

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of IXC Certificate No. 7345 issued to ezTel Network Service, LLC for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, and 25-24.480, F.A.C., Records & Reports; Rules Incorporated.

DOCKET NO. 020702-TI

In re: Cancellation by Florida Public Service Commission of IXC Certificate No. 7992 issued to Circlenet.Communications, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies and 25-24.480, F.A.C., Records & Reports; Rules Incorporated.

DOCKET NO. 021124-TI  
ORDER NO. PSC-02-1776-PAA-TI  
ISSUED: December 18, 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, REQUIRING PAYMENT OF DELINQUENT  
REGULATORY ASSESSMENT FEES AND REQUIRING INFORMATION IN  
ACCORDANCE WITH RULE 25-24.480, FLORIDA ADMINISTRATIVE CODE, OR  
CANCELING INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATES

DOCUMENT NUMBER-DATE  
13760 DEC 18 8  
FPSC-COMMISSION CLERK

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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.

Each of the telecommunications providers listed on Attachment A had not paid their 2001 Regulatory Assessment Fees, plus statutory penalty and interest charges. Our staff wrote each of the companies listed on Attachment A in an attempt to bring the companies into compliance with the RAF rule. No payment or response was received, therefore, dockets were established. The companies listed on Attachment A have not paid their 2001 Regulatory Assessment Fees, plus statutory penalty and interest charges.

In addition, the companies listed on Attachment A have had returned mail and have not updated the information within 10 days of the change of its address (including street name and address, post office box, city), telephone number and any change in the name and address of the individual who is serving as primary liaison with the Commission as required by Rule 25-24.480, Florida Administrative Code. Our staff attempted to call the companies, but was unsuccessful. Therefore, it appears the companies listed on Attachment A have failed to comply with Rules 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.480, Florida Administrative Code, and 25-24.480, Florida Administrative Code, Records and Reports; Rules Incorporated, and have not requested cancellation of their respective certificates in compliance with Rule 25-24.480, Florida Administrative Code. The penalty amount imposed in these dockets is consistent with amounts imposed 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 find it appropriate to assess a total penalty of \$1,000 or cancel each company's respective certificate as listed

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on Attachment A for apparent violation of Rules 25-4.0161, Florida Administrative Code, Regulatory Assessment Fees; Telecommunications Companies, incorporated by Rule 25-24.480, Florida Administrative Code, and 25-24.480, Florida Administrative Code, Records and Reports; Rules Incorporated, with an effective date of December 31, 2002, if the penalty, Regulatory Assessment Fees, including statutory penalty and interest charges, and the information required by Rule 25-24.480, Florida Administrative Code, Records and Reports; Rules Incorporated, are not received by the Commission within fourteen (14) calendar days after the issuance of the Consummating Order. The total penalty of \$1,000 shall 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 the companies listed on Attachment A do not protest this Order, or if the penalty and Regulatory Assessment Fees, including statutory penalty and interest charges, and required information are not received in accordance with this Order, that company's respective certificate, as listed on Attachment A, shall be cancelled administratively and the collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts. If each company's respective certificate, as listed on Attachment A, is cancelled in accordance with this Order, that company shall be required to immediately cease and desist providing interexchange carrier services in Florida.

We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, 364.337, and 364.183, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each of the entities listed on Attachment A 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 each of the entities listed on Attachment A must provide the correct mailing address, liaison information, and other

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information in accordance with Rule 25-24.480, Florida Administrative Code, and pay a \$500 penalty to the Florida Public Service Commission for failure to comply with Rule 25-24.480, Florida Administrative Code, within 14 days after the issuance of the Consummating Order. The penalty 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 either 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 the cancellation of the certificate in no way diminishes any of the entities' obligation to pay applicable delinquent Regulatory Assessment Fees, and accrued statutory penalties and interest charges. 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 to which it applies. It is further

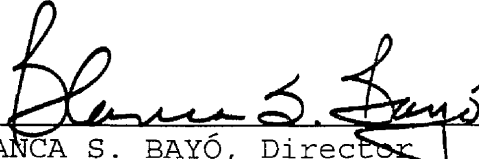
ORDERED that, if a protest to this Order is filed, the protest shall not prevent the action proposed herein from becoming final with regard to the remaining entity listed in this Order. It is further

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

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

By ORDER of the Florida Public Service Commission this 18th day of December, 2002.

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

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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 January 8, 2003.

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.

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ATTACHMENT A

<u>DOCKET NO.</u>	<u>PROVIDER LAST REPORTED REVENUES &amp; PERIOD ENDED</u>	<u>CERT. NO.</u>	<u>RAFs</u>	<u>Penalty and Interest*</u>
020702-TI	ezTel Network Service, LLC \$0 Revenues for Period Ended 12/31/00	7345	2001	2000 2001
021124-TI	Circlenet.Communications, Inc. No Previous Return Filed	7992	2001	2001

\*Years penalty and/or interest was not paid

NOTE: There are no outstanding consumer complaints against the companies listed above.