

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation of tariff
and removal from register by
Florida Public Service
Commission of IXC Registration
No. TJ133 issued to Communitel,
Inc. for violation of Section
364.336, Florida Statutes.

DOCKET NO. 030763-TI
ORDER NO. PSC-03-1301-PAA-TI
ISSUED: November 14, 2003

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING VOLUNTARY CANCELLATION OF
INTEREXCHANGE TELECOMMUNICATIONS
TARIFF AND REMOVAL FROM REGISTER

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.

Communitel, Inc. (Communitel) currently holds Registration No.
TJ133, granted by the Commission on September 15, 1998, authorizing
the provision of Interexchange Telecommunications Company service.
The Division of the Commission Clerk and Administrative Services
advised our staff that Communitel had not paid the Regulatory
Assessment Fees (RAFs) required by Section 364.336, Florida
Statutes, and Rule 25-4.0161, Florida Administrative Code, for the
year(s) 2002. Also, accrued statutory late payment charges for

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late RAFs payments for the year 2002 had not been paid. Communitel was scheduled to remit its RAFs by January 30, 2003.

Pursuant to Section 364.336, Florida Statutes, telecommunications companies must pay a minimum annual RAF of \$50 if the registration 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 register receive a copy of our rules governing Interexchange Telecommunications service.

Communitel has since paid the 2002 RAFs, including accrued statutory late payment charges and requested voluntary cancellation of its certificate. Accordingly, we find it appropriate to cancel Communitel's Interexchange services tariff and remove No. TJ133 from the register, effective August 28, 2003. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.335, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Communitel, Inc.'s tariff and Registration No. TJ133 to provide Interexchange Telecommunications Carrier services is hereby canceled, effective August 28, 2003. It is further

ORDERED that is Communitel, Inc's tariff is canceled and it is removed from the Register in accordance with this Order, Communitel, Inc. shall immediately cease and desist providing Interexchange Telecommunications Service in Florida. 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

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in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 14th Day of November, 2003.

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)

VSM

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.

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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 December 5, 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.