

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of IXC Certificate No. 7301 issued to 01 Communications of Florida, LLC for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 020701-TI

In re: Cancellation by Florida Public Service Commission of IXC Certificate No. 7654 issued to Eureka Telecom, LLC for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 020729-TI

In re: Cancellation by Florida Public Service Commission of IXC Certificate No. 7717 issued to Summit Telco, L.L.C. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 020734-TI

In re: Cancellation by Florida Public Service Commission of IXC Certificate No. 7826 issued to Quick Tel, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 020750-TI

In re: Cancellation by Florida Public Service Commission of IXC Certificate No. 7926 issued to NTERA, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 020755-TI  
ORDER NO. PSC-02-1702-AS-TI  
ISSUED: December 5, 2002

DOCUMENT NUMBER DATE  
13300 DEC-5 02  
FPSC-COMMISSION CLERK

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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 APPROVING SETTLEMENTS

BY THE COMMISSION:

Rule 25-4.0161, Florida Administrative Code, incorporated by Rule 25-24.480, Florida Administrative Code, which implements Section 364.336, Florida Statutes, requires the payment of Regulatory Assessment Fees by January 30 of the subsequent year for telecommunications companies, and provides for penalties and interest as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

After the individual dockets were established, the companies listed on Attachment A contacted the Commission and subsequently paid the past due amounts, including statutory penalty and interest charges, and proposed settlements. Each company listed on Attachment A offered to pay a \$100 contribution and proposed to pay future RAFs on a timely basis. These settlement amounts are consistent with amounts accepted for recent, similar violations. 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.

Accordingly, we hereby accept each company's respective settlement proposal, as listed on Attachment A. Any contribution should be received by the Commission within fourteen (14) calendar days from the date of this Order and should identify the docket number and company name. Upon timely receipt, the contributions will be forwarded to the Office of the Comptroller for deposit in the State General Revenue Fund pursuant to Section 364.285(1),

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Florida Statutes. If any of the companies listed on Attachment A fails to pay in accordance with the terms of the Commission Order, that company's respective certificate should be cancelled administratively. If an entity's certificate is cancelled in accordance with this Order, that entity shall immediately cease and desist providing interexchange telecommunications services in Florida.

We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.337, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each of the entities' settlement proposal set forth in the body of this Order is hereby approved. It is further

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

ORDERED that each docket shall remain open pending timely receipt of the \$100 contribution. The contributions will be transmitted to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that if an entity fails to comply with this Order, its Interexchange Telecommunications Certificate will be canceled administratively. It is further

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

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

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By ORDER of the Florida Public Service Commission this 5th day  
of December, 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

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

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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.

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Attachment A

Attachment A - 1<sup>st</sup> Time IXC Offenders  
Nonpayment of RAFs - \$100 Settlements

| <u>DOCKET NO.</u> | <u>PROVIDER</u><br><u>LAST REPORTED REVENUES &amp;</u><br><u>PERIOD ENDED</u> | <u>CERT.</u><br><u>NO.</u> | <u>RAFs</u> | <u>PENALTY &amp;</u><br><u>INTEREST</u> |
|-------------------|---|----------------------------|-------------|---|
| 020701-TI         | O1 Communications of Florida, LLC<br>\$0 Revenues for Period Ended 12/31/01   | 7301                       | 2001        | 2001                                    |
| 020729-TI         | Eureka Telecom, LLC<br>\$0 Revenues for Period Ended 12/31/01                 | 7654                       | 2001        | 2001                                    |
| 020734-TI         | Summit Telco, L.L.C.<br>\$644 Revenues for Period Ended 12/31/01              | 7717                       | 2001        | 2001                                    |
| 020750-TI         | Quick Tel, Inc.<br>\$0 Revenues for Period Ended 12/31/01                     | 7826                       | 2001        | 2001                                    |
| 020755-TI         | NTERA, Inc.<br>\$0 Revenues for Period Ended 12/31/01                         | 7926                       | 2001        | 2001                                    |

\*Years penalty and/or interest was not paid