

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of NUMINA COMMUNICATIONS CORP. for apparent violation of Rule 25-4.0161, FAC, Regulatory Assessment - Fees; Telecommunications Companies.

DOCKET NO. 040990-TA  
ORDER NO. PSC-05-0098-FOF-TA  
ISSUED: January 25, 2005

ORDER VACATING ORDER NO. PSC-05-0055-CO-TA

Numina Communications Corp., (Numina) currently holds alternative access vendors (AAV) Certificate No. 8342 issued by the Commission on July 8, 2003 authorizing it to provide Alternative Access Vendor services. The Division of Administration advised our staff by memorandum that Numina 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 2003. Also, accrued statutory late payment charges required by Section 350.113(4), Florida Statutes, for the year 2003 had not been paid.

Pursuant to Section 364.336, Florida Statutes, AAVs must pay a minimum annual Regulatory Assessment Fee 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 Regulatory Assessment Fee return 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 apply for certification receive a copy of our rules governing alternative access vendor telecommunications service.

On December 23, 2004, Order No. PSC-04-1272-PAA-TA was issued imposing a penalty and cost of collection, together totaling \$500 or in the alternative, canceling Numina Communications' AAV certificate. Numina had until January 16, 2005, to protest the order and until January 31, 2005, to pay the penalty and the past due RAFs, along with accrued statutory late payment charges, or its certificate would be canceled. Subsequently, the company responded to the Order with a letter dated January 4, 2005 including payment of 2003 and 2004 regulatory assessment fees, as well as all accrued late payment charges. However, due to a scrivener's error, Order No. PSC-05-0055-CO-TA was issued consummating Order No. PSC-04-1272-PAA-TA on January 18, 2005.

For the reason described above, Order No. PSC-05-0055-CO-TA should not have been issued since it appears that the company submitted payment for all appropriate fees and late payment charges due in a timely manner. Therefore, Order No. PSC-05-0055-CO-TA is hereby vacated.

Based on the foregoing, it is

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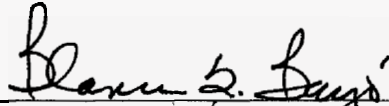
FPSC-COMMISSION CLERK

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ORDERED by the Florida Public Service Commission that Order No. PSC-05-0055-CO-TA is hereby vacated. It is further

ORDERED that this docket is to remain open.

By ORDER of the Florida Public Service Commission this 25th day of January, 2005.



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

(SEAL)

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