

State of Florida

Public Service Commission

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DATE: OCTOBER 24, 2002

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (PRUITT) *Y RD*
OFFICE OF THE GENERAL COUNSEL (DODSON) *FHS 1/2*

RE: DOCKET NO. 020128-TI - APPLICATION FOR CERTIFICATE TO
PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICE BY BUYERS
UNITED INTERNATIONAL, INC.

AGENDA: 11/05/02 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\020128.RCM

CASE BACKGROUND

On July 14, 1998, this Commission granted Buyers United International, Inc. (Buyers) Certificate No. 5669 to provide interexchange telecommunications service in Florida. On May 5, 2000, the certificate was canceled in Docket No. 991826-TI. The company failed to respond to Order No. PSC-00-0821-PAA-TI which required payment of the past due Regulatory Assessment Fees (RAFs) with statutory penalties and interest and imposed a \$500 fine.

On February 15, 2002, Buyers submitted an application for a new certificate. On August 26, 2002, the Commission received the company's payment of \$778.20 for the 1998, 1999, and 2000 RAFs plus the statutory late fees and the \$500 fine. The company also submitted a letter of apology and explanation.

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The Commission is vested with jurisdiction in this matter pursuant to Sections 364.335 and 364.337, Florida Statutes.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant Buyers United International, Inc. a certificate to provide interexchange telecommunications service within the State of Florida as provided by Section 364.337(3), Florida Statutes?

RECOMMENDATION: Yes. Buyers United International, Inc. should be granted:

Florida Public Service Commission Certificate No. 8231.
(Pruitt)

STAFF ANALYSIS: Section 364.337(3), Florida Statutes, reads:

The commission shall grant a certificate of authority to provide intrastate interexchange telecommunications service upon a showing that the applicant has sufficient technical, financial, and managerial capability to provide such service in the geographic area proposed to be served.

Buyers United International filed an application with this Commission on February 15, 2002, to offer intrastate interexchange telecommunications service in Florida. A review of the application indicates that the company appears to meet the requirements of Section 364.337(3), Florida Statutes.

Buyers' new application indicates that the company has undergone extensive managerial and personnel restructuring. The company has also hired regulatory consultants to assist with future regulatory matters. The letter submitted August 26, 2002 states, in part:

Given these circumstances, the company assures you that, in the future, they will comply with the Commission's

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filing and reporting requirements, as well as any other Commission imposed requirements.

Although the Commission canceled Buyers' certificate in 2000, staff accepts the company's representation that these were oversights which will not occur again. Therefore, staff recommends that the Commission grant Buyers United International, Inc. a certificate to provide interexchange telecommunications service in Florida.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee of \$50 if the certificate is active during any portion of the calendar year. A Regulatory Assessment Fee Return notice will be mailed each December to Buyers for payment in January.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order. (Dodson)

STAFF ANALYSIS: At the conclusion of the protest period, if no protest is filed, this docket should be closed upon the issuance of a consummating order.