

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida Public Service Commission of CLEC Certificate No. 7126 issued to Sun-Tel USA, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 030622-TX

In re: Cancellation by Florida Public Service Commission of CLEC Certificate No. 8179 issued to BullsEye Telecom, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 030665-TX

ORDER NO. PSC-04-0097-AS-TX

ISSUED: January 27, 2004

The following Commissioners participated in the disposition of this matter:

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

ORDER APPROVING SETTLEMENTS

BY THE COMMISSION

The Division of the Commission Clerk and Administrative Services advised our staff that the entities listed below 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) specified below. Also, accrued statutory penalties and interest charges for late RAFs payments for the year(s) specified below had not been paid. The entities listed below were scheduled to remit their respective RAFs by January 30, 2003.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAFs of \$50 if the certificate 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

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FPSC-COMMISSION CLERK

that apply for certification receive a copy of our rules governing Competitive Local Exchange service.

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>	<u>PAST DUE RAFS</u>	<u>PAST DUE PENALTIES AND INTEREST</u>
Sun-Tel USA, Inc.	7126	2002	2002
BullsEye Telecom, Inc.	8179	2002	2002

After these dockets were established, each of the entities contacted our staff, paid the past due amounts in full, and proposed a settlement offer. Each of the entities proposed to pay future RAfs in a timely manner, and contribute \$100 to the State General Revenue Fund.

We believe that the terms of the settlement agreement represent a fair and reasonable resolution of this matter. Accordingly, we hereby accept the settlement offers. Each of the entities must comply with these requirements within 14 days from the date of issuance of this Order. The contribution should be identified with the docket number and the entity's name. Upon timely receipt, the contributions will be forwarded to the Department of Financial Services for deposit in the State General Revenue Fund pursuant to Section 364.285(1), Florida Statutes. Each entity has waived any objection to the administrative cancellation of its certificate if it does not comply with its settlement agreement. Upon remittance of each of the \$100 contribution or cancellation of the respective certificate, each docket shall be closed. If an entity's certificate is cancelled in accordance with this Order, that entity shall immediately cease and desist providing Competitive Local Exchange services in Florida. We are vested with jurisdiction over this matter pursuant to Sections 364.336, and 364.285, 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

ORDER 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 Department of Financial Services for deposit in the State of Florida General Revenue Fund. It is further

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ORDERED that if an entity fails to comply with this Order, its Competitive Local Exchange 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 Competitive Local Exchange services in Florida. It is further

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

By ORDER of the Florida Public Service Commission this 27th day of January, 2004.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(SEAL)

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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 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 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.