

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Compliance investigation of local exchange Certificate No. 8729, issued to BroadRiver Communication Corporation, for apparent second-time violation of Rule 25-4.0161, FAC, Regulatory Assessment Fees; Telecommunications Companies.

DOCKET NO. 20220084-TX
ORDER NO. PSC-2022-0156-PAA-TX
ISSUED: April 26, 2022

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING PENALTIES AND COLLECTION COSTS, AND REQUIRING
PAYMENT OF DELINQUENT REGULATORY ASSESSMENT FEES, OR CANCELLING
COMPETITIVE LOCAL EXCHANGE CARRIER CERTIFICATES FOR VIOLATION OF
RULE 25-4.0161, FLORIDA ADMINISTRATIVE CODE

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 (F.A.C.).

Pursuant to Rule 25-4.0161(11) and (12), F.A.C., telecommunications companies that fail to pay the Regulatory Assessment Fee (RAF), including statutory late payment charges, within 20 days after receiving a delinquency notice, shall be automatically penalized \$500 for a first offense, \$1,000 for a second offense, and \$2,000 for a third offense. The penalty amounts include collection costs. If an entity fails to pay the RAF in full, including any statutory late payment charges, along with the penalty amount, that entity's local exchange certificate shall be cancelled.

Pursuant to Section 364.336, Florida Statutes (F.S.), certificate holders must pay a minimum annual RAF if the certificate was active during any portion of the calendar year. Pursuant to Rule 25-4.0161(3), F.A.C., the appropriate RAF return form and applicable fees are due to the Florida Public Service Commission by January 30th of the subsequent year. Pursuant to Section 350.113(4), F.S., the RAF 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.

The Division of Administrative and Information Technology Services advised that the entity listed below failed to comply with Section 364.336, F.S., and Rule 25-4.0161, F.A.C. The entity in the below table has not paid the 2021 RAF, statutory late payment charges, nor the \$1,000 penalty and collection costs.

<u>ENTITY'S NAME</u>	<u>CO. CODE</u>	<u>DOCKET NO.</u>
BroadRiver Communication Corporation	TX966	20220084

Accordingly, we hereby find it appropriate to cancel BroadRiver Communication Corporation's (BroadRiver Communication) local exchange certificate for failure to comply with Section 364.336, F.S., and Rule 25-4.0161, F.A.C., unless BroadRiver Communication pays a penalty and cost of collection, together totaling \$1,000, and remits any past due RAF, along with accrued statutory late payment charges, to the Florida Public Service Commission, prior to issuing a Consummating Order for this Proposed Agency Action Order (Order).

We are vested with jurisdiction over these matters pursuant to Sections 350.113, 364.336, and 364.285, F.S.

If this Order is not protested by BroadRiver Communication its respective certificate shall be cancelled. If it pays the penalty and cost of collection, together totaling \$1,000, and remits any past due RAF, along with any accrued statutory late payment charges, prior to issuing a Consummating Order for this Proposed Agency Action Order, then BroadRiver Communication's respective certificate will remain active.

If BroadRiver Communication fails to protest the Order or pay the penalty and cost of collection, together totaling \$1,000, and fails to remit any past due RAF, along with any accrued statutory late payment charges, prior to issuing a Consummating Order this Proposed Agency Action Order, then BroadRiver Communication's certificate shall be cancelled administratively, and the collection of any past due RAF shall be referred to the Florida Department of Financial Services for further collection efforts.

If BroadRiver Communication's certificate is cancelled in accordance with this Commission's Order, it shall immediately cease and desist providing local exchange service in Florida.

BroadRiver Communication's docket shall be closed administratively either upon receipt of the payment of the penalty and cost of collection, together totaling \$1,000, and any past due RAF, along with any accrued statutory late payment charges from BroadRiver Communication, or upon cancellation of its certificate.

If BroadRiver Communication's certificate is cancelled in accordance with this Order and it subsequently decides to reapply as a telecommunications provider, then BroadRiver Communication shall be required to first pay the penalty and cost of collection, together totaling \$1,000 and any outstanding fees, including accrued statutory late payment charges.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that BroadRiver Communication Corporation listed herein shall pay a penalty and cost of collection, together totaling \$1,000, and any past due RAF, including any statutory late payment charges, to the Florida Public Service Commission for failure to comply with Section 364.336, F.S., and Rule 25-4.0161, F.A.C., by the end of the protest period listed in this order. It is further

ORDERED that the cost of collection will be subtracted from any monies collected as payments (full or partial) of the penalty and will be deposited, along with the past due RAF, in the Florida Public Service Commission Regulatory Trust Fund, pursuant to Section 350.113, F.S. The statutory late payment charges and any portion of the penalty exceeding the cost of collection will be remitted to the Florida Department of Financial Services for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.285(1), F.S. It is further

ORDERED that should BroadRiver Communication Corporation fail to comply with this Order, BroadRiver Communication Corporation's respective certificate shall be cancelled. It is further

ORDERED that the cancellation of the certificate in no way diminishes any of BroadRiver Communication Corporation's obligation to pay applicable delinquent RAF, and any accrued statutory late payment charges. It is further

ORDERED that if BroadRiver Communication Corporation has its respective certificate cancelled, and subsequently decides to reapply for certification as a telecommunications service provider, BroadRiver Communication Corporation shall be required to first pay any outstanding RAF penalties and cost of collection and fees, including accrued statutory late payment charges. It is further

ORDERED that if BroadRiver Communication Corporation fails to pay its outstanding RAF, in full, including any statutory late payment charges, penalties and cost of collection shall be referred to the Florida Department of Financial Services for further collection efforts. It is further

ORDERED that if BroadRiver Communication Corporation's certificate is cancelled in accordance with this Order, BroadRiver Communication Corporation shall immediately cease and desist providing local exchange telecommunications services 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, F.A.C., is received by the Office of Commission Clerk, 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

ORDERED that in the event this Order becomes final, this docket shall be closed upon receipt of the imposed penalty and cost of collection, together totaling \$1,000, and any RAF, including statutory late payment charges, from BroadRiver Communication Corporation or upon cancellation of BroadRiver Communication Corporation's certificate.

By ORDER of the Florida Public Service Commission this 26th day of April, 2022.



ADAM J. TEITZMAN
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

MJJ

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.

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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 17, 2022.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

ORDER NO. PSC-2022-0156-PAA-TX

DOCKET NO. 20220084-TX

PAGE 5

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.