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A Professional Association

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October 30, 2002

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**BY HAND DELIVERY**

Ms. Blanca Bayó, Director  
The Commission Clerk and Administrative Services  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Check received with filing and forwarded to Fiscal for deposit. Fiscal to forward deposit information to Records.

Re: Docket No. 020601-TX

Initials of person who forwarded check:

*RLM*

Dear Ms. Bayó:

Enclosed for filing on behalf of Eureka Telecom, L.L.C. are an original and fifteen copies of Eureka's Protest/Offer of Settlement of Proposed Agency Action.

Also enclosed is the Regulatory Assessment Fee form for 2001 and 2002 along with a check in the amount of \$117.50 representing the payment of the Regulatory Assessment Fee plus penalty and interest for 2001 and the fee for 2002. The forms have been signed by the undersigned with the authority of the company.

Please acknowledge receipt of this letter by stamping the extra copy of this letter "filed" and returning the same to me.

Thank you for your assistance with this filing. If you have any questions, please do not hesitate to contact me.

Sincerely yours,

*Norman H. Horton, Jr.*  
Norman H. Horton, Jr.

RECEIVED & FILED

*RLM*

FPSC BUREAU OF RECORDS

DOCUMENT NUMBER 020601-TX  
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NHH/amb  
Enclosure

cc: Charles Kallenbach, Esq.  
Ms. Paula Isler

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Cancellation by Florida Public Service	)	
Commission of ALEC Certificate No. 7653	)	
issued to Eureka Telecom, L.L.C. for	)	Docket No.: 020601-TX
violation of Rule 25-4.0161, F.A.C.,	)	Filed: October 30, 2002
Regulatory Assessment Fees;	)	
Telecommunications Companies.	)	
_____	)	

**PROTEST/OFFER OF SETTLEMENT TO PROPOSED AGENCY ACTION**

COMES NOW, Eureka Telecom, L.L.C. (“Eureka”) through its undersigned counsel and submits this Protest to the Proposed Agency Action or alternatively an Offer of Settlement. As grounds Eureka would state:

1. Eureka holds Certificate No. 7653, authorizing the provision of Alternative Local Exchange Service (“ALEC”) in Florida. Eureka does not currently provide local service to customers in Florida and has not provided local service to customers in the past.

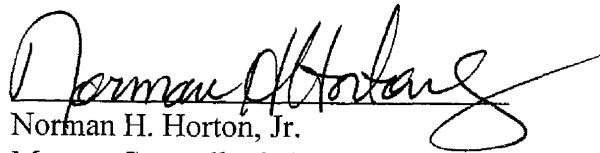
2. On October 9, 2002, the Commission issued Order No. PSC-02-1397-PAA-TX as a Proposed Agency Action (“PAA”) Order to impose a fine on Eureka for failing to pay the regulatory assessment fee and for failing to provide information required by Rule 25-24.835, Florida Administrative Code. The Order directs Eureka to pay the Regulatory Assessment Fee plus penalty and interest and a \$500 penalty.

3. As provided by the Order and Rule 25-22.029, Florida Administrative Code, Eureka requests a hearing on the PAA and the fine proposed by the Order. As an alternative, Eureka would propose to forward the Regulatory Assessment Fee plus penalty and interest for 2001 and the Regulatory Assessment Fee for 2002. In lieu of additional penalties, Eureka would request that Certificate No. 7653 be cancelled. Eureka has not provided any local service to customers in Florida

and has no revenues from local operations in Florida. The payment of the Regulatory Assessment Fee plus penalty and interest and the early payment of the Regulatory Assessment Fee for 2002, is an appropriate resolution of this matter.

4. With the filing of this Protest/Offer of Settlement, Eureka is also filing with the Commission the Regulatory Assessment Fee forms and payments for 2001 and 2002 and requests that its Certificate No. 7653 be cancelled.

Respectfully submitted



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Attorneys for Eureka Telecom, L.L.C.