

State of Florida

Public Service Commission

2540 Shumard Oak Boulevard
Tallahassee, Florida 32399 0850



ROUTE NO. CARRIER MILS DATE

Telenet of South Florida, Inc
Mitchell Kupinsky
10422 Taft Street
Pembroke Pines FL 33026-2819

99-A1026



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

981569

4a. Article Number

99-A1026

4b. Service Type

- Certified
- Insured
- COD

s (Only if requested)

Telenet of South Florida, Inc.
Mitchell Kupinsky
10422 Taft Street
Pembroke Pines FL 33026-2819

X

Thank you for using Return Receipt Service.

0169

DOCUMENT 1
99-03499
4-9-99



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of
Alternative Local Exchange
Telecommunications Certificate
No. 4424 issued to Telenet of
South Florida, Inc. for
violation of Rule 25-4.0161,
F.A.C., Regulatory Assessment
Fees; Telecommunications
Companies, and 25-4.043, F.A.C.,
Response to Commission Staff
Inquiries.

DOCKET NO. 981569-TX
ORDER NO. PSC-99-0669-FOF-TX
ISSUED: April 6, 1999

The following Commissioners participated in the disposition of
this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER IMPOSING FINE AND REQUIRING PAYMENT OF REGULATORY
ASSESSMENT FEES, OR CANCELING ALTERNATIVE LOCAL EXCHANGE
TELECOMMUNICATIONS CERTIFICATE

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.

Telenet of South Florida, Inc. (Telenet) obtained Certificate
No. 4424 on May 9, 1996. Telenet has not paid the regulatory
assessment fees required by Section 364.336, Florida Statutes, and
Rule 25-4.0161, Florida Administrative Code, for the year 1998,

DOCUMENT NUMBER DATE

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FPSC-REGULATORY-REPORTING

along with statutory penalties and interest charges for 1997 and 1998. Under Section 364.336, Florida Statutes, certificate holders 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. All entities that apply for certification receive a copy of our rules governing alternative local exchange telecommunications service and an affidavit in which the applicants attest that the rules have been received and understood by the applicant. This affidavit must be attached to the application in order for the application to be processed.

Pursuant to Section 350.113(4), Florida Statutes, the regulatory assessment fee forms, for the period of January 1, through December 31, are mailed to the entities at least 45 days prior to the date that payment of the fee is due. Telenet has been given adequate opportunity to pay. To date, Telenet has not paid the required fees. Thus, it appears that Telenet has violated Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code.

Rule 25-24.835, F.A.C., Records & Reports; Rules Incorporated, incorporates Rule 25-4.043, Florida Administrative Code, which states:

The necessary replies to inquiries propounded by the Commission's staff concerning service or other complaints received by the Commission shall be furnished in writing within fifteen (15) days from the date of the Commission inquiry.

On August 13, September 10, and October 1, our Division of Records and Reporting received USPS returned mail which had been sent to Telenet. The first two returned envelopes were stamped "return to sender" and "attempted, not known." The latest returned mail was stamped "return to sender" and "moved, left no forwarding address."

On July 10, 1998, our staff sent Telenet a data request and asked for a response by August 7, 1998. When the company did not respond, a certified letter was sent September 2, 1998. The USPS returned the unopened envelope stamped "return to sender" and "attempted, not known."

Rule 25-4.043 requires companies to respond to inquiries from Commission staff within 15 days. Telenet has failed to respond to written inquiries. Our staff sought to contact Telenet by telephone. To date, Telenet has not responded. Thus, it appears that Telenet has violated Rule 25-4.043, Florida Administrative Code.

Pursuant to Section 364.285, Florida Statutes, the Commission may impose a fine or cancel a certificate if a company refuses to comply with Commission rules. Rule 25-24.820, Florida Administrative Code, establishes the requirements for cancellation of an ALEC certificate. The rule provides for the Commission to cancel a certificate on its own motion for violation of Commission Rules and Orders.

Conclusion

For the reasons described above, pursuant to Rule 25-24.820(1)(b) and (c), Florida Administrative Code, we find it appropriate to cancel Telenet's certificate for failure to comply with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, unless Telenet pays a \$500 fine and remits all past due regulatory assessment fees, along with statutory penalties and interest charges, to the Florida Public Service Commission. We also find it appropriate to assess a \$10,000 fine to Telenet for failure to comply with Rule 25-4.043, Florida Administrative Code.

Telenet must comply with these requirements within five business days from the date this Order becomes final. The fine will be remitted to the Comptroller for deposit in the State of Florida General Revenue Fund, pursuant to Section 364.516, Florida Statutes.

When the appropriate fees, statutory penalties, interest charges, and fines are received, this Docket shall be closed. Should Telenet fail to comply with this Order within five business days from the date this Order becomes final, Telenet shall have its certificate canceled, and the Docket shall be closed. The cancellation of the certificate and the closing of the Docket in no way diminishes Telenet's obligation to pay applicable delinquent regulatory assessment fees, statutory penalties, interest charges, and fines.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Telenet of South Florida, Inc. must pay the past due regulatory assessment fees, statutory penalties, interest charges, and a \$500 fine 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 five business days from the date this Order becomes final. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that Telenet of South Florida, Inc. must pay a \$10,000 fine to the Florida Public Service Commission for failure to comply with Rule 25-4.043, Florida Administrative Code, within five business days from the date this Order becomes final. The fine will be transmitted to the Comptroller for deposit in the State of Florida General Revenue Fund. It is further

ORDERED that should Telenet of South Florida, Inc. fail to comply with this Order, Telenet of South Florida, Inc.'s Certificate No. 4424 shall be canceled, and the Docket shall be closed. The fines shall be forwarded to the Office of the Comptroller for collection. It is further

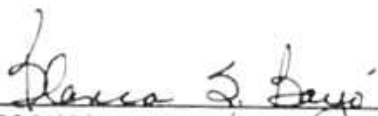
ORDERED that the cancellation of the certificate and the closing of the docket in no way diminishes Telenet of South Florida, Inc.'s obligation to pay the fines and the applicable delinquent regulatory assessment fees, statutory penalties, and interest charges. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed upon payment of the fine, and fees, or upon cancellation of the certificate.

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By ORDER of the Florida Public Service Commission this 6th
day of April, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

JAM

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.

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 Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 27, 1999.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date.

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Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting 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 of the effective date 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.

Alternative Local Exchange Company Regulatory Assessment Fee Return

Florida Public Service Commission

(See Filing Instructions on Back of Form)

STATUS:

Actual Return
 Estimated Return

TX018
 Telenet of South Florida, Inc.
 10422 Taft Street
 Pembroke Pines, FL 33026-2819

PERIOD COVERED:
 01/01/1998 TO 12/31/1998

| FOR PSC USE ONLY | |
|----------------------------|---------|
| Check# _____ | |
| \$ _____ | 0603006 |
| | 003001 |
| \$ _____ | P |
| | 0603006 |
| | 004011 |
| \$ _____ | I |
| Postmark Date _____ | |
| Initials of Preparer _____ | |

Please Complete Below If Official Mailing Address Has Changed

 (Name of Company) (Address) (City/State) (Zip)

| LINE NO. | ACCOUNT CLASSIFICATION | GROSS OPERATING REVENUE | INTRASTATE REVENUE |
|----------|---|-------------------------|--------------------|
| 1 | Basic Local Services | \$ _____ | \$ _____ |
| 2 | Long Distance Services | _____ | _____ |
| 3 | Access Services | _____ | _____ |
| 4 | Private Line Services | _____ | _____ |
| 5 | Facilities & Circuits Services | _____ | _____ |
| 6 | Miscellaneous Services | _____ | _____ |
| 7 | TOTAL REVENUES For Regulatory Assessment Fee Calculation | | \$ _____ |
| 8 | Regulatory Assessment Fee Due (Multiply Line 7 by 0.0015) | | _____ |
| 9 | Penalty for Late Payment | | _____ |
| 10 | Interest for Late Payment | | _____ |
| 11 | TOTAL AMOUNT DUE | | \$ _____ |

AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

CURRENT COMPANY STATUS

Facilities Based Provider Reseller
 Other: _____

BILLING INFORMATION

Complete below if billing agent if other than yourself
 _____ (Name) _____ (Address: City/State/Zip) _____
 _____ (Telephone)

COMPANY INFORMATION

Do you lease telecommunications facilities? YES NO
 If YES, who do you lease these facilities from? Name: _____
 Address: _____

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public official in the performance of his/her duty shall be guilty of a misdemeanor of the second degree.

 (Signature of Company Official) (Title) (Date)

 (Please Print Name) Telephone Number () Fax Number ()
 F.E.I. No. _____

FLORIDA PUBLIC SERVICE COMMISSION
Instructions For Filing Regulatory Assessment Fee Return
(Alternative Local Exchange Company)

1. **WHEN TO FILE:** For companies which owed a total of \$10,000 or more of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

*On or before July 30 for the six-month period January 1 through June 30, AND
On or before January 30 for the six-month period July 1 through December 31.*

For companies which owed a total of less than \$10,000 of assessment fee for the preceding calendar year, this Regulatory Assessment Fee Return and payment must be filed or postmarked:

On or before January 30 for the prior twelve-month period January 1 through December 31.

However, when July 30 or January 30 falls on a Saturday, Sunday, or holiday, the Regulatory Assessment Fee Return may be filed or postmarked on the next business day, without penalty or interest.

2. **FEES:** Each company shall pay 0.0015 of its gross operating revenues derived from intrastate business, as referenced in Rule 25-4.0161(1), F.A.C. Gross Operating Revenues are defined as the total revenues before expenses. Gross Intrastate Operating Revenues are defined as revenues from calls originating and terminating within Florida. Do not deduct any expenses, taxes, or uncollectibles from these amounts.
3. **FAILURE TO FILE BY DUE DATE:** Failure to file a return by the established due date will result in a penalty being added to the amount of fee due, 5% for each 30 days or fraction thereof, not to exceed a total penalty of 25% (Line 9). In addition, interest shall be added in the amount of 1% for each 30 days or fraction thereof, not to exceed a total of 12% per year (Line 10). **A Regulatory Assessment Fee Return must be completed, signed, and filed even if there are no revenues to report or if the minimum amount is due.**

When a company fails to file a Regulatory Assessment Fee Return, the Commission may order the company to pay a penalty and/or cancel the company's certificate. The company will have an opportunity to respond to any proposed Commission action.

4. **EXTENSION:** A company, for good cause shown in a written request, may be granted an extension up to 30 days. A request should be made by filing the enclosed *Request for Extension to File Regulatory Assessment Fee Return* form (PSC/ADM-124), two weeks prior to the filing date. If an extension is granted, a charge shall be added to the amount due:

0.75% of the fee to be remitted for an extension of 15 days or less, or
1.5% of the fee for an extension of 16 to 30 days.

In lieu of paying the charges outlined above, a company may file a return and remit payment based upon estimated gross operating revenues. If such return is filed by the normal due date, the company shall be granted a 30-day extension period in which to file and remit the actual fee due without paying the above charges, provided the estimated fee payment remitted is at least 90% of the actual fee due for the period. An automatic 30-day extension to file an actual return may be obtained by checking the "Estimated Return" space in the top left-hand corner on the reverse side.

5. **FEE ADJUSTMENTS:** You will be notified as to the amount and reason for any fee adjustment. Penalty and interest charges may be applicable to additional amounts owed the Commission by reason of the adjustment. The company may file a written request for a refund of any overpayments. The request should be directed to Fiscal Services at the below-referenced address.
6. **MAILING INSTRUCTIONS:** Please complete this form, make a copy for your files, and return the original in the enclosed preaddressed envelope. Use of this envelope should assure a more accurate and expeditious recording of your payment. If you are unable to use the envelope, please address your remittance as follows:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

ATTENTION: Fiscal Services

7. **ADDITIONAL ASSISTANCE:** If you need additional assistance in preparing your Regulatory Assessment Fee Return, please contact the Division of Auditing and Financial Analysis at (850) 413-6480.

For assistance regarding telecommunications facilities, please contact the Division of Communications at (904) 413-6600.

Both divisions may be contacted at the above-referenced address, directing correspondence to the attention of the division.