020698-TI, 020699-TI, 020704-TI, 020705-TI, 020716-TI, 020717-TI, 020718-TI, 020723-TI, 020728-TI, 020729-TI, 020730-TI, 020734-TI, 020736-TI, 020750-TI, 020751-TI, 020752-TI, 020754-TI, 020758-TI

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desist providing interexchange carrier telecommunications services in Florida.

The Commission is vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.337, Florida Statutes. Pursuant to Section 364.336, Florida Statutes, cancellation of an entity's certificate does not relieve the obligation to pay Regulatory Assessment Fees, including statutory penalty and interest charges, if the certificate was active during any portion of the calendar year including the year of cancellation.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each of the entities listed herein shall pay the past due Regulatory Assessment Fees, statutory penalties, interest charges, and a \$500 penalty to the Florida Public Service Commission for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, within 14 days after the issuance of the Consummating Order. The penalties will be transmitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should any of the entities fail to comply with this Order, that entity's certificate shall be canceled, effective on the date of issuance of the Consummating Order; the collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts; and the respective docket shall be closed. It is further

ORDERED that if an entity's certificate is canceled in accordance with this Order, that entity shall immediately cease and desist providing Interexchange Telecommunications services in Florida. It is further

ORDERED that any protest to the action proposed herein shall specify the entity or entities to which it applies. It is further

ORDER NO. PSC-02-1443-PAA-TI

DOCKET NOS. 020654-TI, 020655-TI, 020656-TI, 020658-TI, 020659-TI,
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020716-TI, 020717-TI, 020718-TI, 020723-TI, 020728-TI, 020729-TI,
020730-TI, 020734-TI, 020736-TI, 020750-TI, 020751-TI, 020752-TI,
020754-TI, 020758-TI

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ORDERED that, if a protest to this Order is filed, the protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, each docket shall be closed upon payment of the penalty, and fees, or upon cancellation of the certificate.

By ORDER of the Florida Public Service Commission this 21st Day of October, 2002.

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)

AJT

ORDER NO. PSC-02-1443-PAA-TI

DOCKET NOS. 020654-TI, 020655-TI, 020656-TI, 020658-TI, 020659-TI,
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020716-TI, 020717-TI, 020718-TI, 020723-TI, 020728-TI, 020729-TI,
020730-TI, 020734-TI, 020736-TI, 020750-TI, 020751-TI, 020752-TI,
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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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 11, 2002.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

PART II HEARINGS INVOLVING DISPUTED ISSUES OF MATERIAL FACT

28-106.201 Initiation of Proceedings.

(1) Unless otherwise provided by statute, initiation of proceedings shall be made by written petition to the agency responsible for rendering final agency action. The term "petition" includes any document that requests an evidentiary proceeding and asserts the existence of a disputed issue of material fact. Each petition shall be legible and on 8 ½ by 11 inch white paper. Unless printed, the impression shall be on one side of the paper only and lines shall be double-spaced.

(2) All petitions filed under these rules shall contain:

(a) The name and address of each agency affected and each agency's file or identification number, if known;

(b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;

(c) A statement of when and how the petitioner received notice of the agency decision;

(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

(e) A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the agency's proposed action;

(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action; and

(g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the agency to take with respect to the agency's proposed action.

(3) Upon receipt of a petition involving disputed issues of material fact, the agency shall grant or deny the petition, and if granted shall, unless otherwise provided by law, refer the matter to the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct the hearing. The request shall be accompanied by a copy of the petition and a copy of the notice of agency action.

(4) A petition shall be dismissed if it is not in substantial compliance with subsection (2) of this rule or it has been untimely filed. Dismissal of a petition shall, at least once, be without prejudice to petitioner's filing a timely amended petition curing the defect, unless it conclusively appears from the face of the petition that the defect cannot be cured.

(5) The agency shall promptly give written notice to all parties of the action taken on the petition, shall state with particularity its reasons if the petition is not granted, and shall state the deadline for filing an amended petition if applicable.